

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

D

SENATE DRS85282-LBx-280 (03/13)

Short Title: Legislative Reform Omnibus.

(Public)

Sponsors: Senator Graham.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR THE GENERAL ASSEMBLY, TO LIMIT THE SPEAKER AND PRESIDENT PRO TEMPORE TO FOUR TWO-YEAR TERMS IN THAT OFFICE, TO PROVIDE AN ORGANIZATIONAL SESSION OF THE GENERAL ASSEMBLY IN DECEMBER, TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS, AND TO ESTABLISH A STUDY ON LEGISLATIVE COMPENSATION.

The General Assembly of North Carolina enacts:

Part I. Four-Year Terms.

**SECTION 1.** Section 2 of Article II of the Constitution of North Carolina reads as rewritten:

**"Sec. 2. Number of Senators.**

The Senate shall be composed of 50 Senators, ~~biennially~~ quadrennially chosen by ballot."

**SECTION 1.1.** Section 4 of Article II of the Constitution of North Carolina reads as rewritten:

**"Sec. 4. Number of Representatives.**

The House of Representatives shall be composed of 120 Representatives, ~~biennially~~ quadrennially chosen by ballot."

**SECTION 1.2.** Section 8 of Article II of the Constitution of North Carolina reads as rewritten:

**"Sec. 8. Elections.**

The election for members of the General Assembly shall be held for the respective districts in ~~1972-2008~~ and every ~~two~~ four years thereafter, at the places and on the day prescribed by law."

1           **SECTION 1.3.** Section 2(1) of Article III of the Constitution of North  
2 Carolina reads as rewritten:

3           "(1) **Election and term.** The Governor and Lieutenant Governor shall be elected  
4 by the qualified voters of the State in ~~1972-2008~~ and every four years thereafter, at the  
5 ~~same time and places as members of the General Assembly are elected.~~ places and on  
6 the day prescribed by law. Their term of office shall be four years and shall commence  
7 on the first day of January next after their election and continue until their successors  
8 are elected and qualified."

9           **SECTION 1.4.** Section 7(3) of Article III of the Constitution of North  
10 Carolina reads as rewritten:

11           "(3) **Vacancies.** If the office of any of these officers is vacated by death,  
12 resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve  
13 until his successor is elected and qualified. Every such vacancy shall be filled by  
14 election at the ~~first election for members of the General Assembly~~ first statewide  
15 election for members of the United States House of Representatives that occurs more  
16 than 60 days after the vacancy has taken place, and the person chosen shall hold the  
17 office for the remainder of the unexpired term fixed in this Section. When a vacancy  
18 occurs in the office of any of the officers named in this Section and the term expires on  
19 the first day of January succeeding the next election for members of the General  
20 Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the  
21 office."

22           **SECTION 1.5.** Section 9(3) of Article IV of the Constitution of North  
23 Carolina reads as rewritten:

24           "(3) **Clerks.** A Clerk of the Superior Court for each county shall be elected for a  
25 term of four years by the qualified voters thereof, at the same time and places as  
26 members of the ~~General Assembly~~ United States House of Representatives are  
27 ~~elected.~~ elected on a statewide basis. If the office of Clerk of the Superior Court becomes  
28 vacant otherwise than by the expiration of the term, or if the people fail to elect, the  
29 senior regular resident Judge of the Superior Court serving the county shall appoint to  
30 fill the vacancy until an election can be regularly held."

31           **SECTION 1.6.** Section 18(1) of Article IV of the Constitution of North  
32 Carolina reads as rewritten:

33           "(1) **District Attorneys.** The General Assembly shall, from time to time, divide  
34 the State into a convenient number of prosecutorial districts, for each of which a District  
35 Attorney shall be chosen for a term of four years by the qualified voters thereof, at the  
36 same time and places as members of the ~~General Assembly~~ United States House of  
37 Representatives are ~~elected.~~ elected on a statewide basis. Only persons duly authorized  
38 to practice law in the courts of this State shall be eligible for election or appointment as  
39 a District Attorney. The District Attorney shall advise the officers of justice in his  
40 district, be responsible for the prosecution on behalf of the State of all criminal actions  
41 in the Superior Courts of his district, perform such duties related to appeals therefrom as  
42 the Attorney General may require, and perform such other duties as the General  
43 Assembly may prescribe."

