

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH50912-LBx-353 (05/15)

Short Title: Citizens' Compensation Commission.

(Public)

Sponsors: Representative Heagarty.

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



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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.