

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 985**

Short Title: Legislative Compensation Commission. (Public)

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Sponsors: Senators Gulley; Kinnaird and Lucas.

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Referred to: Rules and Operations of the Senate.

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April 5, 2001

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE LEGISLATIVE COMPENSATION COMMISSION  
3 TO PERIODICALLY REVIEW THE COMPENSATION OF MEMBERS OF THE  
4 GENERAL ASSEMBLY.

5 The General Assembly of North Carolina enacts:

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

"Article 29.

"Legislative Compensation Commission.

10 **"§ 120-261. Legislative Compensation Commission established.**

11 There is established the Legislative Compensation Commission.

12 **"§ 120-262. Membership.**

13 (a) The Commission shall be composed of 15 members as follows:

14 (1) Five members appointed by the Speaker of the House of  
15 Representatives, none of whom may be members of the General  
16 Assembly.

17 (2) Five members appointed by the President Pro Tempore of the Senate,  
18 none of whom may be members of the General Assembly.

19 (3) Five members appointed by the Governor, none of whom may be  
20 members of the General Assembly.

21 (b) In making appointments, each appointing authority shall consider the  
22 diversity of the population of the State.

23 (c) Terms on the Commission are for four years, beginning on July 1, 2001, and  
24 quadrennially thereafter.

25 **"§ 120-263. Duties of the Commission.**

26 The Commission shall independently review the compensation of members and  
27 officers of the General Assembly, keeping in consideration the following factors:

- 1           (1) The actual time required of members of the General Assembly to  
2           reasonably perform the duties incumbent to their office.  
3           (2) Compensation of other legislatures with similar time responsibilities.  
4           (3) The need to allow North Carolinians of all walks of life to be able to  
5           serve in the General Assembly.

6 **"§ 120-264. Vacancies.**

7           Vacancies shall be filled by the appointing authority for the remainder of the  
8           unexpired term.

9 **"§ 120-265. Cochairs.**

10           The chair of the Commission shall be appointed by the Governor from among the  
11           membership of the Commission to serve at the pleasure of the Governor, but not beyond  
12           the term of appointment as a member of the Commission. The Commission shall meet  
13           upon the call of the cochairs.

14 **"§ 120-266. Quorum.**

15           A quorum of the Commission shall be eight members.

16 **"§ 120-267. Compensation of Commission members.**

17           Members of the Commission who are officials or employees of the State of North  
18           Carolina shall receive subsistence and travel allowances at the rate set forth in G.S. 138-  
19           6. All other members shall be paid the per diem allowances at the rates set forth in G.S.  
20           138-5.

21 **"§ 120-268. Staff.**

22           Adequate staff shall be provided to the Commission by the Legislative Services  
23           Office.

24 **"§ 120-269. Recommendation of Commission.**

25           The Commission shall make its initial report in 2002 no later than 30 days prior to  
26           reconvening of the General Assembly. The next report shall be made in 2005 no later  
27           than February 1 of that year. Subsequent reports shall be made to the General Assembly  
28           quadrennially thereafter no later than February 1.

29 **"§ 120-270. Legislative consideration of Commission report.**

30           (a) For purposes of this section the term "bill" means only a bill which is  
31           introduced no later than the thirtieth calendar day of the session (except in 2002 no later  
32           than 15 days after the 2001 Regular Session reconvenes) where:

- 33           (1) The matter after the enacting clause of which is as follows: "The  
34           General Assembly approves the recommendations of the Legislative  
35           Salary Commission as submitted by the Commission on \_\_\_\_\_", the  
36           blank space being filled in with the appropriate date; and  
37           (2) The title of which is as follows: "AN ACT APPROVING THE  
38           RECOMMENDATIONS OF THE LEGISLATIVE  
39           COMPENSATION COMMISSION."

40           (b) A bill described in subsection (a) of this section that is introduced in the  
41           House of Representatives shall be referred to the Committee on Rules, Calendar, and  
42           Operations. A bill described in subsection (a) introduced in the Senate shall be referred  
43           to the Committee on Rules and Operation.

1       (c) If the committee to which a bill described in subsection (a) of this section is  
2 referred has not reported favorably or without prejudice such bill (or an identical bill) by  
3 the end of the 15-day period following first reading of the bill, such committee is, at the  
4 end of such period, discharged from further consideration of such bill, and such bill  
5 shall be placed on the appropriate calendar of the House involved for the next legislative  
6 day thereafter.

7       (d) The bill is not subject to a motion to postpone, or to a motion to proceed to  
8 the consideration of other business. A motion to reconsider the vote by which the bill  
9 passes or fails shall not be in order. When the bill is reached on the calendar, the  
10 respective House shall immediately proceed to consideration of the bill without  
11 intervening motion, order, or other business, and the bill shall remain the unfinished  
12 business of the respective House until disposed of.

13       (e) Debate on the bill, and on all debatable motions and appeals in connection  
14 therewith, shall be limited to not more than one hour, which shall be divided equally  
15 between those favoring and those opposing the bill. An amendment to the bill is not in  
16 order. A motion further to limit debate is in order and not debatable. A motion to  
17 postpone, or a motion to proceed to the consideration of other business, or a motion to  
18 re-refer the bill is not in order. A motion to reconsider the vote by which the bill passes  
19 or fails is not in order.

20       (f) Immediately following the conclusion of the debate on a bill described in  
21 subsection (a) of this section, the vote on passage of the bill at that reading shall occur.

22       (g) If a bill described in subsection (a) of this section passes one chamber, it shall  
23 be referred in the other chamber to the same committee required by subsection (b) of  
24 this section, and the provisions of subsection (c) of this section shall be applied by  
25 beginning the 15-day period for committee action as of the date the bill is referred to  
26 committee, except if an identical bill of that chamber is already on the calendar, or has  
27 already passed third reading, the bill shall not be referred to committee but shall be  
28 placed on the calendar for the next legislative day. In consideration of such bill, the  
29 provisions of subsections (d) through (f) of this section apply. If however, a bill as  
30 described in subsection (a) is received from the other chamber and the chamber  
31 receiving the bill has already defeated the identical bill on any reading, the bill shall be  
32 placed on the table.

33       (h) This section is enacted as an exercise of the rule-making power of the Senate  
34 and House of Representatives, respectively, and as such it is deemed a part of the rules  
35 of each chamber, respectively, but applicable only with respect to the procedure to be  
36 followed in that chamber in the case of a bill described in subsection (a) of this section,  
37 and it supersedes other rules only to the extent that it is inconsistent with such rules and  
38 with full recognition of the constitutional right of either chamber to change the rules (so  
39 far as relating to the procedure of that chamber) at any time, in the same manner, and to  
40 the same extent as in the case of any other rule of that chamber."

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