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REPORT TO
THE LEGISLATIVE RESEARCH COMMISSION
ON
SELECTED FACTORS AFFECTING LEGISLATIVE SERVICE
IN NORTH CAROLINA

by John L. Sanders

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INSTITUTE OF GOVERNMENT
The University of North Carolina
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INTRODUCTION

The General Assembly of 1965, by Resolution 92, directed the Legislative Research Commission to study and make recommendations to the 1967 session on (1) annual sessions of the General Assembly, (2) remunerative benefits of legislators, (3) the convening date of the General Assembly, and (4) "other matters affecting legislative service"

To assist it in carrying out its duties under this resolution, the Legislative Research Commission requested the Institute of Government to prepare for the Commission material on the subjects indicated in the resolution. Specifically, the Commission asked for (1) information on the background of these matters, (2) comparative data from other states, and (3) where appropriate, a listing of the arguments for and against the courses of action which might be recommended by the Commission. This report has been prepared in response to that request. Frederick R. Anderson, Research Assistant in the Institute of Government, participated extensively in the preparation of this report.

The legislatures of the fifty states have much in common. They share a mutual ancestry in the English parliamentary system which they adapted in colonial and early federal experience to serve the political philosophy and the economic and social conditions of the new world. They are quite similar in their basic function as the chief law-making bodies of their states. In some basic organizational features, they are also alike -- for example, all but one are bicameral in form.

With respect to the factors here under consideration, however, diversity often is the rule. Provisions governing such matters as session frequency and length, the compensation of legislators, and the length of legislative terms

may in one state be the resolutions of ancient political struggles, cast in constitutional concrete and difficult to change, however outmoded; in another state, they may represent recent declarations of policy by the legislature or the voters. Whatever their justifications, the state-to-state variations in these matters, especially when taken in combination, make precise and meaningful interstate comparisons difficult and at times reduce analysis to broad generalizations. The interstate comparisons to be found on the following pages must be read with these limitations in mind, even where they are not reiterated.

August 1966

John L. Sanders

Director

Institute of Government

I. BIENNIAL OR ANNUAL LEGISLATIVE SESSIONS

The original thirteen colonies, upon attaining statehood, continued the colonial pattern of regular annual legislative sessions. With the decline in public confidence in the legislative branch during the nineteenth century, however, biennial sessions became the rule, even in the original states. By 1946, only five legislatures met regularly every year. In the intervening twenty years, there has been a marked trend back to the annual session pattern. Today twenty state legislatures meet in regular annual sessions, and the voters of Oklahoma recently (May 1966) made theirs the twenty-first annual session state.

The North Carolina Pattern

From 1776 through 1835, the General Assembly met in regular annual session. A constitutional amendment proposed by the Convention of 1835 and approved by the voters in that year shifted the State to biennial legislative sessions. The Constitution of 1868 reverted to annual sessions. One of the first constitutional changes proposed when the Conservatives regained legislative control in 1871 was to restore the legislature to a routine of biennial meetings. This amendment was approved by the voters in 1873. No proposal for a return to annual sessions has reached the people since that time. Thus biennial sessions have been the rule in North Carolina for 130 years, with a brief interruption during Reconstruction.

During the last twenty years, there have been occasional proposals made within and without the legislature in favor of annual sessions of the North Carolina General Assembly. Three times this idea has been embodied in bills to submit constitutional amendments to the people of the State; none of them gained legislative approval.

In 1953, Representative David Clark and others introduced H.B. 262, calling for annual sessions. Odd-year sessions would have convened on the first

Wednesday after the first Monday in January; even-year sessions would have convened on the third Wednesday in February. No absolute limit would have been imposed on the length of either session, but the per diem pay of legislators would have been limited to sixty days for a single session and a biennial total of ninety days. Members would have been paid \$1,200 for the odd-year session and \$600 for the even-year session. The presiding officers would have received \$1,600 and \$800 for the first and second sessions, respectively. Neither session would have been limited as to subject matter. H.B. 262 failed to pass its third reading in the House of Representatives.

Two years later, in 1955, Representative David Clark and others introduced H.B. 831, proposing a constitutional amendment requiring the General Assembly to meet annually on the second Wednesday in February, unless another date was specified by the General Assembly. Legislators would have received \$800 a session in salary, plus subsistence and travel allowances at the rates applicable to state employees generally, for a maximum of seventy-five days of the odd-year and sixty days of the even-year session and ten round trips a session. The presiding officers would have received \$1,200 a session, plus the same allowances granted members. H.B. 831 was amended in the House (1) to restore compensation to the existing \$15 a day (\$20 a day for the presiding officers), limited to seventy-five days of the odd-year session and sixty days of the even-year session; (2) to make legislative subsistence and travel allowances the same as those for members of state boards generally; and (3) to limit the subject matter of even-year legislation to appropriation and revenue bills, unless both houses by joint resolution should agree to take up specified additional matters. Passed by the House, the bill was reported unfavorably by the Senate Committee on Judiciary No. II.

In the 1965 session, Representative J. Henry Hill and others introduced H.B. 245, which proposed a constitutional amendment requiring annual legislative sessions, convening on the first Wednesday after the first Monday in February unless changed by statute, and unrestricted as to subject matter. The current compensation rate of \$15 per diem would have been continued, but would have been limited to eighty days for the odd-year session and sixty days for the even-year session. The bill was not reported by the House Committee on Constitutional Amendments.

The National Pattern

With the growth in legislative responsibilities since World War II, sixteen states have joined the five which in 1946 held annual sessions. Even when they have recognized the necessity of annual sessions, however, the voters often have been unwilling to abandon all limitations on legislative sessions. In thirteen of these states, the length of sessions either is arbitrarily fixed or is governed indirectly by limiting the period for which legislators may draw per diem compensation. West Virginia limits the session length except under special conditions. In nine states, the constitution limits alternate-year sessions (in all cases except Louisiana, the even-year session) primarily or solely to consideration of fiscal matters. (In these states, the constitutions in some cases also authorize consideration of emergency, non-fiscal matters.) Georgia similarly limits the subject matter of its odd-year session by custom, not constitutional command. The five states with the longest annual session experience limit neither session as to subject matter. The trend of the last twenty years slightly favors the limitation of subject-matter in alternate-year sessions.

Table 1 lists the annual session states and summarizes the limitations on sessions.

Table 1

STATES HOLDING ANNUAL LEGISLATIVE SESSIONS

Annual Session States	1960 Pop. (1,000's)	Rank Among 50 States	Type of Sess.	Absolute limits on Length of Session		Max. Days Legis. May Meet Before Pay Ceases		States Adopting Annual Sessions Since 1946	Comments
				Odd	Even	Odd	Even		
Alaska	226	50		none	none			X	
Arizona	1,302	35		none	none	63C	63C	X	
California	15,717	2	B/E	120C	30C			X	Exclusive of Sat. & Sun.
Colorado	1,754	33	B/E	none	none	(160C)	(160C)	X	160 day limit applies to legis. biennium
Delaware	446	46	B/E	90L	30L			X	
Georgia	3,943	16	(B/o)	45C	40C			X	Budget considered in odd yrs. by custom
Hawaii	633	43	B/E	60C	30C			X	Gov. may extend any sess. for not more than 30 days. Sun. & Holidays excl.
Kansas	2,179	28	B/E	none	30C	90L		X	
Louisiana	3,257	20	B/o	60C	30C			X	
Maryland	3,101	21		70C	70C			X	
Massachusetts	5,149	9		none	none				
Michigan	7,823	7		none	none			X	
New Jersey	6,067	8		none	none			X	
New Mexico	951	37	B/E	60C	30C			X	The budgetary sess. is by stat. a continuation of the prev. odd yr. reg. session.
New York	16,782	1		none	none				
Oklahoma	2,328	27		90	90	75L	75L	X	
Pennsylvania	11,319	3	B/E	none	none			X	
Rhode Island	859	39		none	none	60L	60L		
So. Carolina	2,383	26		none	none				
So. Dakota	681	40		45L	30L			X	
W. Virginia	1,860	30	B/E	60C	30C			X	Must be extended by Gov. until approp. bill passed; may be extended by 2/3 vote of legislature

Abbreviations: C: Calendar days; L: Legislative days. B/E: Even year session is limited chiefly or entirely to budget bills; B/o: Odd year session is similarly limited.

Source: The Book of The States, 1966-1967 (Chicago: Council of State Governments, 1966), 46-47.

The advisability of limiting the subject-matter of alternate-year sessions is a matter of debate. Where such limitations prevail, the result is either the loss of one of the advantages of frequent legislative sessions, i.e., the ability to handle all legislative business with reasonable promptness, or else the circumvention of the limitation by the expedient of characterizing as "budgetary" or "fiscal" legislation which is not primarily of that nature.

The popularity of the annual legislative session is evidenced by the fact that no annual session state has changed to biennial sessions since 1938, when Massachusetts ventured a six-year, highly unsatisfactory experiment with biennial meetings.