1           **SECTION 1.7.** Section 19 of Article IV of the Constitution of North  
2 Carolina reads as rewritten:

3 **"Sec. 19. Vacancies.**

4       Unless otherwise provided in this Article, all vacancies occurring in the offices  
5 provided for by this Article shall be filled by appointment of the Governor, and the  
6 appointees shall hold their places until the ~~next election for members of the General~~  
7 Assembly next statewide election for members of the United States House of  
8 Representatives that is held more than 60 days after the vacancy occurs, when elections  
9 shall be held to fill the offices. When the unexpired term of any of the offices named in  
10 this Article of the Constitution in which a vacancy has occurred, and in which it is  
11 herein provided that the Governor shall fill the vacancy, expires on the first day of  
12 January succeeding the ~~next election for members of the General Assembly next~~  
13 statewide election for members of the United States House of Representatives, the  
14 Governor shall appoint to fill that vacancy for the unexpired term of the office. If any  
15 person elected or appointed to any of these offices shall fail to qualify, the office shall  
16 be appointed to, held and filled as provided in case of vacancies occurring therein. All  
17 incumbents of these offices shall hold until their successors are qualified."

18           Part 2. Term Limits for Speaker and President Pro Tempore.

19           **SECTION 2.1.** Section 15 of Article II of the Constitution of North Carolina  
20 reads as rewritten:

21 **"Sec. 15. Officers of the House of Representatives.**

22       The House of Representatives shall elect its Speaker and other officers. The election  
23 shall take place when the regular session convenes after the term of office begins, and  
24 again two years later when the General Assembly convenes for its second Regular  
25 Session of the four-year term. No person may serve as Speaker in more than four  
26 consecutive regular sessions of the General Assembly. Service as Speaker during any  
27 part of an odd-numbered year, or during the organizational session in December of the  
28 even-numbered year, shall constitute service as Speaker for that General Assembly for  
29 the purpose of this section."

30           **SECTION 2.2.** Section 14 of Article II of the Constitution of North Carolina  
31 reads as rewritten:

32 **"Sec. 14. Other officers of the Senate.**

33       (1) President Pro Tempore – succession to presidency. The Senate shall elect  
34 from its membership a President Pro Tempore, who shall become President of the  
35 Senate upon the failure of the Lieutenant Governor-elect to qualify, or upon succession  
36 by the Lieutenant Governor to the office of Governor, or upon the death, resignation, or  
37 removal from office of the President of the Senate, and who shall serve until the  
38 expiration of his term of office as Senator.

39       The election shall take place when the regular session convenes after the term of  
40 office begins, and again two years later when the General Assembly convenes for its  
41 second Regular Session of the four-year term. No person may serve as President Pro  
42 Tempore in more than four consecutive regular sessions of the General Assembly.  
43 Service as President Pro Tempore during any part of an odd-numbered year, or during  
44 the organizational session in December of the even-numbered year, shall constitute

1 service as President Pro Tempore for that General Assembly for the purpose of this  
2 section.

3 (2) President Pro Tempore – temporary succession. During the physical or  
4 mental incapacity of the President of the Senate to perform the duties of his office, or  
5 during the absence of the President of the Senate, the President Pro Tempore shall  
6 preside over the Senate.

7 (3) Other officers. The Senate shall elect its other officers."

8 Part 3. Organizational Session and Session Limits.

9 **SECTION 3.1.** Section 11(1) of Article II of the North Carolina Constitution  
10 reads as rewritten:

11 "(1) Regular sessions.

12 (a) The General Assembly shall meet in regular session ~~in 1973~~ after the  
13 term of office for Senators and Representatives commences in  
14 December of 2008 and every two years thereafter on the day  
15 prescribed by law.

16 (b) Odd-numbered years. – Beginning with the regular session in 2009,  
17 during an odd-numbered year, the General Assembly shall remain in  
18 session for no more than 90 calendar days, except that this period may  
19 be extended by joint resolution once per regular session for not more  
20 than 10 calendar days. The month of December beginning on the first  
21 Wednesday in the month in each preceding even-numbered year is also  
22 included in the calculation of the limit of days the General Assembly  
23 may meet in odd-numbered years. If the General Assembly, upon  
24 convening of the regular session, meets initially for not more than two  
25 consecutive calendar days and then adjourns for not less than 30  
26 calendar days, that period of adjournment shall be excluded from the  
27 90 calendar days.

28 (c) Even-numbered years. – If the regular session meets in even-numbered  
29 years, the General Assembly shall remain in session for no more than  
30 45 calendar days, except that this period may be extended by joint  
31 resolution once per regular session for not more than 10 calendar days,  
32 but the month of December beginning on the first Wednesday in the  
33 month of each even-numbered year is excluded from the calculation of  
34 the maximum number of days the General Assembly can meet in that  
35 year.

36 (d) Any reconvened session called under Section 5 of Article III of this  
37 Constitution shall be excluded from the calculations of this section.

38 (e) Neither house shall proceed upon public business unless a majority of  
39 all of its members are actually present.

40 (f) No valid action, other than a resolution of adjournment, may be taken  
41 by the General Assembly after the time limits prescribed in this section  
42 have expired."

43 **SECTION 3.2.** Section 9 of Article II of the North Carolina Constitution  
44 reads as rewritten:

1 **"Sec. 9. Term of office.**

2 The term of office of Senators and Representatives shall commence on the first day  
3 of ~~January~~ Wednesday in December next after their election."

