

The State of the Legislature: A Self-Assessment by North Carolina Lawmakers

David Kiel and Thomas Covington

Recent fund-raising and influence-peddling indictments and convictions in both Washington, D.C., and Raleigh have led to concerns about the legislature as an institution and to an outcry for legislative reform. North Carolinians might be surprised—and heartened—to learn that many of their lawmakers share those concerns.

In this article, current and former North Carolina lawmakers speak in their own words about their institution, the General Assembly. Through their comments, we show how they examine and evaluate the legislature's performance, assess the trends and events that have influenced the institution most in the last twenty years, and describe how these trends have affected the legislature's overall effectiveness. We begin by putting these trends in a national context. We conclude with a call for the General Assembly and its leaders to heed the comments presented in this article and take major steps toward self-renewal.

The State of State Legislatures Nationwide

Studies of state legislatures nationwide indicate that they are going through stressful transitions.¹ Legislators are experiencing increased time demands and expectations created by the explosion of information and by technologies of rapid communication. They are expected to process more information, respond immediately to multiple publics who send e-mail, handle pre-recorded

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Oh wad some power the giftie gie us,
To see oursel as ithers see us!
It wad frae monie a blunder free us,
An' foolish notion.

—Robert Burns, 1796

phone messages, and, most recently, pay attention to the blogs. Politics is more partisan and more contentious. The public has less confidence in the legislature than it had in the past. More legislators now see their time in the state legislature as a stepping-stone to higher office, so they try to establish partisan voting records, score points in the media, and reinforce ideological positions.

These conditions and trends are exacerbated by computer-based analyses of voters to ensure homogenous, narrow-interest, politically safe districts for incumbents. Legislators must spend more and more time raising funds for increasingly expensive media campaigns. Consequently, special- and single-interest lobbyists and groups representing organizations with deep pockets exert increased influence. Also, legislative leaders skilled at raising substantial campaign funds command special new power.

The net result nationwide for governing at the state level is that finding solutions to public problems that will achieve the support of a majority of legislators has become a more partisan, more contentious, and more difficult process. These conditions have produced state legislatures that do not allow enough time for critical tasks like thoughtful deliberation, creative problem solving, compromise, and strategic decision making and policymaking. As the Jack Abramov scandal of 2006 showed, these trends are mirrored—and amplified—at the level of the U.S. Congress.



North Carolina's Participation in National Legislative Trends

The ethical questions widely reported in the press during 2006 concerning the North Carolina General Assembly were not of the same scale and magnitude as those afflicting Tom DeLay, former majority leader of the U.S. House of Representatives, and his fellow members of Congress. However, the early 2007 guilty plea of Jim Black, former speaker of the N.C. House, gives credence to the view that the General Assembly has not been immune to these national trends. The tribulations of the Washington and Raleigh legislatures produced similar institutional reactions: trumpeting of big reforms in campaign finance and lobbying laws. In each instance, the

press characterized the effort as too little and too late.²

In our study of the North Carolina legislature, we found evidence that many past and present legislators, Democratic and Republican, are concerned about how the legislature as an institution is standing up to these nationally highlighted pressures. We originally designed the study as a needs assessment for a potential legislative training program, but we quickly found that we were uncovering information related to deeper institutional trends and issues.

We conducted interviews in 2004 with a group of fifty-three past and present lawmakers. About 70 percent were legislators, and about 30 percent legislative staffers and senior lobbyists. All spoke under the condition of anony-

mity.³ Those interviewed included a mix of men and women, Caucasians and African Americans, Republicans and Democrats, and newer and more experienced legislators. Because one of us was the legislature's director of fiscal research for seventeen years, and because the Z. Smith Reynolds Foundation was supporting our study, we experienced a 100 percent positive response rate to our requests for interviews.

The information explosion and technologies of rapid communication have raised the public's expectations of legislators.

This report is unique in relying exclusively on legislators', staffers', and lobbyists' own perceptions and presenting findings in their own words. We think that it constitutes a candid institutional self-evaluation. Our respondents discuss what makes them proud (or not proud) of the General Assembly, how they assess its effectiveness, what trends have influenced the legislature over the past two decades, and what impact these trends have had on legislative effectiveness.