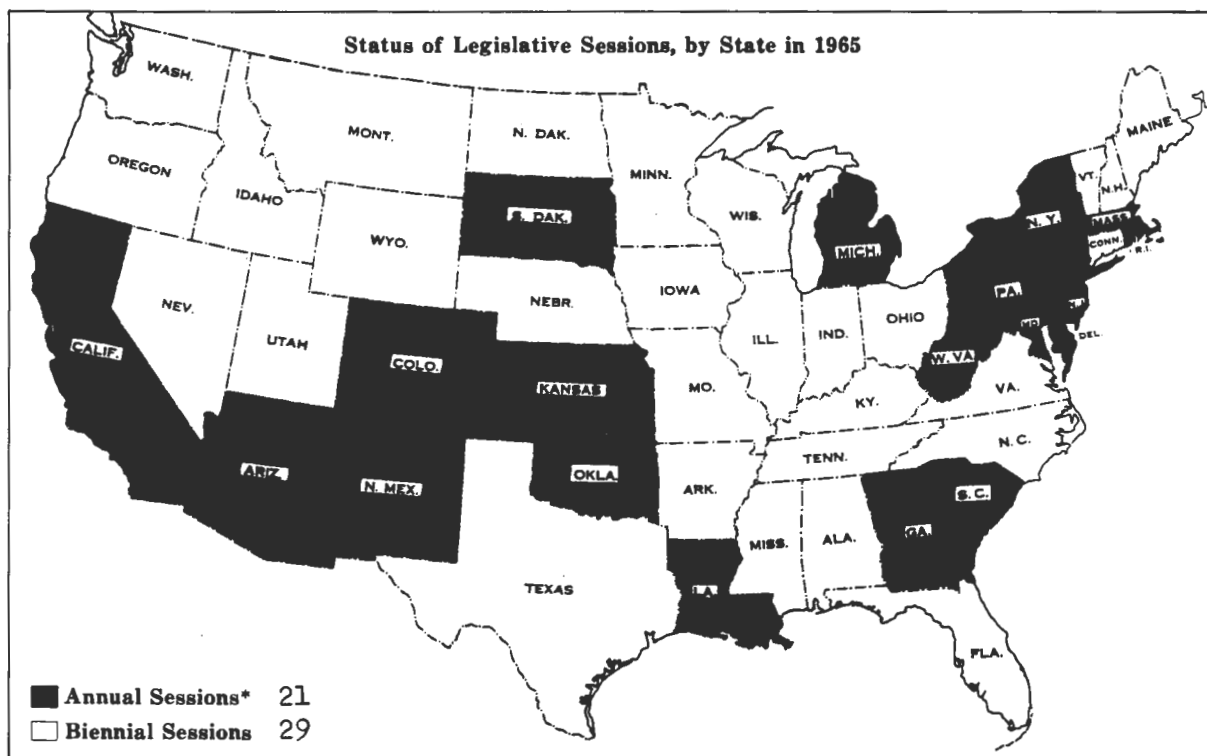
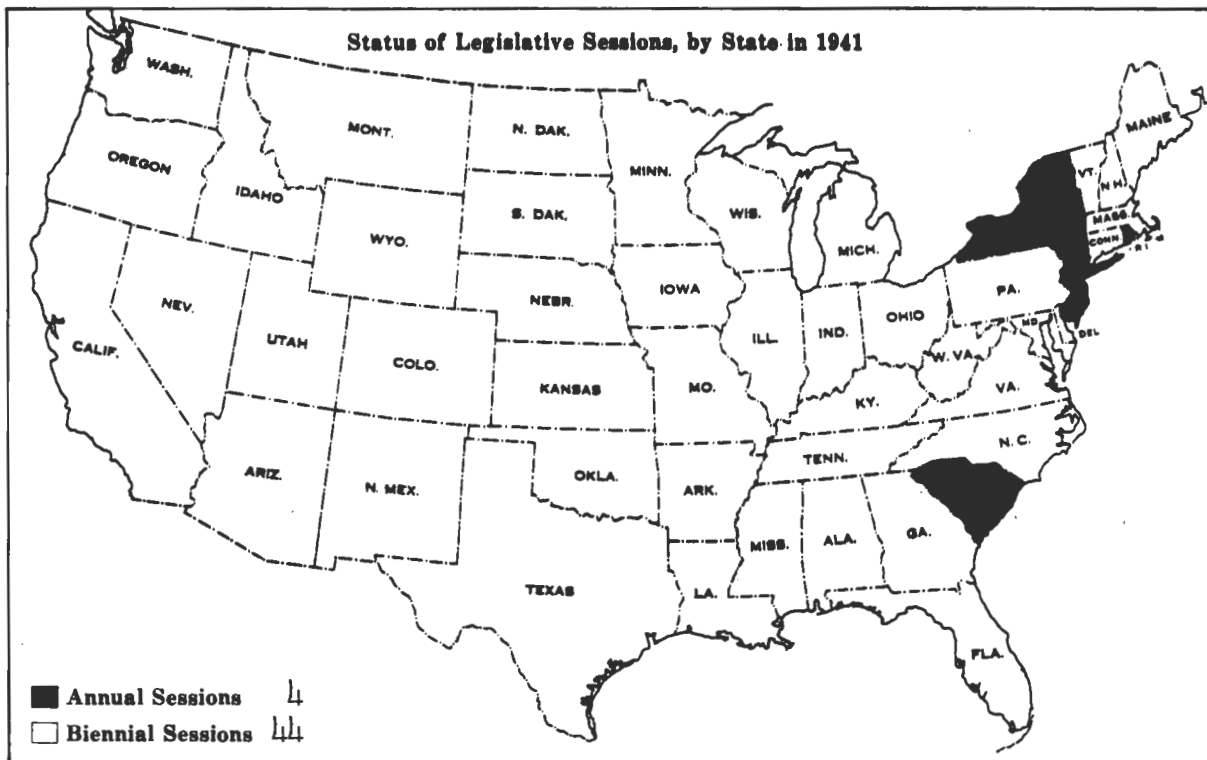
What may be learned from an examination of the twenty-one annual session states which might help answer the question, should North Carolina adopt annual legislative sessions? Are there patterns suggested by geography, region, population, or other obvious factors?

The geographical spread of annual session states provides no guidance, for they are found in every region of the United States except the Northwest, and they predominate only in the Middle Atlantic and Southwestern regions. Two of the states (South Carolina and Georgia) bordering North Carolina have annual sessions; two of them (Virginia and Tennessee) do not.

While most of the heavily industrialized states have annual sessions, not all of them do so; moreover, several non-industrial states are in the annual session group.

The population of a state might seem to bear a reasonable relationship to the extent of legislative responsibility and workload. Yet a ranking of the annual session states by their 1960 population proves nothing except that the annual session is slightly more popular (by a ratio of twelve to nine) among the 25 states below the median of about 2.5 million in population

THE TREND FROM BIENNIAL TO ANNUAL SESSIONS, 1941-1965



*Alaska and Hawaii also annual session states

than among the 25 above the median. The largest and the smallest states (New York and Alaska) have annual sessions; so do seven of the sixteen most populous states and seven of the sixteen least populous states. Of the eleven states larger than twelfth-ranked North Carolina, six have annual sessions and five do not; of the thirty-eight states smaller than North Carolina, 15 have annual sessions and 23 do not.

Taking all of the fifty states together, it appears that the constitutions of

- 16 states impose no limit on the length of regular sessions
- 9 states limit the period of legislative per diem compensation but do not limit absolutely the length of regular sessions
- 24 states limit absolutely the length of regular sessions
- 1 state (Kansas) limits the length of the even-year (budget) session absolutely and the period of legislative pay for the odd-year session.

Arguments Favoring Annual Legislative Sessions

Our times are characterized by accelerating social and economic change, change often calling for legislative response. New federal programs, for example, may require state legislative action in order to enable the state to participate in their benefits. A routine of biennial legislative sessions, suitable for the calmer pace of a generation ago, is inadequate today. Major problems requiring legislative attention should not go untended or be the subject of stop-gap administrative measures for as much as nineteen months, pending the regular convening of the General Assembly in odd-numbered years. On matters of the utmost importance, extra legislative sessions may be called; but the inconvenience and expense of the extra session prohibit its frequent use. (Nevertheless, there have been as many extra sessions in North Carolina in the last three years as in the preceding thirty-eight years.) Regular annual sessions would enable the General Assembly to deal with all legislative

problems with reasonable promptness, for it is unlikely that more than seven or eight months would elapse between yearly sessions.

A change from biennial to annual budgeting would introduce a highly desirable degree of flexibility in the budgeting system of the State. The recommended budget which will be presented to the General Assembly of 1967 will have been nearly a year in the making, and it will cover a period beginning five months and ending twenty-nine months after its submission. The accurate projection of revenues and expenditure needs over such a period is an impossibility when the legislature is dealing with a budget of over two billion dollars a biennium. For many years, actual state revenues have exceeded the projections relied upon by the General Assembly. From this fact, one may conclude either that appropriations have been too low or that taxes have been too high and yet agree that the legislature was following the course of prudence in its long-term budget-making task. Had the State frequently experienced over-estimation of revenues, with the consequent necessity of administratively reducing appropriations to maintain a balanced budget, the shortcomings of the present two-year budgeting system would have been more widely recognized.

North Carolina is a state with a strong tradition of local legislation. More than half (in 1965, fifty-seven per cent) of the laws enacted by a regular session of the General Assembly are local or special in nature. Cities and counties, like the State, are confronted with serious problems attendant on population growth, the rising costs of goods and services, and the need for broadened authority to carry on the activities needed by their citizens. The interests of local governments often would be served by their being able to obtain desired local legislation without waiting as much as a year and a half until the next regular session. Extra sessions in recent decades have

enacted no local laws, so even that source of relief is not available to local governments in need of legislation.

Annual sessions unlimited as to subject-matter, and following the congressional practice of carrying over to the second session within a biennium bills introduced in the first session but not then disposed of, would facilitate more careful and leisurely study of legislative proposals.

Continuity and stability in the membership and leadership of legislative committees should be enhanced by the adoption of annual sessions. This would tend to promote the development of greater expertness among committee members in the subject matter of legislation coming before their committees, and thus improve and expedite the legislative process.

One result of the relatively short biennial session in North Carolina is the lack of a permanent, full-time, professional legislative staff. Annual sessions would more nearly justify the retention on a full-time basis of a professional staff for the General Assembly and perhaps for its major committees. Much of the clerical staff, being needed only during legislative sessions, could continue to be employed on a temporary basis.

One of the functions of the General Assembly is to oversee the performance of the executive branch of State government -- to determine how well the laws are being administered and the funds of the State are being expended. Amidst the hurry and press of a five-month biennial session, there is insufficient time or means for the exercise of such legislative oversight. Annual sessions would allow the legislators more time to familiarize themselves with the organization and activities of administrative agencies and to carry out, individually and collectively, the examination and appraisal of administrative performance.

Implied in many of the foregoing arguments (but more important than any of them) is the necessity of maintaining and strengthening the role of the

states as responsible, active participants in the federal system. Whether a state plays such a role is in large measure determined by its legislature. Neither indifference nor self-imposed shackles should prevent a state from executing its proper responsibilities to its citizens. Annual legislative sessions should enable a state to respond more promptly to demands by citizens for governmental help which, unanswered or unanswerable in the state capital, are promptly transmitted to Washington.

Arguments Favoring Biennial Legislative Sessions

For 130 years, save for the period 1868-73, North Carolina has favored biennial sessions of the General Assembly. Thus far there is little evidence of widespread dissatisfaction among legislators or the people of the State as to the adequacy of biennial sessions to meet the needs of the State. The burden of proving the necessity of change rests with the advocates of change.

There are few state problems requiring legislative attention that cannot wait for a few months or even as much as a year and a half for legislative attention. Indeed, some problems may benefit from an extended period of study before being put before the General Assembly for action.

Where immediate action on a matter of major importance is essential, an extra session of the legislature can be called by the Governor with the advice of the Council of State. The relative infrequency of extra sessions -- only fourteen have been called since the turn of the century -- suggests that the amount of truly urgent legislative business is not great enough to warrant annual sessions. It will be noted that there have been four extra sessions called in the last decade. Yet the circumstances giving rise to those extra sessions were such that most -- perhaps all -- of them would still have been necessary, had the General Assembly then been meeting annually.

Generalizations about growth in the legislative workload during recent years are offered frequently in support of annual session proposals. Do the available measures support these generalizations when applied to North Carolina?

The quantity and difficulty of the work the legislature must do may reasonably be assumed to find rough reflection in the length of legislative sessions, especially where there is no absolute limit on the period for which a session may sit. An examination of the number of legislative days of each of the last ten regular sessions (1947-65) shows a range from 76 days in 1947 to 121 days in 1955 and again in 1963. (See Table 2 and Chart 1.) More significant, however, is the fact that the number of legislative days jumped from 98 in 1953 to 121 in 1955, a high mark only once equalled and never exceeded since that time. For the last six regular sessions (1955 through 1966), the legislative day range has been only from 109 to 121, with an average of 117 days per session. The last four regular sessions have ranged from 115 to 121 legislative days in duration. The 1965 session was the shortest since 1957 and the second shortest since 1953. Thus this measure, for whatever it may be worth, shows no significant growth in the North Carolina legislative workload in the last decade.

