

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH60070-LB-353A (05/15)

Short Title: Citizens Recommend Legislative Pay.

(Public)

Sponsors: Representative Heagarty.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE CITIZENS' COMMISSION ON LEGISLATIVE
3 COMPENSATION.

4 The General Assembly of North Carolina enacts:

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

7 "Article 33.

8 "North Carolina Citizens' Commission on Legislative Compensation.

9 **"§ 120-292. North Carolina Citizens' Commission on Legislative Compensation.**

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

13 (1) One member shall be selected by lot by the Secretary of State from among
14 the registered voters in each congressional district. The Secretary shall
15 establish policies and procedures for conducting the selection by lot. The
16 policies and procedures shall include, but not be limited to, notifying persons
17 selected and providing a new selection from a congressional district if a
18 person selected from the district is ineligible under subsection (d) or (f) of
19 this section, declines appointment to the Commission, or if a vacancy occurs
20 in one of those positions. The Secretary of State shall forward the names of
21 persons selected under this subdivision to the Governor who shall appoint
22 these persons to the Commission. A person appointed to the Commission,
23 except if removed under this section, may serve the entire term even if the
24 person moves to another congressional district or a congressional
25 redistricting places that person in another district.

26 (2) Two members shall be appointed by the Speaker of the House of
27 Representatives.

28 (3) One member shall be appointed by the Minority Leader of the House of
29 Representatives.

30 (4) Two members shall be appointed by the President Pro Tempore of the
31 Senate.

32 (5) One member shall be appointed by the Minority Leader of the Senate.

33 Of the two persons recommended under each of subdivisions (2) and (4) of this subsection,
34 at least one shall be either (i) an individual with experience in private business evaluating and



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1 establishing compensation for management and executives, or (ii) an individual with expertise
2 in personnel and human resources compensation matters in the private or public sector.

3 (b) Initial appointments to the Commission shall be made for terms beginning
4 September 1, 2010, and expiring August 31, 2012, or for terms beginning September 1, 2010,
5 and expiring August 31, 2014, and shall be drawn by lot with 12 of the initial members serving
6 two-year terms and the other 13 serving four-year terms. All subsequent terms shall be for four
7 years. Members appointed to fill vacancies shall serve the remainder of the unexpired term. The
8 Secretary of State shall select the members appointed under subsection (a)(1) of this section
9 during the months of June or July of the year the terms are to commence, except that in 2010
10 they may be chosen at any time.

11 (c) The Commission shall choose from among its membership annually a chair to serve
12 a one-year term beginning September 1.

13 (d) No person may be appointed to more than two terms on the Commission. Any
14 member of the Commission may be removed by the Governor during the member's term of
15 office for incapacity, incompetence, neglect of duty, malfeasance in or affecting the office, or
16 removal from the State.

17 (e) The unexcused absence of any person who is a member of the Commission from
18 two consecutive meetings of the Commission shall constitute the relinquishment of that
19 person's membership on the Commission. Such a relinquishment creates a vacancy in that
20 person's position on the Commission. A member's absence may be excused by the chair of the
21 Commission upon the member's written request if the chair believes there is just cause for the
22 absence. Such a request must be received by the chair before the meeting for which the absence
23 is to be excused. A member's absence from a meeting of the Commission may also be excused
24 during the meeting from which the member is absent by the affirmative vote of a majority of
25 the members of the Commission present at the meeting.

26 (f) No current officer or employee of the State or local government, nor any lobbyist
27 registered under Chapter 120C of the General Statutes, nor any immediate family member of
28 such an officer, employee, or lobbyist is eligible for membership on the Commission. As used
29 in this subsection, the phrase "immediate family" means the parents, spouse, siblings, children,
30 grandchildren, or dependent relative of the officer, employee, or lobbyist whether or not living
31 in the household of the officer, employee, or lobbyist.

32 **"§ 120-293. Administration.**

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

35 (b) The Commission may contract for consultants or hire employees in accordance with
36 G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services
37 Officer, shall assign professional staff to assist the Commission in its work. Upon the direction
38 of the Legislative Services Commission, the Directors of Legislative Assistants of the Senate
39 and of the House of Representatives shall assign clerical staff to the Commission. The expenses
40 for clerical employees shall be borne by the Legislative Services Commission.

41 **"§ 120-294. Duties.**

42 (a) The Commission shall study the relationship of all forms of compensation to the
43 duties of members and officers of the General Assembly, examining compensation paid to
44 other elected officials in North Carolina and other states, and such other information as the
45 Commission deems appropriate. Every two years, the Commission shall adopt a compensation
46 schedule for members and officers of the General Assembly, including the following
47 components:

- 48 (1) Salary.
- 49 (2) Mileage and travel allowance.
- 50 (3) Expense allowance.
- 51 (4) Per diem.

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

3 (c) Before adopting any compensation schedule, the Commission shall first develop a
4 proposed compensation schedule and then hold no fewer than four public hearings within four
5 months of when the Commission adopts its final compensation schedule. At those hearings it
6 shall take public testimony on the proposed schedule. The proposed compensation schedule
7 may be amended after any of the public hearings. The Commission shall adopt a compensation
8 schedule, as originally proposed or as amended, at a public meeting to be held at or after the
9 last public hearing held under this section.

10 (d) The Commission shall report its adopted salary schedules to the General Assembly
11 not later than March 1 of each even-numbered year. The schedule shall be transmitted to the
12 Principal Clerk of each house and to the Secretary of State.

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

16 **"§ 120-295. Current compensation to remain in effect until changed.**

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

20 **"§ 120-296. Effectiveness of recommendations.**

21 The compensation schedule adopted by the Commission under G.S. 120-294 shall not
22 become effective unless approved by the General Assembly and, if so approved by law, shall
23 become effective at the beginning of the next regular session of the General Assembly."

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