

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 897
Committee Substitute Favorable 7/26/07

Short Title: Citizens' Legislative Compensation Commission. (Public)

Sponsors:

Referred to:

March 20, 2007

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA CITIZENS' COMMISSION ON
LEGISLATIVE COMPENSATION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a
new Article to read:

"Article 32.

"North Carolina Citizens' Commission on Legislative Compensation.

"§ 120-291. Statement of purpose.

The General Assembly declares it to be the policy of this State to base compensation of members and officers of the General Assembly on realistic standards in order that such officials may be paid according to the duties of their offices and so that citizens of the highest quality may be attracted to public service. It is the purpose of this Article to effectuate this policy by creating a citizens' commission to establish proper compensation for such officials, thus removing political considerations in fixing the appropriateness of the amount of such salaries.

"§ 120-292. North Carolina Citizens' Commission on Legislative Salaries.

(a) There is created a commission to be known as the North Carolina Citizens' Commission on Legislative Compensation to consist of members appointed as follows:

- (1) One member shall be selected by lot by the Secretary of State from among those registered voters in each congressional district. The secretary shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, notifying persons selected and providing a new selection from a congressional district if a person selected from the district is ineligible under subsections (d) or (f) of this section, declines appointment to the commission, or if a vacancy occurs in one of those positions. The Secretary of State shall forward the names of persons selected under this subdivision to the Governor who shall appoint

1 these persons to the Commission. A person appointed to the
2 Commission, except if removed under this section, may serve the
3 entire term even if the person moves to another congressional district
4 or a congressional redistricting places that person in another district.

5 (2) Four persons appointed by the General Assembly upon the
6 recommendation of the Speaker of the House of Representatives and
7 four persons appointed by the General Assembly upon the
8 recommendation of the President Pro Tempore of the Senate. The
9 persons selected under this subdivision shall have had experience in
10 the field of personnel management.

11 (b) Initial appointments to the Commission shall be made for terms beginning
12 October 1, 2007, and expiring September 30, 2009, or for terms beginning October 1,
13 2007, and expiring September 30, 2011, and shall be drawn by lot with 10 of the initial
14 members serving two-year terms and the other 11 serving four-year terms. Subsequent
15 terms shall be for four years. Members appointed to fill vacancies shall serve the
16 remainder of the unexpired term. The Secretary of State shall select the members
17 appointed under subdivision (a)(1) of this section during the months of July or August
18 of the year the terms are to commence.

19 (c) The Commission shall choose from among its membership annually a chair to
20 serve a one-year term beginning October 1.

21 (d) No person may be appointed to more than two terms on the Commission. Any
22 member of the Commission may be removed by the governor during his or her term of
23 office for cause of incapacity, incompetence, neglect of duty, malfeasance in office, or
24 removal from the State.

25 (e) The unexcused absence of any person who is a member of the Commission
26 from two consecutive meetings of the Commission shall constitute the relinquishment
27 of that person's membership on the Commission. Such a relinquishment creates a
28 vacancy in that person's position on the Commission. A member's absence may be
29 excused by the chair of the Commission upon the member's written request if the chair
30 believes there is just cause for the absence. Such a request must be received by the chair
31 before the meeting for which the absence is to be excused. A member's absence from a
32 meeting of the Commission may also be excused during the meeting for which the
33 member is absent by the affirmative vote of a majority of the members of the
34 Commission present at the meeting.

35 (f) No officer or employee of the State, nor any lobbyist registered under
36 Chapter 120C of the General Statutes, nor any immediate family member of such an
37 officer, employee, or lobbyist is eligible for membership on the Commission. As used in
38 this subsection, the phrase "immediate family" means the parents, spouse, siblings,
39 children, or dependent relative of the officer, employee, or lobbyist whether or not
40 living in the household of the officer, employee, or lobbyist.

41 **"§ 120-293. Administration.**

42 (a) Members of the Commission shall receive compensation and per diem and
43 travel allowances in accordance with G.S. 138-5.

1 (b) The Commission may contract for consultants or hire employees in
2 accordance with G.S. 120-32.02. The Legislative Services Commission, through the
3 Legislative Services Officer, shall assign professional staff to assist the Commission in
4 its work. Upon the direction of the Legislative Services Commission, the Directors of
5 Legislative Assistants of the Senate and of the House of Representatives shall assign
6 clerical staff to the Commission. The expenses for clerical employees shall be borne by
7 the Legislative Services Commission.

8 **"§ 120-294. Duties.**

9 (a) The Commission officials shall study the relationship of all forms of
10 compensation to the duties of members and officers of the General Assembly,
11 examining compensation paid to other elected officials in North Carolina and other
12 states. The Commission every two years shall recommend to the General Assembly a
13 compensation schedule for members and officers of the General Assembly including the
14 following components:

- 15 (1) Salary.
- 16 (2) Mileage and travel allowance.
- 17 (3) Expense allowance.
- 18 (4) Per diem.

19 (b) As used in this Article "officers of the General Assembly" does not include
20 the Lieutenant Governor, Principal Clerks, Sergeants-at-Arms, or Reading Clerks.

21 (c) Before adopting any compensation schedule, the Commission shall first
22 develop a proposed compensation and then hold no fewer than four public hearings
23 within four months of its final action. At those hearings it shall take public testimony
24 on the proposed schedule. After the final hearing, the Commission shall adopt its
25 recommended compensation schedule as originally proposed or as amended. At the last
26 public hearing that is held as a regular meeting on the proposed schedule, the
27 Commission shall adopt the salary schedule as originally proposed or as amended.

28 (d) The Commission shall make its recommendation to the General Assembly not
29 later than March 1 of each even-numbered year. The recommendation shall be
30 transmitted to the Principal Clerk of each house, the Secretary of State, and to the
31 Revisor of Statutes.

32 (e) The recommended mileage and travel allowance may not exceed the business
33 standard mileage rate set by the Internal Revenue Service. The recommended per diem
34 for attendance at session may not exceed the allowance for federal employees traveling
35 to Raleigh.

36 **"§ 120-295. Current compensation to remain in effect until changed.**

37 The current rates for salary, mileage and travel allowance, expense allowance, and
38 per diem established in G.S. 120-3 and G.S. 120-3.1 shall remain in effect until changed
39 under this Article.

40 **"§ 120-296. Effectiveness of recommendations.**

41 The compensation schedule recommended by the Commission shall not become
42 effective unless approved by the General Assembly and if so approved by law shall
43 become effective upon convening of the next Regular Session of the General
44 Assembly."

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SECTION 2. This act is effective when it becomes law.