Table 2

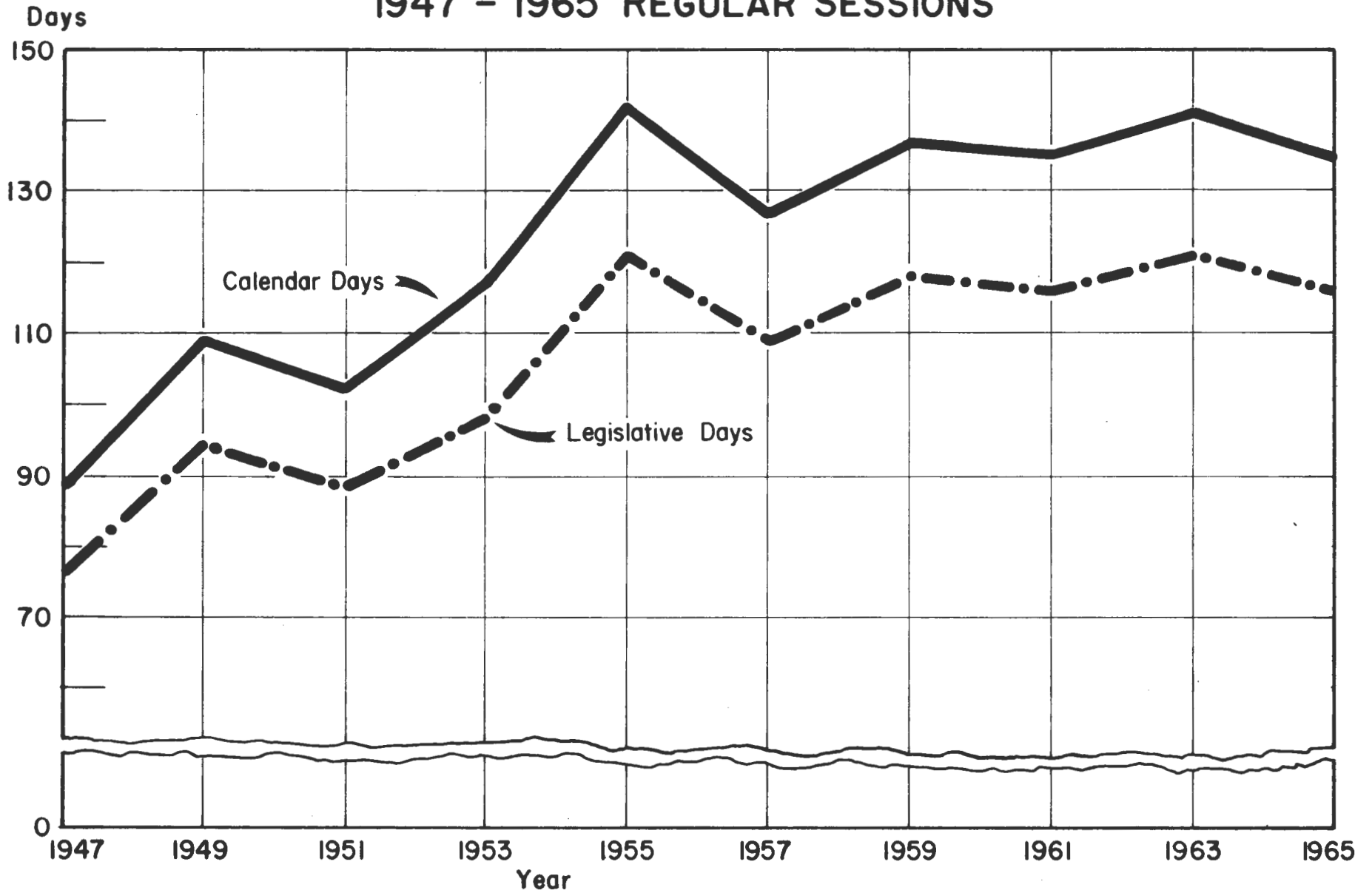
LEGISLATIVE DAYS IN REGULAR SESSION
GENERAL ASSEMBLY OF NORTH CAROLINA

<u>Year</u>	<u>Legislative Days</u>
1947	76
1949	94
1951	88
1953	98
1955	121
1957*	109
1959	118
1961	116
1963	121
1965	116

* In 1956, maximum period of daily legislative pay was extended from 90 to 120 calendar days.

Chart 1

LENGTH OF LEGISLATIVE SESSIONS NORTH CAROLINA GENERAL ASSEMBLY 1947 - 1965 REGULAR SESSIONS



Another test of the "growing workload" argument is to be found in the number of bills and resolutions acted upon. Has the quantity changed markedly over the years?

An examination of the statistics of bills and resolutions introduced and of those enacted during the last ten regular sessions of the General Assembly of North Carolina, admittedly a crude measure, indicates no significant growth. Table 3 shows the total number of bills and resolutions introduced and the number ratified during each regular session from 1947 through 1965. Chart 2 exhibits the same data in graphic form. If one excepts the conspicuous but temporary jump in introductions in 1963 -- which was not paralleled by a similar jump in ratifications -- the pattern is remarkably consistent throughout those ten sessions. The graph line shows a small, gentle, and irregular rise in legislative business from 1947 to 1955-57 and a corresponding decline since that period. The 1965 session had the third fewest introductions and the second fewest bill ratifications of the last ten sessions. While there has been a slight increase in the proportion of public as compared with local acts, this numerical fact alone is of no great significance.

From the last two quantitative measures of legislative activity -- session length and bills processed -- it can be concluded either (1) that the quantity of legislative business has been great enough for at least a decade to justify annual legislative sessions, or (2) assuming that annual sessions were not needed a decade ago, the absence of any significant growth in these measures of legislative activity over at least ten years indicates that there is no present need for annual sessions in North Carolina.

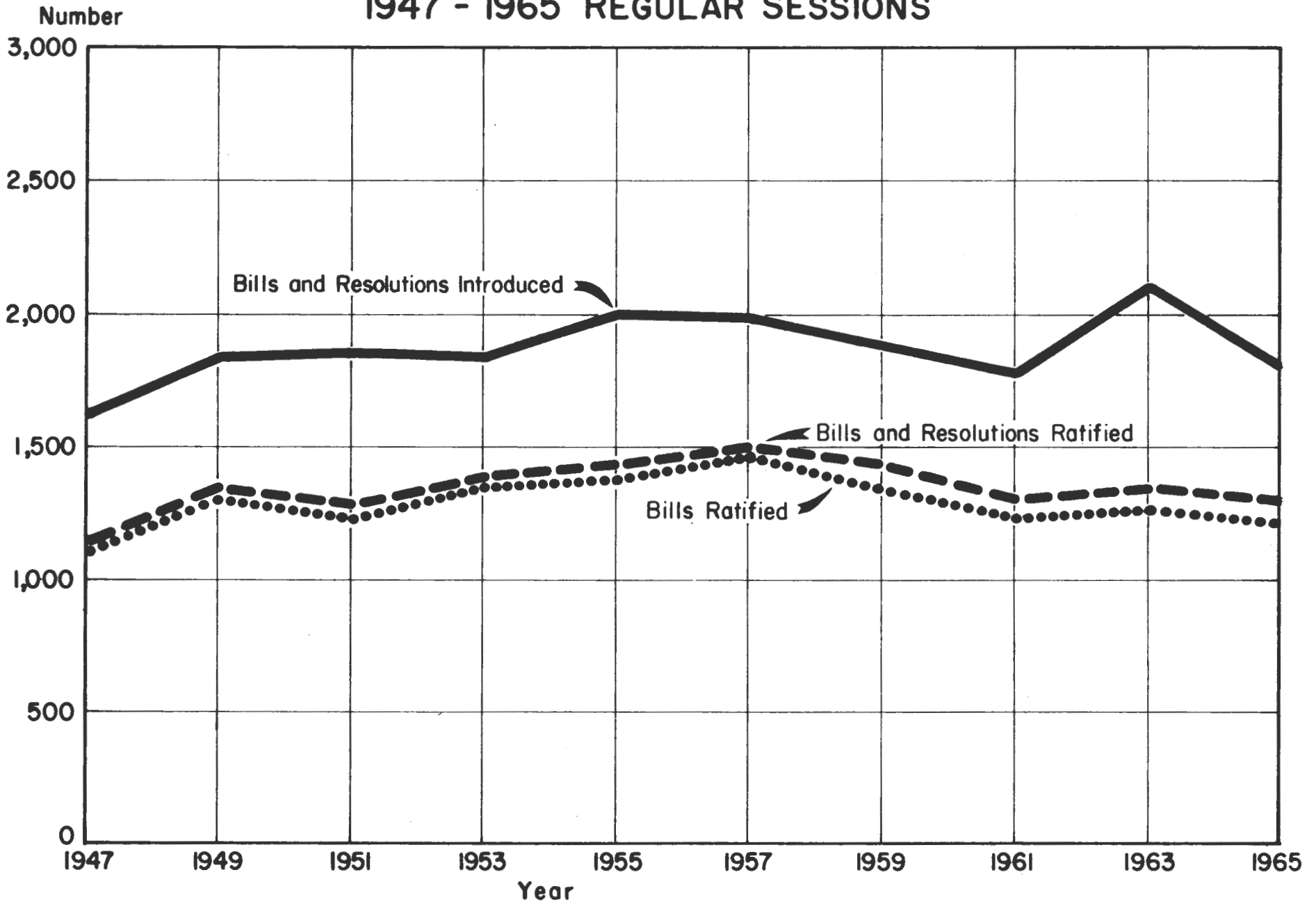
Table 3

LEGISLATION INTRODUCED AND ENACTED
 GENERAL ASSEMBLY OF NORTH CAROLINA
 1947-1965

<u>Year</u>	<u>Introductions</u>		<u>Enactments</u>	
	<u>No.</u>	<u>Rank</u>	<u>No.</u>	<u>Rank</u>
1947	1608	1	1131	1
1949	1834	5	1341	5
1951	1860	6	1278	2
1953	1825	4	1385	7
1955	1999	9	1431	9
1957	1986	8	1509	10
1959	1880	7	1419	8
1961	1776	2	1298	3
1963	2101	10	1354	6
1965	1804	3	1302	4
<hr/>				
Av. 1947-55	1825		1313	
Av. 1957-65	1909		1375	
Av. 1947-65	1867		1344	

Chart

BILLS AND RESOLUTIONS INTRODUCED AND RATIFIED NORTH CAROLINA GENERAL ASSEMBLY 1947 - 1965 REGULAR SESSIONS



Perhaps the most cogent argument in favor of annual legislative sessions is that they would make possible annual in lieu of biennial budgeting. Revenue and expenditure projections under an annual budget need be made only for the ensuing fiscal year, rather than for the ensuing two fiscal years. That the accuracy of those projections would be enhanced by shortening the projection period is obvious. But that benefit is not without its cost, and the cost would be substantial.

The time involved in the elaborate and labor-consuming procedures used to formulate the proposed state budget for presentation to the General Assembly would have to be approximately doubled, should the State move to an annual budgeting system without making other changes in the budget preparation methods. The process of preparing, justifying, and reviewing at many levels the budget requests of state agencies and institutions would have to be repeated annually instead of biennially. One certain result would be that more people would have to be engaged in the budget-making process than there are at present, both among the requesting agencies and institutions and within the Department of Administration. Whether the members of the Advisory Budget Commission would be able to give the time for lengthy annual tours and hearings which are now held biennially as a part of the budget formulation routine is problematical. From the perspective of the General Assembly also, it appears likely that conversion to annual budgeting would approximately double the time spent in legislative review of budget requests, in view of its traditionally detailed approach to budgeting.

