

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 938

Short Title: Legislative Compensation.

(Public)

Sponsors: Representatives Snowden, Clary; Allred, Baker, Hayes, McComas, Rayfield, and C. Wilson.

Referred to: Pensions & Retirement.

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO ROLL BACK THE PERMANENT SALARY INCREASE FOR MEMBERS OF THE GENERAL ASSEMBLY FOR THE 1994-95 FISCAL YEAR TO BE THE SAME AS FOR STATE EMPLOYEES GENERALLY, AND TO PROVIDE THAT TO THE EXTENT POSSIBLE, EXPENSE ALLOWANCES ARE NOT INCLUDED IN THE BASIS FOR COMPUTING LEGISLATIVE RETIREMENT.

The General Assembly of North Carolina enacts:

Section 1. Effective January 1, 1996, G.S. 120-3 reads as rewritten:

"§ 120-3. Pay of members and officers of the General Assembly.

(a) The Speaker of the House shall be paid an annual salary of ~~thirty-eight thousand one hundred fifty-one dollars (\$38,151)~~ thirty-seven thousand seven hundred eighty-seven dollars (\$37,787), payable monthly, and an expense allowance of ~~one thousand four hundred thirteen dollars (\$1,413)~~ one thousand four hundred dollars (\$1,400) per month. The President Pro Tempore of the Senate shall be paid an annual salary of ~~thirty-eight thousand one hundred fifty-one dollars (\$38,151)~~ thirty-seven thousand seven hundred eighty-seven dollars (\$37,787), payable monthly, and an expense allowance of ~~one thousand four hundred thirteen dollars (\$1,413)~~ one thousand four hundred dollars (\$1,400) per month. The Speaker Pro Tempore of the House shall be paid an annual salary of ~~twenty-one thousand seven hundred thirty-nine dollars (\$21,739)~~ twenty-one thousand five hundred thirty-two dollars (\$21,532) payable monthly, and an expense allowance of ~~eight hundred thirty-six dollars (\$836.00)~~ eight hundred twenty-eight dollars (\$828.00) per month. The Deputy President Pro Tempore of the Senate shall be paid an

1 annual salary of ~~twenty-one thousand seven hundred thirty-nine dollars (\$21,739)~~ twenty-one
2 thousand five hundred thirty-two dollars (\$21,532) payable monthly, and an expense
3 allowance of ~~eight hundred thirty-six dollars (\$836.00)~~ eight hundred twenty-eight dollars
4 (\$828.00) per month. The majority and minority leaders in the House and the majority
5 and minority leaders in the Senate shall be paid an annual salary of ~~seventeen thousand~~
6 ~~forty-eight dollars (\$17,048)~~ sixteen thousand eight hundred eighty-five dollars (\$16,885)
7 payable monthly, and an expense allowance of ~~six hundred sixty-six dollars (\$666.00)~~ six
8 hundred fifty-nine dollars (\$659.00) per month.

9 (b) Every other member of the General Assembly shall receive increases in
10 annual salary only to the extent of and in the amounts equal to the average increases
11 received by employees of the State, effective upon convening of the next Regular
12 Session of the General Assembly after enactment of these increased amounts.
13 Accordingly, upon convening of the 1995 Regular Session of the General Assembly,
14 every other member of the General Assembly shall be paid an annual salary of ~~thirteen~~
15 ~~thousand nine hundred fifty-one dollars (\$13,951)~~ thirteen thousand eight hundred eighteen
16 dollars (\$13,818) payable monthly, and an expense allowance of ~~five hundred fifty-nine~~
17 ~~dollars (\$559.00)~~ five hundred fifty-three dollars (\$553.00) per month.

18 (c) The salary and expense allowances provided in this section are in addition to
19 any per diem compensation and any subsistence and travel allowance authorized by any
20 other law with respect to any regular or extra session of the General Assembly, and
21 service on any State board, agency, commission, standing committee and study
22 commission."

23 Sec. 2. G.S. 120-4.8(5) reads as rewritten:

24 "(5) 'Compensation' means salary ~~and expense allowance~~ paid for service as a
25 legislator for service in the North Carolina General Assembly,
26 exclusive of ~~travel and per diem.~~ travel, per diem, and expense
27 allowances."

28 Sec. 3. (a) Section 1 of this act becomes effective January 1, 1996.

29 (b) The General Assembly finds that G.S. 120-4.8(7) provides that the
30 compensation on which retirement is based is that in the member's final legislative term,
31 that members of the General Assembly can have no legally binding expectation of what
32 the compensation will be in the member's final term, and that the General Assembly has
33 the power to reduce compensation. Section 2 of this act does not apply to any person
34 who retired under the Legislative Retirement System prior to the date of ratification of
35 this act. Section 2 of this act applies to all other persons retiring on or after the date of
36 ratification of this act, except that:

37 (1) It does not apply to any person whose final legislative term is the 1995
38 General Assembly if that application would:

- 39 a. Impair the obligation of a contract; or
- 40 b. Put the plan out of compliance with the Internal Revenue Code.

41 (2) It does not apply to any person who on the date of ratification of this
42 act has five years of creditable service under the Legislative
43 Retirement System or as provided by G.S. 120-40.12A so as to be

- 1 eligible for retirement benefits under the Legislative Retirement
2 System if that application would:
- 3 a. Impair the obligation of a contract; or
 - 4 b. Put the plan out of compliance with the Internal Revenue Code.