

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS35079-LB-91 (02/04)

Short Title: Citizens Commission on Compensation. (Public)

Sponsors: Senators Clodfelter, and Hartsell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE CITIZENS' COMMISSION ON COMPENSATION FOR
3 ELECTED STATE OFFICIALS.

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 Compensation for Elected State Officials.

9 "§ 120-292. North Carolina Citizens' Commission on Compensation for Elected State
10 Officials.

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

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

27 (2) Three members shall be appointed by the General Assembly upon the
28 recommendation of the Speaker of the House of Representatives.

29 (3) Three members shall be appointed by the General Assembly upon the
30 recommendation of the President Pro Tempore of the Senate.

31 (4) Three members shall be appointed by the Governor.

32 (5) Three member shall be appointed by the Chief Justice of the Supreme Court.

33 Of the three persons recommended or appointed by each official listed in this subsection, at
34 least one shall be an individual with experience in private business evaluating and establishing
35 compensation for management and executives, and at least one other shall be an individual with



1 expertise in personnel and human resources compensation matters in the private or public
2 sector.

3 (b) Initial appointments to the Commission shall be made for terms beginning
4 September 1, 2009, and expiring August 31, 2011, or for terms beginning September 1, 2009,
5 and expiring August 31, 2013, 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 2009
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 as to legislative branch.**

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 first adopted compensation schedule to the General
11 Assembly as soon as feasible during or prior to the reconvening in 2010 of the 2009 Regular
12 Session of the General Assembly, and thereafter shall report its adopted salary schedules to the
13 General Assembly not later than March 1 of each even-numbered year. The schedule shall be
14 transmitted to the Principal Clerk of each house, the Secretary of State, and to the Revisor of
15 Statutes.

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

19 **"§ 120-295. Duties as to judicial branch.**

20 (a) The Commission shall study the relationship of all forms of compensation to the
21 duties of justices and judges of the General Court of Justice, district attorneys, and clerks of
22 superior court, examining compensation paid to judicial branch officials in other states and the
23 federal courts, compensation paid to relevant law and non-law-related positions in the private
24 or public sectors of North Carolina, and such other information as the Commission deems
25 appropriate. Every two years, the Commission shall adopt a salary schedule for justices and
26 judges of the General Court of Justice, district attorneys, and clerks of superior court.

27 (b) Before adopting any salary schedule, the Commission shall first develop a proposed
28 salary schedule and then hold no fewer than four public hearings within four months of when
29 the Commission adopts its final salary schedule. At those hearings, it shall take public
30 testimony on the proposed schedule. The proposed salary schedule may be amended after any
31 of the public hearings. The Commission shall adopt a salary schedule, as originally proposed or
32 as amended, at a public meeting to be held at or after the last public hearing held under this
33 section.

34 (c) The Commission shall report its first adopted salary schedule to the General
35 Assembly as soon as feasible during or prior to the reconvening in 2010 of the 2009 Regular
36 Session of the General Assembly and thereafter shall report its adopted salary schedules to the
37 General Assembly not later than March 1 of each even-numbered year. The schedule shall be
38 transmitted to the Principal Clerk of each house, the Secretary of State, the Revisor of Statutes,
39 the Chief Justice of the Supreme Court, and the Director of the Administrative Office of the
40 Courts.

41 **"§ 120-296. Duties as to executive branch.**

42 (a) The Commission shall study the relationship of all forms of compensation to the
43 duties of all elected officials under Article III of the Constitution of North Carolina, examining
44 compensation paid to other executive and managerial officials in North Carolina and other
45 states, and such other information as the Commission deems appropriate. Every two years, the
46 Commission shall adopt a salary schedule for all elected officials under Article III of the
47 Constitution of North Carolina.

48 (b) Before adopting any salary schedule, the Commission shall first develop a proposed
49 salary schedule and then hold no fewer than four public hearings within four months of when
50 the Commission adopts its final salary schedule. At those hearings it shall take public testimony
51 on the proposed schedule. The proposed salary schedule may be amended after any of the

1 public hearings. The Commission shall adopt a salary schedule, as originally proposed or as
2 amended, at a public meeting to be held at or after the last public hearing held under this
3 section.

4 (c) The Commission shall report its first adopted salary schedule to the General
5 Assembly as soon as feasible during or prior to the reconvening in 2010 of the 2009 Regular
6 Session of the General Assembly and thereafter shall report its adopted salary schedules to the
7 General Assembly not later than March 1 of each even-numbered year. The schedule shall be
8 transmitted to the Principal Clerk of each house, the Secretary of State, the Revisor of Statutes,
9 the Governor, and all other officials included under subsection (a) of this section.

10 **"§ 120-297. Current compensation to remain in effect until changed.**

11 (a) The current rates for salary, mileage, travel allowance, expense allowance, and per
12 diem established in G.S. 120-3 and G.S. 120-3.1 shall remain in effect until changed under this
13 Article.

14 (b) The current salaries for justices and judges of the General Court of Justice, district
15 attorneys, and clerks of superior court established by law shall remain in effect until changed
16 under this Article. Nothing in this Article shall alter any other form of compensation or benefit
17 provided by law to justices and judges of the General Court of Justice, district attorneys, or
18 clerks of superior court.

19 (c) The current salaries of officials included in G.S. 120-296 shall remain in effect until
20 changed under this Article. Nothing in this Article shall alter any other form of compensation
21 or benefit provided by law to the officials listed in G.S. 120-296.

22 **"§ 120-298. Effectiveness of recommendations.**

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

26 (b) The salary schedule adopted by the Commission under G.S. 120-295 and
27 G.S. 120-296 shall not become effective unless approved by the General Assembly and, if so
28 approved by law, shall become effective on July 1 of the year in which it was adopted by the
29 Commission, except that the salary of an elected official under Article III of the Constitution
30 shall not be diminished during the official's term of office, and the salary of an elected official
31 under Article IV of the Constitution shall not be diminished during the official's continuance in
32 office."

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