What of the suggestion that legislative oversight of administrative performance would be more effective if the legislature met annually? There would be advantages to the annual session in that the legislature would be present in Raleigh more often. The nature of the legislator's primary responsibilities

are such, however, that he cannot give much time to informing himself on what administrative agencies are supposed to be doing and how well they are doing it. And unless the total session time in a biennium were significantly increased as a result of yearly meetings, annual sessions would not offer appreciably larger opportunities than do biennial sessions for performance of the legislative oversight function.

What of the cost of annual sessions, both in direct expense to the State and in the time of legislators away from their non-public endeavors? Is it reasonable to assume that the 109 to 121 legislative days (counting Saturdays but not Sundays) which have sufficed for regular sessions in last half-dozen regular sessions would now become the approximate biennial total of legislative days under an annual session arrangement? No one can give an assured answer. It seems reasonable to predict, however, that the work of the legislature would not be performed in two annual sessions of fifty to sixty days each, or in one session of ninety and one of thirty days. Unless restrained by limitations on subject matter or by absolute limits on session length or compensation, it is not unlikely that each annual session of the General Assembly would run nearly as long as the present biennial session, or perhaps as much as one hundred legislative days a year.

Many factors would work to this end. The time required during the first session after an election for the members to get to know each other and for the legislative machinery to begin running smoothly would be the same, although this should be less true during the second session. The legislative process itself, however, is likely to be much the same. The appropriation bills seldom reach final passage now until they have been on their legislative course for about ninety legislative days. While annual appropriation bills might take somewhat less time to review than do biennial appropriation bills,

the nature of the hearing and deliberative process is such that the time involved is unlikely to be halved.

Since the compensation of legislators and legislative staff members and the subsistence allowance of legislators are paid on a daily basis, there is a direct relationship between the length of a session and its cost. The General Assembly of 1963 cost \$1,200,000 to function for 121 legislative days, or about \$10,000 a day. The appropriation for the 1965 session was \$1,126,050; that for the 1967 session was \$1,277,510. Thus unless it is assumed that the combined length of two annual sessions would not exceed the length of a single regular session during recent years, the expense of operating the General Assembly itself would be sure to rise, and at a cost approximating \$10,000 a legislative day.

Given the inclination of boards of county commissioners and city councils to send many problems to Raleigh for legislative solution (including some for which home remedies might suffice), what would be the effect of annual sessions on the amount of local legislation which the General Assembly would be asked to process? More than likely, it would increase. The more frequent availability of the General Assembly might tempt many local governing boards to seek additional legislation whenever any doubt was raised as to the board's authority to act, and perhaps where the political heat from a decision might be transferred to Raleigh along with the power of decision.

The North Carolina General Assembly has made frequent and effective use of interim study commissions, composed largely or entirely of legislators, to study and make recommendations to the legislature on important issues of public policy. Annual legislative sessions might handicap the work of such groups by limiting the amount of time legislator-members would have to give to them, and by limiting the overall time a commission would have for conducting a study.

Perhaps the most significant advantage which the biennial session enjoys over the annual session is reflected in the quality of men who have sought election to the North Carolina General Assembly under the present system. The biennial session of five months, with attendant campaign and other time commitments, still leaves most legislators adequate time to fulfill the traditional role of citizen-legislator, making a living at some private pursuit and serving the State for nominal pay. A change to annual sessions, with the probable increase in the total session time per biennium, would make it much more difficult -- perhaps impossible -- for many professional and business men whose income depends directly on their personal exertions to serve, or to continue to serve, in the General Assembly. No likely increase in legislative pay would be sufficient to offset this disadvantage for many of them. As a result, the tendency would be towards the development of a class of professional legislators, men whose primary function and chief source of income was legislative. This has already occurred in some annual session states; in time it might be desirable for North Carolina. But the transition to full-time legislators, if it is to be made, should be made deliberately and directly on its own merits, for its consequences might well be greater than that of a mere change in the frequency of legislative meetings.

II. THE DATE FOR CONVENING THE GENERAL ASSEMBLY

The present convening date of the General Assembly is the first Wednesday after the first Monday in February in odd-numbered years. Is that the best time for beginning the legislative session, or should another convening date be adopted, for example, in January?

The history of convening dates in North Carolina does not reveal wide variations. Prior to 1785 these dates varied from year to year. From 1785 to 1794 the General Assembly gathered in November or December, but from 1795 through 1876, the convening date of the regular session settled in November, with two exceptions. From 1879 through 1955, the constitution fixed the convening date as the first Wednesday after the first Monday in January. In 1956, an amendment to Article II, Sec. 2, of the state constitution set the convening date as the first Wednesday after the first Monday in February in odd-numbered years, "unless a different day shall be provided by law."

Since 1956, two bills have been introduced for the purpose of changing the convening date to the same day in January, one month earlier. In 1959, Representative Oral Yates and others introduced H.B. 716, which passed the House and was sent to the Senate on June 5, where it received an unfavorable report from the Calendar Committee. In 1965, Representative George Wood introduced H.B. 1000, which proposed the third Wednesday in January as the convening date. The bill was reported unfavorably by the House Committee on State Government.

A convening date in January is in fact overwhelmingly preferred by the states. Forty-five states have at least one regular session beginning in January. Twenty-six of the twenty-nine biennial session states convene in January. Among the other three, February (North Carolina), April (Florida), and May (Alabama), claim one state each. Nineteen of the twenty-one annual

session states have January convening dates, although two of these, California and Delaware, have February convening dates in alternate years. The remaining two annual session states convene in February (Hawaii) and May (Louisiana).

At the time the legislative convening date was shifted from January to February by the 1956 amendment, the personal income tax filing date was March 15 and the later convening date enabled the General Assembly to have the resulting tax collection data as a basis for budgetary decisions. The subsequent deferral of tax return filing to April 15 and the adoption of income tax withholding have largely negated this consideration.

In the years when the General Assembly sat for only sixty days and had a substantial farmer membership, January had the advantages of beginning early and finishing early, and of allowing the farmer members to get back home to their agricultural pursuits. In the 1965 General Assembly, there were six Senators and thirty-two Representatives who gave farming as their occupation (or one of their occupations). The agricultural factor no longer has quite its former importance in North Carolina or in other states. Convening dates ordinarily are constitutionally prescribed, however, and constitutions change slowly, so the farmer-oriented convening date continues to prevail in the great majority of the states.

A February convening date gives members time to clear up their beginning-of-the-year personal business before going to Raleigh. It allows more time to the new Governor to get his administration under way before the session convenes in inaugural years. It enables additional statistical information on the preceding year to be available in time for the General Assembly's use.

Under the terms of Article II, Sec. 2, the convening date may be altered by statute and requires no further revision of the constitution.

III. LEGISLATIVE PAY AND ALLOWANCES

Are members of the General Assembly of North Carolina adequately paid for their legislative services? Are their expense allowances adequate? What guidance do the legislative compensation practices and trends in other states give in answering these questions? This section attempts to marshal the information which might be helpful in answering these questions.

Compensation practices vary widely from state to state, reflecting in part differing frequencies and lengths of legislative sessions and differing modes of payment, and in part divergent philosophies as to the role of the legislator--whether he is a full-time public servant, a citizen serving his state part-time for token compensation, or something in between.

The North Carolina Pattern

The Constitutions of 1776 and 1868 contained no provision with respect to legislative compensation. In practice, the General Assembly set its members' pay on a per diem basis. In 1873, immediately before the first constitutional treatment of the subject, members were allowed \$5 a day (the presiding officers received \$7 a day) for the full session and one round trip between their homes and Raleigh at \$.20 a mile.¹

The Convention of 1875 proposed² and the people of North Carolina in 1876 ratified the first constitutional provision on legislative pay, now Article II, Sec. 28. It fixed members' pay at \$4 a day (the presiding officers received \$6 a day) for not more than sixty days of a regular session, and allowed them one round trip a session between their homes and Raleigh at \$.10 a mile. Extra session pay was limited to twenty days at the same rates.

1. Battle's Revisal, ch. 52, secs. 50, 51 (1873).

2. Ordinances of the Convention of 1875, ch. 8.

Proposals to increase legislative pay during the first quarter of the twentieth century were repeatedly rejected. A 1913 proposal for a \$6 daily pay rate for 60 days,³ a 1921 proposal for a \$10 daily pay rate for 60 days,⁴ and a 1924 proposal for a \$600 salary for the session⁵ were all defeated at the polls.

An amendment to Article II, Sec. 28, was finally ratified in 1928, fixing the pay of members at \$600 a session and that of the presiding officers at \$700 a session.⁶ The pay for an extra session was set at \$8 a day for members (\$10 for presiding officers) for not more than twenty days. No mileage allowance was granted.

Three more trips to the polls were necessary to gain the next legislative pay increase. A 1945 proposal for a \$10 a day expense allowance for 60 days of a regular session was rejected by the people,⁷ as was a 1947 proposal for a \$1,200 salary for serving in each regular session (\$1,500 for the presiding officers) and a \$250 salary (for the presiding officers, \$300) for serving in each extra session.⁸

In 1950, an amendment to Article II, Sec. 28, restoring the per diem basis of paying legislators, was ratified.⁹ The rates provided were \$15 a day for members (\$20 a day for the presiding officers) for not more than ninety days of a regular session and 25 days of each extra session. No mileage allowance was provided.

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3. Pub. Laws 1913, ch. 81.
 4. Pub. Laws 1921, ch. 200.
 5. Pub. Laws 1924 (Ex. Sess.), ch. 31.
 6. Pub. Laws 1927, ch. 203.
 7. Sess. Laws 1945, ch. 1042
 8. Sess. Laws 1947, ch. 361.
 9. Sess. Laws 1949, ch. 1267.

In 1956, another amendment to Article II, Sec. 28, extended the maximum allowable pay period for a regular session from ninety to 120 days, while retaining the 1950 daily rates of \$15 for members and \$20 for the presiding officers.¹⁰ The allowable pay period for each extra session was continued at 25 days.

The Constitution of North Carolina is ambiguous as to the meaning of "day" for legislative pay purposes. Article II, Sec. 28, says that

The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of fifteen dollars (\$15.00) per day for each day of their Session for a period not exceeding 120 days.

It would seem reasonable to read "each day" in the context of this provision to mean either (1) each day the member actually is present in the legislative chambers during the session; or (2) each legislative day from the convening of the session, including Saturdays when sessions are held for the record but no business is done, and excluding Sundays, when the General Assembly never sits; or (3) each calendar day, including Sundays, from the convening of the session.

Long-standing practice decrees that a North Carolina legislator is paid on the basis of calendar days (seven days a week), measured from the convening of the session to the end of 120 days or sine die adjournment of the session, whichever first occurs. Every regular session since the 120 day limit was fixed has run from 127 to 141 calendar days in length, so that the pay period has expired from one to three weeks before adjournment.

10. Sess. Laws 1955, ch. 1169.

The 1956 amendment to Article II, Sec. 28, for the first time authorized subsistence allowances, as follows:

The members and Presiding Officers shall also receive, while engaged in legislative duties, such subsistence and travel allowance as shall be established by law; provided, such allowances shall not exceed those established for members of State boards and commissions generally.