4 Part 4. Referendum and Effective Dates.

5 **SECTION 4.1.** The amendments set out in Sections 1 through 3.2 of this act  
6 shall be submitted to the qualified voters of the State at a statewide election to be held  
7 on the same date as the general election in November of 2008, which election shall be  
8 conducted under the laws then governing elections in the State. Ballots, voting systems,  
9 or both may be used in accordance with Chapter 163 of the General Statutes. The  
10 question to be used in the voting systems and ballots shall be:

11 "[ ] FOR [ ] AGAINST

12 Constitutional amendments making the term of members of the General  
13 Assembly four years beginning with members elected in 2008, limiting the Speaker and  
14 president Pro Tempore to four consecutive two-year terms in that office, limiting the  
15 length of legislative sessions, providing for an early convening of the General Assembly  
16 for an organizational session to improve efficiency, and making conforming  
17 amendments concerning the election of other officers and the filling of vacancies."

18 **SECTION 4.2.** If a majority of votes cast on the question are in favor of the  
19 amendments set out in Sections 1 through 3.2 of this act, the State Board of Elections  
20 shall certify the amendments to the Secretary of State. The constitutional amendments  
21 shall become effective upon certification. The Secretary of State shall enroll the  
22 amendments so certified among the permanent records of that office. The amendments  
23 made by Part 1 of this act become effective with the members elected in 2008. The  
24 amendments made by Part 2 of this act shall become effective upon the convening of  
25 the General Assembly next on or after December 1, 2008, and service as Speaker or  
26 President Pro Tempore prior to that date shall not be considered for the purpose of the  
27 amendments. The amendments made by Part 3 of this act are effective beginning  
28 December 1, 2008. The Secretary of State shall enroll the amendments so certified  
29 among the permanent records of that office.

30 Part 5. Legislative Compensation Study.

31 **SECTION 5.1.** There is established a Study Commission on Legislative  
32 Compensation.

33 **SECTION 5.2.** The Commission shall be comprised of 12 members as  
34 follows, none of whom may be members of the General Assembly:

- 35 (1) Four persons appointed by the President Pro Tempore of the Senate.  
36 (2) Four persons appointed by the Speaker of the House of  
37 Representatives.  
38 (3) Four persons appointed by the chairman of the State Ethics  
39 Commission.

40 Any vacancy shall be filled by the officer who made the original  
41 appointment. The President Pro Tempore of the Senate and the Speaker of the House  
42 shall each appoint a cochair. The Commission shall meet at the call of the cochairs.

43 **SECTION 5.3.** The Commission shall:

- 1 (1) Study the compensation of members of the General Assembly,  
2 including salary, expense allowance, mileage, and per diem.
- 3 (2) Evaluate legislative compensation relative to other states.
- 4 (3) Examine the extent to which the lack of an increase for 14 years has  
5 limited the ability of a broad range of individuals to serve.
- 6 (4) Evaluate the extent to which low compensation has made it difficult  
7 for members to serve their constituents effectively.
- 8 (5) Study whether the restriction in the Constitution that members  
9 compensation be prescribed by law has limited adjustments, and  
10 whether a constitutional amendment allowing compensation to be set  
11 by an independent body would improve effectiveness.

12 **SECTION 5.4.** The President Pro Tempore of the Senate and the Speaker of  
13 the House of Representatives shall designate cochairs of the Commission from among  
14 their respective appointees. The Commission shall meet upon the call of the cochairs.  
15 Members of the Commission shall receive per diem, subsistence, and travel allowance  
16 in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Commission,  
17 while in the discharge of official duties, may exercise all powers provided for under the  
18 provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

19 **SECTION 5.5.** The Legislative Services Commission, through the  
20 Legislative Services Officer, shall assign professional staff to assist the Commission in  
21 its work. The House of Representatives' and the Senate's Directors of Legislative  
22 Assistants shall assign clerical staff to the Commission, and the expenses relating to the  
23 clerical employees shall be borne by the Commission. Subject to the approval of the  
24 Legislative Services Commission, the Commission may meet in the Legislative  
25 Building or the Legislative Office Building.

26 **SECTION 5.6.** The Commission may meet during a regular or extra session  
27 of the General Assembly, subject to approval of the President Pro Tempore of the  
28 Senate and the Speaker of the House of Representatives.

29 **SECTION 5.7.** The Commission shall submit a report of the results of its  
30 study, including any legislative recommendations, to the General Assembly not later  
31 than May 1, 2008.

32 **SECTION 5.8.** Of the funds appropriated to the General Assembly, the  
33 Legislative Services Commission shall allocate funds to implement the provisions of  
34 this Part.

35 **SECTION 6.** This act is effective when it becomes law.