The General Assembly of 1957 amended G.S 120-3.1 to provide legislators subsistence and travel allowances as prescribed by the constitution, "while engaged in legislative duties . . .", together with one round trip a session between their homes and Raleigh.¹¹ The biennial appropriation act then set subsistence for board members (hence for legislators) at \$8 a day and travel reimbursement at \$.07 a mile.¹²

The General Assembly of 1959 enlarged the reimburseable travel from one round trip a session to one round trip a week during the session.¹³

In 1961, the subsistence allowance was raised to \$12. A concurrent amendment required that this allowance "be paid members and presiding officers for each day of the period during which the General Assembly remains in session . . ." --i.e., according to calendar days rather than legislative days.¹⁴

In 1963, the General Assembly increased the travel allowance for state board members to \$.08 a mile;¹⁵ and in 1965 it increased their subsistence allowance to \$20 a day and raised legislators' allowances accordingly, effective from the first day of the 1965 regular session.¹⁶

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11. Sess. Laws 1957, ch. 8.
 12. Sess. Laws 1957, ch. 1342, sec. 6.
 13. Sess. Laws 1959, ch. 939.
 14. Sess. Laws 1961, ch. 889, sec. 1.
 15. Sess. Laws 1963, ch. 1049, sec. 1.
 16. Sess. Laws 1965, ch. 86 (G.S. 120-3.1); Sess. Laws 1965, ch. 169 (G.S. 138-5(b)).

A 1965 amendment to G.S. 120-3, the basic legislative pay statute, permits any member electing to do so to spread the actual payment of his legislative pay over the two years of the biennium, instead of receiving all of it in the year in which the regular session occurs. One effect of this arrangement is to enable those members who are entitled to Social Security benefits to minimize the effect of their legislative earnings on benefit payments.

As a result of these modifications, a legislator now receives a subsistence allowance of \$20 a day for seven days a week for the entire legislative session, and he is not required to prove that his living expenses actually amounted to \$20 a day. He also receives mileage at \$.08 a mile, or actual fare if commercial transportation is used, for a weekly round trip between his home and the capital. If he is directed by either house or by a legislative committee to perform any duty outside the City of Raleigh, he is paid subsistence and travel allowances at the usual rate for the period involved. Thus for his services in the 1965 regular session, the typical legislator received \$1,800 in pay (120 days at \$15), \$2,700 in subsistence allowance (135 days at \$20), and an amount for travel dependent on the distance from his home to Raleigh.

North Carolina legislators receive no postage, telephone, or other allowances to defray the expenses necessarily attendant on their official activities. They are able to make telephone calls from their Raleigh offices during legislative sessions at state expense. They receive no pay as legislators for between-session public services, although as members of the Legislative Research Commission, the Advisory Budget Commission, or interim study commissions, they (like other members of such groups) are entitled to the per diem (usually \$7) and \$20 a day subsistence allowances fixed by law.

The Supreme Court of North Carolina construes the per diem legislative pay fixed by the Constitution as a maximum figure which may not be increased by mere legislative action. Commercial and Farmer's Bank v. Worth, 117 N.C. 147, 153 (1895). Thus legislative pay may be increased only by constitutional amendment.

The National Pattern

State legislators receive their basic compensation in one or both of two main ways--on a salary basis, covering the period of the term; or on a daily pay basis, with payments confined either to days of actual session or to a limited number of session days, after which compensation ceases.¹⁷ In recognition of increasing amounts of time which legislators must devote to their public duties, the long-term trend is toward the salary and away from the daily pay arrangement, although no changes in these basic arrangements took place in 1964-65. In 1943, more than half of the states paid on the daily basis. By 1965, thirty-one paid on a salary basis; sixteen paid on a daily (or for Vermont, a weekly) basis; and three used both--Arkansas, Oklahoma, and Oregon.

The range of biennial salaries is great, from \$200 in New Hampshire to \$30,000 in New York.¹⁸ Daily pay rates also have a wide range: from \$5 a day in Rhode Island and North Dakota to \$50 a day in Louisiana. The median biennial salary among the thirty-four states paying salaries is \$4,800; the median among the daily pay plan states (excluding Vermont and its weekly basis) is \$15.

Indicative of the effects of compensation-setting in the state constitution are these figures: The median salary in the sixteen states where set by

17. Much of the ensuing discussion is drawn from The Book of the State, 1966-67 (Chicago: Council of State Governments, 1966), 42-49, 62-63.

18. The salary shown for New York Legislators in the accompanying tables is \$20,000, but it has since been raised to \$30,000. New York Times, 7 July 1966, sec. 1, p. 24, col. 7.

constitution is \$3,600-4,000; in the eighteen states where set by statute it is \$6,000-6,400. The median daily pay in the ten states where it is set by constitution is \$10; in the eight states where it is set by statute it is \$35.

Table 4, copied from The Book of the States, 1966-67, pages 48-49, shows on a comparative basis the pay plans of the fifty states. It also shows the various additional forms of payments which the great majority of the states make to their legislators in addition to salary or per diem pay and certain travel allowances. A growing trend seems to be the payment of variable allowances during sessions, in recognition of added living costs for legislators whose homes are distant from the capital. Arizona, Hawaii, Maine, Minnesota and Wisconsin have introduced pay plans of such a nature.

Compensation changes were more numerous in 1964-65 than in most recent biennia, affecting legislators in almost half of the states. Appreciable salary increases took place or were authorized for the future in Connecticut, Delaware, Illinois, Maryland, Michigan, Minnesota, New Jersey, Ohio, and Pennsylvania. Sizeable raises in daily pay plans occurred in Iowa, Montana, and Nevada. New in-session expense allowances were introduced in Indiana and Montana, and new interim expense allowances in North Dakota and Oregon. The in-session subsistence allowance in North Carolina was raised from \$12 to \$20 a day, as earlier noted. Studies of legislative compensation are underway in a quarter of the states.

Table 4 omits certain special benefits and compensation, such as oil company credit cards or leased cars furnished to legislators in California; it omits income arising from extensive interim committee work at high per diem rates, as in Louisiana; and it omits substantial county supplements, paid in Florida. Nevertheless it attempts to be as comprehensive as possible in its coverage of the formal constitutional and statutory forms of compensation.

Table 4

SALARIES AND COMPENSATION OF LEGISLATORS

State or other jurisdiction	SALARY AND DAILY PAY PLANS					ADDITIONAL COMPENSATION FOR LEGISLATORS				
	Regular session		Special session		Basic salary is fixed by	Date basic salary established	Travel allowance		Additional expense allowances during session	
	Daily pay plan	Salary plan	Amount of salary calculated for biennium	Limit on no. of days of pay			Amount per mile	Number of trips during session		
Alabama	\$10	36 L(a)	\$10	36 L	Const.	1946	10c	One round trip	\$20 per day(a)	
Alaska	..	..	\$ 5,000(b)	..	Stat.	1961	15c	One round trip(c)	\$35 per day; \$300 postage-stationery allowance; presiding officers receive an extra annual allowance of \$500	
Arizona	..	..	3,608(b,d)	..	Const.	1958	10c	..	\$12 per day subsistence for legislators from outside city limits of capital(d)	
Arkansas	20	60 C	2,400(e,f)	6	Const.	1958	5c	One round trip	\$19 per day(f)	
California	..	..	12,000(b)	..	Const.	1954	5c(g)	One round trip	None during session(g)	
Colorado	..	..	6,400(b,h)	..	Stat.	1963	(i)	One round trip	\$750 expense allowance	
Connecticut	..	..	3,250	..	Stat.	1965	10c	Each day	\$25 stationery and supplies	
Delaware	..	..	9,000(b)	..	Const.	1965	15c	Unlimited mileage	\$25 per day	
Florida	..	..	2,400	..	Const.	1954	10c	Round trip per week	\$40 per day	
Georgia	10	(b,j)	..	10	Const.	1945	10c	Four round trips	..	
Hawaii	..	..	4,000(b,j)	(l)	Const. & Stat.	1959	20c	One round trip	\$32.50 per day for members from Oahu; \$45 for legislators from neighbor islands	
Idaho	10	60 C	..	10	20 C	Stat.	1946	10c	One round trip	Additional \$25 a day for committee members
Illinois	..	..	18,000	..	Stat.	1965	10c	Round trip per week	\$50 for postage and stationery	
Indiana	..	..	3,600	..	Stat.	1955	8c	Round trip per week	\$20 per day	
Iowa	30	..	..	30	Stat.	1957	10c	One round trip	..	
Kansas	10	120 C(b,m)	..	10	30 C	Stat.	1963	7c	Six actual round trips during regular and three actual round trips during special or budget session	\$15 per day; not to exceed \$1,350 during regular session nor \$450 during special or budget session; \$50 per month between sessions
Kentucky	25	60 L(n)	..	25	..	Stat.	1950	15c	One round trip	\$25 a day; \$50 in lieu of stationery
Louisiana	50	90 C(b,o)	..	50	30 C	Stat.	1956	10c	Eight round trips and four round trips during budget session	\$250 per month while legislature not in regular session
Maine	..	..	2,000	20	..	Stat.	1965	9c	Round trip per week	Small allowance for postage, telephone, etc., plus \$5 per day in attendance for meals and actual housing expenses not to exceed \$7 per night
Maryland	..	..	4,800(b)	30 C	Const.	1964	(l)	One round trip	\$25 per day plus \$50 for postage per annual session	
Massachusetts	..	..	15,000(b)(q)	..	Stat.	1965	9c(p)	Each day(r)	\$1,800 per biennium; weekly expense allowance according to distance from capital(q)	
Michigan	..	..	20,000(b)	..	Stat.	1964	10c	Two round trips per month(s)	\$5,000 per biennium; plus allowance for postage, telephone and telegraph, etc.	
Minnesota	..	..	9,600	25	..	Stat.	1965	15c	One round trip	In 1965, \$21 per day, except \$14 per day for legislators who did not have to leave their homes to attend session
Mississippi	..	..	3,000	22.50	..	Stat.	1956	10c	One round trip(t)	\$100 per month between sessions
Missouri	..	..	9,600	..	..	Stat.	1961	10c	Twice per month	\$10 per day
Montana	35	60 C	..	20	60 C	Stat.	1955	8c	One round trip	\$15 per day
Nebraska	..	..	4,800	..	Const. & Stat.	1961	8c	One round trip	\$100 postage allowance	
Nevada	40	60 C	..	40	20 C	Stat.	1965	10c	Special trips(u)	\$25 per day(u); \$60 for postage, etc.
New Hampshire	..	..	200	3	15 L	Const.	1889	(v)	Daily round trip(v)	..
New Jersey	..	..	15,000(b)	..	Const. & Stat.	1954	..	State railroad pass	..	
New Mexico	20	(w)(b)	..	20	30 C	Const. & Stat.	1953	10c	One round trip	Stationery, postage, telephone and telegraph allowance; additional \$25 a day and 10c per mile for service on interim committees.
New York	..	..	20,000(b)	..	Const. & Stat.	1961	(i)	Round trip per week	\$2,000 expense allowance at 1965 annual sessions	
North Carolina	15	120 C	..	15	25 C	Const.	1956	8c	One round trip per week	\$20 per day subsistence
North Dakota	5	60 L	..	5	..	Const.	1889	10c	One round trip	\$20 per day plus \$35 per month expense allowance during biennium
Ohio	..	..	16,000	..	..	Stat.	1965	10c	Round trip per week	Postage and stationery
Oklahoma	15	75 L(x)	3,900(x)	15	75 L(x)	Const.	1948	10c	One round trip per week	Postage, stationery, telephone and telegraph allowance and shipping legislative supplies
Oregon	20(y)	120 C	6,000	20	120 C	Stat.	1963	8c	..	Travel allowance paid during interim period only
Pennsylvania	..	..	14,400(b)	..	..	Stat.	1965	10c	Round trip per week	\$4,800(b)
Rhode Island	5	60 L(b)	..	..	..	Const.	1900	8c	..	..
South Carolina	..	..	3,600(b)	45	40 L	Stat. & Const.	1960	9c	Round trip per week	\$15 per day for maximum of 40 days per annual session
South Dakota	..	..	3,000(b)	10	..	Stat.	1963	5c	One round trip	..
Tennessee	10	75 C	..	10	20 C	Stat. & Const.	1953	10c	One round trip	\$5 per day
Texas	..	..	9,600(z)	..	..	Const.	1960	10c	One round trip	Per diem of \$12 for first 120 days of regular session and for 30 days of each special session; postage, stationery, supplies, telephone and secretarial assistance
Utah	..	..	1,000	..	..	Const. & Stat.	1951	10c	One round trip per week, if incurred	\$5 per day
Vermont	..	..	..	..	..	Stat.	1955	8c	..	..
Virginia	(aa)	..	1,080	30	30 C	Stat.	1958	7c	One round trip per week	\$720 for regular session; \$360 for special sessions
Washington	..	..	2,400	25	..	Stat.	1965	10c	..	\$40 per day
West Virginia	..	..	3,000(b)	..	..	Const.	1954	10c	One round trip	..
Wisconsin	..	..	10,800(ab)	..	..	Stat.	1965	(ac)	Rate-distance ratio(ac)	(ad)
Wyoming	12	40 C	..	12	..	Stat.	1941	8c	One round trip	\$20 per day
Puerto Rico	..	..	5,400(b)	..	..	Stat.	1960	15c	Round trip per week (ae)	\$10 per day(af); \$200 for telephone; \$100 for postage; \$100 for stationery

Abbreviations: L—Legislative days; C—Calendar days.

(a) The legislature meets for 18 weeks. Legislators receive \$210 a week in combined daily salary and expense allowance, a total of \$3,780 for each regular biennial session.

(b) Annual sessions.

(c) Plus excess baggage allowance.

(d) Plus \$20 per day salary (limited to \$1,800 in a year) for special sessions and interim committee meetings; \$12 per day subsistence for days required to attend interim committee meetings, plus 10c a mile or first class public carrier.

(e) Payable at rate of \$100 each month. Speaker of the House receives \$2,700.

(f) Legislators receive \$100 a month for each of the 24 months in the biennium, plus a per diem of \$20 a day for each of the 60 calendar days of the biennial legislative session.

(g) 12½¢ a mile for interim committee meetings and \$25 a day for maximum of 60 days for interim committee meetings.

(h) Legislators receive \$100 a month during biennium plus \$4,000, paid at rate of \$25 a day during regular and special sessions up to a total of 160 days each biennium with remainder paid as a lump sum. Legislators also receive \$20 per day, not to exceed \$600 in any calendar year, while not in session, for attendance at legislative meetings, plus actual and necessary traveling expenses.

(i) Actual and necessary expenses.

(j) Not to exceed 40 days in even years; 45 days in odd years.

(k) 70-day limit on special sessions called by Governor except for impeachment proceedings; 30-day limit on sessions convened by legislature except for impeachment proceedings.

(l) \$2,500 per general session; \$1,500 per budget session; \$750 for each special session.

(m) 120 C-days biennial total; 90 C-day regular session; 30 C-day budget session. Legislators are paid additional allowance of \$50 per calendar month, except for January, February and March in odd years, and January during even years to defray expenses between sessions.

(n) Legislators are paid for Sundays and holidays during session, consequently compensation period usually is 72 to 74 days.

(o) 90 days biennial total: 60-day regular session, 30-day budget session.

(p) In terms of fixed amounts for each legislator.

(q) Determined at each session in Massachusetts.

(r) Within 40-mile radius, 8c a mile daily to amount not to less than \$7 a week; outside 40-mile radius, \$60 per week living expenses plus 8c a mile for one round trip per week.

(s) Unlimited for all committee work.

(t) Plus one extra round trip each 7 days at 6c a mile.

(u) 10c a mile for special trips not to exceed \$350 per session.

(v) 25c per mile for first 45 miles; 8c per mile for next 25 miles; 6c over 70 miles.

(w) Not to exceed 30 calendar days in even years; 60 calendar days in odd years.

(x) Figure shown is approximation for biennium in which no special session is held. In 1963-64 biennium, combined per diem and salary totaled \$3,907.50. Legislators receive \$15 for first 75 legislative days, including intervening nonlegislative days for regular or special session, otherwise \$100 a month.

(y) Expenses plus salary.

(z) Members receive an annual salary of \$4,800.

(aa) Members receive \$80 for each week or portion thereof during regular session.

(ab) \$450 a month salary and \$15 per day expenses for those who are required to establish a temporary residence in Madison.

(ac) 10c a mile for one round trip; thereafter, 7c a mile for first 2,000 miles per month; 6c a mile for each additional mile once a week during the session.

(ad) Interim expense allowance paid for each full calendar month when legislature is not in actual session, as follows: for district of one county or less—Assemblyman, \$25 per month; Senator, \$40 per month. For each additional county or part of county in district—Assemblyman, \$15 per month; Senator, \$20 per month.

(ae) Minimum \$10.

(af) \$15 per day within 25-50 kilometers radius; \$25 per day beyond.

In order to show the actual compensation of a typical legislator in each state during a two-year period, realized from salary, daily pay, and expense allowance, the Council of State Governments has prepared the data in Table 5. Such variables as special session compensation, postage and office allowances, mileage and transportation, and added pay for interim service have been excluded. The current or recently authorized compensation rates shown in Table 4 have been used, except for New York and Michigan, where salaries have recently been increased. Where necessary to compute pay on the basis of days or weeks of regular sessions, the regular sessions of 1962-63 have been used.

Despite the fact that the totals shown in Table 5 are estimates and not firm figures in many cases, certain conclusions are possible. There is an enormous range in compensation from low to high; and legislators dependent on a daily pay plan fare, on the whole, much more poorly than those on a salary basis. Also apparent is the generally higher compensation in the twenty states then holding annual sessions.

Table 5

Realized Compensation For A Biennium For A Typical Legislator In Salary, Per Diem And Living Expense Allowances (Prevailing In Or Authorized During 1964-65), Computed For Typical-Length Regular Sessions. (Excludes Mileage, Stationary, And All Variable Interim Allowances.)

State	Biennial compensation	Pay basis	State	Biennial compensation	Pay basis
1. New York	\$34,000 (A)	S*	26. Arizona	\$3,600 to 5,435 (A)	S*
2. Michigan	30,000 (A)	S*	27. Georgia	4,250 (A)	D*
3. Pennsylvania	24,000 (A)	S*	28. NORTH CAROLINA	4,220	D*
4. Illinois	18,000	S	29. Kansas	4,000 (A)	D*
5. Massachusetts	16,800 (A)	S*	30. Connecticut	4,000	S*
6. Ohio	16,000	S	31. Oklahoma	3,900	S&D
7. New Jersey	15,000 (A)	S	32. Nevada	3,900	D*
8. California	14,850 (A)	S*	33. Florida	3,900	S*
9. Wisconsin	10,800 or 12,450 †	S*	34. Alabama	3,780	D*
10. Missouri	11,550	S*	35. Kentucky	3,600	D*
11. Minnesota	11,028 or 11,742	S*	36. Arkansas	3,600	S&D
12. Texas	11,040	S*	37. West Virginia	3,000 (A)	S
13. Alaska	10,495 (A)	S*	38. South Dakota	3,000 (A)	S
14. Louisiana	9,750 (A)	D*	39. Montana	3,000	D*
15. Delaware	9,000 (A)	S	40. Maine	2,435 to 3,044	S*
16. Oregon	8,400	S&D	41. North Dakota	2,340	D*
17. Maryland	8,300 (A)	S*	42. Idaho	2,100	D*
18. Hawaii	7,445 or 8,770 (A)	S*	43. Vermont	2,000	D
19. Colorado	6,400 (A)	S	44. Virginia	1,800	S*
20. Iowa	5,000	D	45. Utah	1,300	S*
21. Mississippi	4,900	S*	46. Wyoming	1,280	D*
22. Indiana	4,820	S*	47. New Mexico	1,200 (A)	D
23. Washington	4,800	S*	48. Tennessee	1,125	D*
24. South Carolina	4,800 (A)	S*	49. Rhode Island	600 (A)	D
25. Nebraska	4,800	S	50. New Hampshire	200	S

A--Annual sessions.

D--Daily or weekly pay basis.

S--Salary basis.

*--Additional expense payments are made and are included in compensation shown.

†--Variable monthly payments are made in interim but not included in compensation shown.

Source: Adapted from The Book of the States, 1966-67 (Chicago: Council of State Governments, 1966), 43. Sequence of states reversed.

In Table 5, North Carolina ranks twenty-eighth from the top in realized biennial compensation paid its legislators. The North Carolina figure (\$4,220) is based on the number of legislative days in the 1963 regular session, but the rates are those in force in 1965. The 1965 figure should be \$4,500 (\$1,800 in pay and \$2,700--135 calendar days at \$20--in subsistence). If the rates of the other states remained unchanged, however, the higher figure would raise North Carolina only one or two places in the ranking.

The shortcomings of lumping together all states--annual and biennial session states, large and small states--in a single ranking are apparent. What does more refined analysis reveal as to the relative position of North Carolina among the states reasonably similar to it?

Recurring to Table 5, it appears that among the twenty-nine biennial session states, North Carolina legislators rank thirteenth from the top in biennial realized compensation; that among the daily pay states, they rank fourth from the top; and that among the states which set by the constitution part or all of the legislators' compensation, they rank relatively high.

How does North Carolina rank within the Southern region? Among the eleven Southern states, North Carolina ranks sixth in biennial realized compensation. Among the five higher-ranking states, however, are the annual session states of Georgia, Louisiana, and South Carolina. Moreover, the compensation spread among Southern states is vast: Louisiana ranks fourteenth from the top, while Tennessee ranks forty-eighth. Finally, regionalism alone is a poor index in this case: population, wealth, and session length, for example, would seem to be more significant and primary influences on legislative compensation than region.

State population would appear to have a relationship to the responsibilities carried by a legislator. How does North Carolina compare with the states

in its population range? (Chosen for the purpose of this analysis are those states within roughly one million of North Carolina's population of 4,556,155 in 1960) Table 6 exhibits the results of this comparison. The equality of workload implied by roughly equal populations has had no apparent influence on the setting of legislators' compensation. Among the nine states listed in Table 6, North Carolina ranks sixth from the top in biennial realized compensation. Excluding the two annual session states from the list leaves North Carolina ranked fourth among seven states.

Table 6

BIENNIAL REALIZED COMPENSATION OF LEGISLATORS IN SELECTED STATES

1964 - 1965

State	1960 Population	Rank in Population	Realized Biennial Compensation	Rank in Realized Compensation	Annual or Biennial Sessions
Mass.	5,148,578	9	\$16,800	5	Annual
Fla.	4,951,560	10	3,900	33	Biennial
Ind.	4,662,498	11	4,820	22	Biennial
N. C.	4,556,155	12	4,220	28	Biennial
Mo.	4,319,813	13	11,550	10	Biennial
Va.	3,966,949	14	1,800	44	Biennial
Wisc.	3,951,560	15	10,800 or 12,450	9	Biennial
Ga.	3,943,116	16	4,250	27	Annual
Tenn.	3,567,089	17	1,125	48	Biennial

Another available and arguably relevant measure of legislative activity with which to compare legislative compensation is the number of measures enacted by the several legislatures. Counting all bills and resolutions enacted by the legislature of all of the states in regular and special sessions during the biennium 1964-65, North Carolina (with 1,302) ranked eleventh from the top. If the annual session states are excluded from consideration on the ground that they had greater opportunity for legislative performance, North Carolina ranks fifth among the biennial session states in enactments during that period. Moreover, North Carolina enacted more legislation than fourteen of the twenty-one annual session states during the same time span. A check of legislative activity among the states over the last decade shows that North Carolina has consistently ranked high in enactments. By this test, twenty-eighth ranked North Carolina makes a relatively poor showing in the biennial realized compensation of its lawmakers.

About fifty to sixty per cent of the bills enacted in each regular session of the North Carolina General Assembly are local in nature. Thus it might be argued that North Carolina's legislative output is not directly comparable to that of many other states less disposed to the enactment of local measures. There are many other states which enact much legislation which is local in form or in effect, but the available statistics, by dwelling only on statewide internal practices, do not permit accurate comparisons among the states. Furthermore, from the standpoint of the individual legislator, local legislation for which he is responsible may consume as much of his time and attention as the public legislation on which he must act.

The actual number of legislative working days is not available for enough states to make possible a comprehensive comparison among the states by this measure.

A comparison of eight biennial session states for which 1964-65 legislative day figures are available and are roughly comparable to that for North Carolina (119, including the 1965 extra session) shows that North Carolina is fourth among the eight in biennial realized legislative compensation.

Additional analyses on the basis of population density, the size of state budgets on a per capita basis, and the number of state employees in proportion to population did not reveal meaningful patterns in the context of which legislative compensation in North Carolina could be judged.

Conclusion

The foregoing interstate comparisons do not point an unerring path for North Carolina to follow in deciding how much its legislators should be paid. By the measures employed, with all their shortcomings, it appears that North Carolina is not rewarding its legislators as well as many other states reward theirs.

In rough terms, the states divide into two groups: the three or four which pay on the basis that legislative service is a full-time or virtually full-time occupation, and the remainder which more or less cling to the Jeffersonian ideal of the citizen-legislator. "Jefferson," writes Jesse Unruh, Speaker of the California Assembly, "had a vision of America as an agrarian society--a nation of gentlemen farmers. His model American would till the fields by day, improve his mind by study and learned discourse in the evenings and for a few weeks during the winter of each year, when it was too cold to plow, he would travel to the seat of government, there to meet with his peers from other parts and together they would enact just laws."¹⁹

19. Jesse M. Unruh, The Integrity of the Legislature, an address delivered at Whittier College Convocation, January 7, 1964, pp. 6-7.

Is this ideal, even with modifications to accommodate the social and economic changes of the nineteenth and twentieth centuries, still valid? The great majority of the states, North Carolina among them, acts as if that ideal still had considerable vigor. If legislative compensation policies are a fair index, they continue to adjudge that it is better that most legislators pay, directly or indirectly, for the privilege of serving in the lawmaking bodies of the states than that there be created a class of professional, full-time legislators who are paid substantial salaries.

There is, moreover, considerable apprehension that with markedly higher legislative pay, some people might seek the office primarily "for the money." In other words, high salaries might tend to lower the quality of legislative personnel rather than to raise it.

On the other hand, a consequence of the prevailing policy is that some citizens who might render valuable legislative service are prevented by economic considerations from doing so, or from doing so for an extended period.

The issue at its heart is not one of the cost: North Carolina could pay its legislators as much as does the most generous state in the Union (which no one suggests) and the effect on the total state budget of over two billion dollars a biennium would hardly be noticeable.²⁰

The real issue is one of philosophy, of policy, of politics: What kind of legislators do the people of North Carolina want, and what should be paid in order to get them?

20. At current rates, the total legislators' salary and subsistence allowance cost to the State for a regular session is approximately \$765,000 (170 members at \$4,500 each). At the New York rate of \$34,000 a biennium, the total biennial cost would be \$5,780,000, or an increase of \$5,015,000.

IV. RETIREMENT BENEFITS FOR LEGISLATORS

North Carolina has since 1941 provided a retirement system for its state employees, supported in part by contributions from the State and in part by contributions from the employees. On the other hand, it is one of twenty-two states which have no retirement plan for their state legislators.

In the 1963 session, Representative Elmer H. Garinger and others introduced H.R. 1239, requesting the Board of Trustees of the Teachers and State Employees Retirement System to study the feasibility of providing retirement benefits for members of the General Assembly. Passed by the House of Representatives, this resolution was reported unfavorably by the Senate Calendar Committee.

The one proposal made in the General Assembly for a specific retirement plan for legislators was H.B. 1013, introduced by Representative Clyde H. Harriss and others in the 1965 session. That bill would have created the Retirement Fund for Members of the General Assembly of North Carolina, which would have been managed by a Board of Trustees with the same membership as the Board of Trustees of the Teachers and State Employees Retirement System, and the same Executive Secretary, all serving ex officio. Every active member of the General Assembly as of 1 July 1965 would have become a member of the Fund unless he elected in writing not to be covered, and subsequent members of the General Assembly would have become members of the Fund on beginning their terms. The plan would have provided a monthly retirement allowance to each member at age 65 after serving five full terms, the benefit to be \$25 for each full term served. Credit would have been given for each full term beginning with 1965, and for any member who served a full term in 1961, 1963, or 1965, credit would also have been given for any full term served before 1965. No member would have been eligible for the allowance until his

retirement from state service, and no survivors' benefits would have been paid. A member physically disabled during his fifth or subsequent term would have been entitled to disability benefits at the same rate as retirement benefits, irrespective of his age. The Fund would have been financed in part by a deduction of five per cent from the legislative salary of each member (unless he elected out of the system) and in part by General Fund appropriations. The bill was not reported by the House Committee on State Government.

A companion measure, H.R. 1017, soliciting an advisory opinion from the North Carolina Supreme Court on the constitutionality of H.B. 1013, failed to pass its second reading in the House of Representatives.

Legislative compensation in North Carolina is set by the state constitution. May retirement benefits be granted to legislators by statute, or is a constitutional amendment required? Article I, Sec. 7, of the North Carolina Constitution prohibits "exclusive or separate emoluments or privileges from the community but in consideration of public services." The State Supreme Court has held that benefits paid from a public retirement fund are justifiable only on the ground that they are deferred payments of salary for public services rendered at an earlier date. Bridges v. Charlotte, 221 N.C. 472 472, 482 (1942). That Court also takes the view that the per diem compensation fixed in the constitution is a maximum which the legislature may not increase or extend statute or resolution. Commercial and Farmer's Bank v. Worth, 117 N.C. 147, 153 (1895). An earlier expression of the Justices of the State Supreme Court on a proposal to grant legislators subsistence and travel allowances not then authorized by the state constitution (In re Advisory Opinion, 227 N.C. 705 (1947)) indicates that the constitutionality of a statutory retirement plan such as that proposed in H.B. 1013 is highly

doubtful. Only a constitutional amendment could remove all uncertainty about the matter.

Twenty-eight states have established some type of retirement system for their state legislators. They are described briefly in Table 7. No information was available on three states, and nineteen states do not have retirement systems for their legislators. Eighteen states permit their legislators to join the state employees' retirement system or tie the legislators' retirement system to the broader system.

Information is available for twenty-seven of the twenty-nine biennial session states and fifteen of the twenty-seven have retirement systems for legislators. Thirteen of the twenty-one annual session states have retirement plans.

On the whole, the states which pay the highest legislative salaries also provide the most generous retirement benefits. Pennsylvania is the most liberal in this respect, for it permits its legislators to retire at full pay, or \$6,000 a year, after twenty years of service. On the other hand, many of the states which pay only nominal salaries provide retirement benefits equal to and sometimes exceeding the salaries paid to active legislators.

No information is readily available on how rapidly retirement plans have grown among the states or on the types of plans which have been most favored by states recently adopting legislator retirement legislation.

Table 7

RETIREMENT PLANS FOR STATE LEGISLATORS

State	Annual or Biennial	Provisions of Existing Retirement Plans for Legislators
Alabama	Biennial	None
Alaska	Annual	None
Arizona	Annual	None
Arkansas	Biennial	Members of the General Assembly contribute 4% of their salary to the State Employees' Retirement System and are eligible to retire at age 65 with 10 or more years of service and receive \$100 per month, which is the present pay received by Arkansas legislators.
California	Annual	Legislators contribute 4% of their salary to their retirement fund. Full benefits accrue at age 60 if four years of service have been rendered in the legislature, but full benefits will accrue regardless of age if 20 years of service have been rendered in the legislature.
Colorado	Annual	None
Connecticut	Biennial	No information available.
Delaware	Annual	None
Florida	Biennial	Legislators are covered under one of two divisions of the State and County Officers and Employees Retirement System. The majority fall in division B and contribute 4% of salary plus the applicable percentage for social security. Under either division a legislator is eligible for retirement benefits if he has reached 60 years of age and has served the legislature for 10 years.
Georgia	Annual	None

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Source: Based chiefly on Legislative Sessions and Related Legislative Problems (Tallahassee, Florida: Florida Legislative Council, 1965), 25-27, 69-70.

State	Annual or Biennial	Provisions of Existing Retirement Plans for Legislators
Hawaii	Annual	A legislator may voluntarily come under the Employees' Retirement System, in which the member's contribution is actuarially determined based on occupation, sex, and age at the time of employment. These rates run from 4.46% to 9.85%, plus full Social Security tax.
Idaho	Biennial	None
Illinois	Biennial	The General Assembly Retirement System provides retirement annuities, widows' annuities, and other benefits for members.
Indiana	Biennial	None
Iowa	Biennial	No information available.
Kansas	Annual	None, although technically the service of legislators would be covered by the Public Employees' Retirement Act.
Kentucky	Biennial	Legislators participate in the State Employees' Retirement System.
Louisiana	Annual	Legislators enjoy the same benefits as state employees plus other added benefits.
Maine	Biennial	None
Maryland	Annual	A legislator may elect to join the State Employees' Retirement System within one year after election, with the amount of his contribution being actuarially determined. Social Security is not provided through this system.
Massachusetts	Annual	Legislators come under the provisions of the State Employees' Retirement System and contribute 5% of their salary to the system. Social Security is not provided for in this plan.
Michigan	Annual	Legislators contribute 7% of their salaries: 5% to the savings fund and 2% to the survivor's fund. Full benefits accrue at 60 years of age with 8 years of service, reduced benefits at 55 and 8 years of service. Benefits equal 26% of salary for 8 years service, with 3% added for each year over 8 years, and up to 16 years, bringing the maximum benefits up to 50% of salary.
Minnesota	Biennial	A legislator may become a member of the Public Employees' Retirement Association.

State	Annual or Biennial	Provisions of Existing Retirement Plans for Legislators
Mississippi	Biennial	Participation in state employees' retirement system.
Missouri	Biennial	After six years of legislative service, a legislator receives a monthly retirement benefit equal to \$25 times the number of sessions served as soon as he retires.
Montana	Biennial	A legislator may belong to the Public Employees' Retirement System.
Nebraska	Biennial	None
Nevada	Biennial	A legislator may participate in the Public Employees' Retirement System available to all state employees.
New Hampshire	Biennial	None
New Jersey	Annual	A legislator may join the State Retirement System, which is integrated with Social Security. Member contributions are actuarially determined and range between 4.80% and 9.51%, but are reduced by 2.5% of the first \$4,800 because of integration with social security. However, a legislator must also pay 3-5/8% of the first \$4,800 of his \$5,000 salary for social security coverage. As a member of the New Jersey Retirement System the legislator is provided with free group life insurance coverage equal to 1 1/2 times his annual salary and the privilege of obtaining additional group life insurance coverage on a contributory basis.
New Mexico	Annual	A legislator receives \$40 per year times the number of years he has served, so long as the maximum annual payment does not exceed \$1,540.
New York	Annual	Legislators may retire at half pay after 20 years of service, but they must make additional contributions.
North Carolina	Biennial	None
North Dakota	Biennial	None
Ohio	Biennial	Every legislator has the option of joining the Public Employees' Retirement System.
Oklahoma	Annual	None
Oregon	Biennial	None

State	Annual or Biennial	Provisions of Existing Retirement Plans for Legislators
Pennsylvania	Annual	Legislators may retire after 10 years of service or upon reaching 50 years of age. The 1961 session increased legislative pensions by 50% and the 1963 legislation gave the members retirement benefits at 2-1/2 times the rate of state employees. This would permit them to retire on full pay (now \$6,000 a year) after 20 years service. These retirement provisions are expected to cost Pennsylvania \$3,000,000 over the next 15 years.
Rhode Island	Annual	A legislator who has at least 10 years of service and is 60 years old is eligible to receive a pension of \$1,000 per year plus \$100 for each year over 10 years of service, up to a maximum of \$2,000.
South Carolina	Annual	Legislators have membership in the South Carolina Retirement System, which includes state, local and school employees. Under this system the members contribute 3% of their salary up to the salary limit for social security coverage and 5% of any compensation above this limit, and are also covered by social security. Since a legislator's salary is only \$1,800 annually, his contribution rate is only 3%.
South Dakota	Annual	None
Tennessee	Biennial	Legislators may participate in the State Retirement Program.
Texas	Biennial	A legislator with 8 to 10 years of service may retire at age 60 and receive \$100 per month. This retirement benefit is increased \$10 per month for each year of service in excess of 10 years. This formula would allow a member of the legislature to retire at one-half of his \$4,800 salary upon reaching sixty years of age and with 20 years of service.
Utah	Biennial	Members of the legislature belong to the state's Public Retirement System and receive retirement credit equivalent to \$5 per month for each year of service.
Vermont	Biennial	None
Virginia	Biennial	None
Washington	Biennial	Legislators may join the State Employees' Retirement System.
West Virginia	Annual	Legislators receive 1% of their annual salary multiplied times the number of years they have served when they retire.

State	Annual or Biennial	Provisions of Existing Retirement Plans for Legislators
Wisconsin	Biennial	Legislators may avail themselves of the state retirement fund.
Wyoming	Biennial	No information available.

V. LENGTH OF TERMS OF LEGISLATORS

One of the "matters affecting legislative service" in which the Legislative Research Commission has manifested an interest is the length of terms for which members of the General Assembly are elected. For 130 years, all members of both houses of the General Assembly of North Carolina have been elected for two-year terms. The apportionment of both houses of the General Assembly must hereafter be based almost exclusively on population, thus eliminating one of the basic differences between the two houses and with it one of the justifications for a two-house legislature. This fact makes it timely to consider the possibility of introducing longer terms of office for the members of one house as a means of constitutionally differentiating the two chambers.

The theory in North Carolina always has been that the General Assembly should be completely reconstituted for each regular session. During the period 1776 through 1835, when the General Assembly met in regular annual session, all of the members were elected for one-year terms. Except for a brief departure during Reconstruction, regular sessions have been held biennially since 1836, and the constitution has required that all legislators be elected for two-year terms.

In the last twenty years, only one attempt to put before the voters a constitutional amendment changing legislators' terms has reached bill form. In 1955, Representative Joseph R. Fowler, Jr., introduced H.B. 1308, which provided for four-year terms for both senators and representatives. The bill was reported unfavorably by the House Committee on Constitutional Amendments.

What guidance do the practices of other states give in this instance?

Thirty-seven states have four-year senatorial terms, while thirteen have two-year senatorial terms. (Nebraska designates the members of its single house as senators and they serve two-year terms.)

Forty-five states elect their representatives for two-year terms and four elect them for four-year terms. (Nebraska has no House.)

In some states requiring a four-year term for senators, one-half of the senators are elected each two years.

Taking the terms for the members of the two houses in combination, it appears that:

- 32 states elect senators for four-year terms and representatives for two-year terms
- 13 states elect both senators and representatives for two-year terms
- 4 states elect both senators and representatives for four-year terms
- 1 state (Nebraska) elects members of its one house for two-year terms.

There is no correlation between the length of terms served and whether a state holds annual or biennial sessions. The four states with a 4-4 plan are evenly split between annual and biennial sessions. The thirty-two 4-2 plan states divide into eighteen biennial session states and fourteen annual session states. Among the thirteen states on the 2-2 plan, seven meet biennially and six meet annually. The Nebraska legislature meets biennially.

Not surprisingly, there is some correlation among the states between the length of legislators' terms and the length of governors' terms. In general, the states with longer legislative terms favor longer terms for their governors. The four 4-4 plan states all have four-year terms for their governors. Of the thirty-two 4-2 plan states, twenty-six elect their governors for four years and six elect them for two years. Of the thirteen 2-2 plan states, eight have four-year governors' terms, while five favor two-year terms for their chief executives. Nebraska elects its legislators and its governor for two-year terms.

Complete information is not available on the trends developing in the length of terms for state legislators. It is clear, however, that the four-year

term for senators is gaining in popularity. Ohio and Michigan recently passed constitutional amendments extending the terms of their senators from two to four years. When Alaska and Hawaii became states, they followed the popular pattern of four-year terms for senators and two-year terms for representatives. But changeovers to longer terms do not always meet popular approval, as recent experience in Texas proved.

Arguments Favoring Two-year Terms for All Legislators

The strongest argument for short terms for all legislators is that frequent elections help to keep legislators sensitive to the wishes of the electorate. The prevalent theory in centuries past and today is that the legislature, or at least its lower house, should be a sensitive barometer registering in its changes in membership, and even in the winners' margins of victory, the weather of public approval or disapproval of the legislature's actions. Warning may be taken from these expressions of the public will not only by the legislature but by the governor, who may gauge how the political winds are blowing for his policies, his party, and himself. Thus frequent elections offer a mid-term check on a four-year governor, a chance for the electorate to express in very broad terms its approval or disapproval of his administration. The staggering of terms so that, for example, one-half of the senators are elected at one biennial election and one-half are elected at another serves to offset the more drastic effects of the mid-term election.

Arguments Favoring Longer Terms for Legislators

In the day when the public issues confronting the legislature were few and simple, it was reasonable to assume that almost any intelligent, interested citizen could quickly master them. With the growth in the extent and responsibilities of state government and the consequent expansion of legislative responsibilities, that earlier assumption may no longer be valid. To be fully

effective, a legislator must have legislative experience, among other qualities. Experience may be gained through extended service based on repeated re-election or on less frequent re-election for a longer term. A two-year legislator who hopes to remain in office must be more or less continuously running for re-election throughout his term, thus distracting him from his immediate legislative tasks. He must also expect to bear considerably greater campaign expenses when repeatedly seeking a two-year office than when seeking to retain a four-year office.

From the standpoint of the Senate as a body rather than that of the individual senators, four-year terms would add a measure of continuity and stability to its membership. At present, the rotation policies followed in nominating Senators and the frequency of elections tend to produce frequent changes in the composition of the Senate. Service in the Senate for more than two consecutive terms is uncommon, in contrast with the House of Representatives. To follow the example of two-thirds of the states and elect Senators for overlapping, four-year terms would tend to increase the average length of individual service in the Senate, and in the process should encourage the development of greater parliamentary skill and understanding among the Senators. (The retention of two-year terms for Representatives would retain in that chamber short-term responsiveness to the popular political will.)

Table 8

TERMS OF OFFICE OF STATE LEGISLATORS

State	Senate	House	Governor's Term (Maximum Consecutive Terms in Parentheses)	Annual or Biennial Sessions
Alabama	4	4	4 (1)*	Biennial
Alaska	4	2	2 (2)**	Annual
Arizona	2	2	2	Annual
Arkansas	4	2	2	Biennial
California	4	2	4	Annual
Colorado	4	2	4	Annual
Connecticut	2	2	4	Biennial
Delaware	4	2	4 (2)	Annual
Florida	4	2	4 (1)	Biennial
Georgia	2	2	4 (1)	Annual
Hawaii	4	2	4	Annual
Idaho	2	2	4	Biennial
Illinois	4	2	4	Biennial
Indiana	4	2	4 (1)	Biennial
Iowa	4	2	2	Biennial
Kansas	4	2	2	Annual
Kentucky	4	2	4 (1)	Biennial
Louisiana	4	4	4 (1)	Annual

Source: The Book of the States, 1966-67 (Chicago: Council of State Governments), (1966), 45, 137.

* (1) indicates that Governor may not succeed himself immediately.
 ** (2) indicates that Governor may be elected to only two successive terms.

State	Senate	House	Governor's Term (Maximum Consecutive Terms in Parentheses)	Annual or Biennial Sessions
Maine	2	2	4 (2)	Biennial
Maryland	4	4	4 (2)	Annual
Massachusetts	2	2	4	Annual
Michigan	4	2	4	Annual
Minnesota	4	2	4	Biennial
Mississippi	4	4	4 (1)	Biennial
Missouri	4	2	4 (2)	Biennial
Montana	4	2	4	Biennial
Nebraska	-	-	2	Biennial
Nevada	4	2	4	Biennial
New Hampshire	2	2	2	Biennial
New Jersey	4	2	4 (2)	Annual
New Mexico	4	2	2 (2)	Annual
New York	2	2	4	Annual
North Carolina	2	2	4 (1)	Biennial
North Dakota	4	2	4	Biennial
Ohio	4	2	4	Biennial
Oklahoma	4	2	4 (1)	Annual
Oregon	4	2	4 (2)	Biennial
Pennsylvania	4	2	4 (1)	Annual
Rhode Island	2	2	2	Annual
South Carolina	4	2	4 (1)	Annual
South Dakota	2	2	2 (2)	Annual
Tennessee	2	2	4 (1)	Biennial

State	Senate	House	Governor's Term (Maximum Consecutive Terms in Parentheses)	Annual or Biennial Sessions
Texas	4	2	2	Biennial
Utah	4	2	4	Biennial
Vermont	2	2	2	Biennial
Virginia	4	2	4 (1)	Biennial
Washington	4	2	4	Biennial
West Virginia	4	2	4 (1)	Annual
Wisconsin	4	2	2	Biennial
Wyoming	4	2	4	Biennial