Lawmakers' Evaluation of Their Performance

We asked lawmakers when they were most and least proud of the legislature. Their responses to the "most proud" question suggest that they use a variety of criteria to judge effectiveness. Six themes were evident: having long-term impact, achieving specific results, acting with fiscal integrity, deliberating effectively, preserving the institutional influence of the legislative branch, and acting with political courage. North Carolina lawmakers are not proud of themselves or the institution when they think that legislative action lacks these qualities.

North Carolina's state legislators conduct the people's business in this modern, well-landscaped building. Many of them are concerned about how their institution is standing up to pressures being felt in state legislatures nationwide.



Raleigh News & Observer

Having Long-Term Impact

Lawmakers assess long-term impact by the General Assembly's ability and willingness to craft and enact legislation anticipating future needs and making positive changes that will address state issues for years to come. The following comments reflect this kind of thinking:

I think the legislature's best moments involved enacting multiyear long-term programs that address broad policy problems . . . [like] the Highway Trust Fund, the Basic Education Program, the Public School Accounting System, and the State Government Performance Audit.

The legislature does a good job at making small adjustments in a variety of areas as needed. However, as a body, we are not very good at strategic long-term planning . . . As a result, if we do long-term thinking, it's usually because some outside interest group has done the heavy lifting, like the Public School Forum with the bond issue.

Achieving Specific Results

By "specific results," lawmakers mean legislation that solves a problem for a group of their constituents, their district, their region, or the state overall. For example:

Something else that I was even prouder of was legislation to help thirty-nine low-performing schools in a pilot effort for the ABC Program [North Carolina's trend-setting school accountability and incentive system, adopted in 1996] . . . We gave these schools additional resources to upgrade . . . The schools improved dramatically, and this led to the adoption of our statewide testing and improvement programs, that have now become nationally recognized and emulated.

Sometimes the results are not good. This produces an opposite reaction:

The legislature currently spends very little time looking at the effectiveness of programs [and] establishing processes of accountability, indicators of results, etc. Legislators seem

Legislators take pride in the quality of their deliberations and collegial relations.

to be more interested in getting things done quickly, rather than assuring they are done well.

Acting with Fiscal Integrity

Fiscal integrity is the third criterion that lawmakers use to evaluate the effectiveness of their work:

I think, on the other hand, despite our current budget problems, we have done well to keep our taxes reasonable, including property taxes, corporate taxes, and personal income taxes.

In general, I feel proud of the legislature when we are working to make our state a better place, but we have to make do with what we have. We have to maintain fiscal integrity.

I think we have moved down a path where there is a lack of financial integrity. I think we're going to be paying in the future for some of the decisions we've made in the last three years. The questionable choices include off-budget financing, capital facilities certificates of participation, retirement-system funding choices, etc.

Deliberating Effectively

Legislators take pride in the quality of deliberative processes and the quality of collegialship. They typically feel proud when they are able to reach a good compromise among opposing views, when they fully examine an issue and feel confident in the result:

I was most proud when we were able to achieve a consensus on important issues among those who formerly had held opposing views. One example of this was getting environmentalists and municipalities to agree on the terms of eligibility for the 1993 water bonds.

I was proud of the legislature when it actively examined the pros and

cons of a proposal . . . We did a good job when we created the structured sentencing policy, for example. We took a long time to do that. We had a committee that worked hard to create guidelines that now all the judges use.

When they cannot reach agreements, lawmakers are critical of themselves:

The legislature right now is a bit dysfunctional. We are not a problem-solving body right now. The House only can act when everyone agrees.

My greatest frustration was when we were doing welfare reform in 1995. In that case you had people negotiating about something they did not understand. It was ideological versus fact-based, so there was negotiation by stonewalling.

Preserving the Institutional Influence of the Legislative Branch

Legislators and staffers also can be sensitive to the institutional role of the legislative branch of government as a whole, and protective of its position in relation to the power of the governor, the judiciary, and other outside influences. They are proud of the body when they think it asserts its constitutional functions effectively and forcefully:

I tend to be proud of the institution when they stand up as a body—for example, when they faced Mike Easley down on the Tobacco Settlement when he was attorney general. He was trying to impose a take-it-or-leave-it allocation of the money on them.

We also had a very difficult problem with [the Department of] Transportation [DOT], which had just gone through a bid-rigging scandal. DOT considered itself a kind of sovereign country and would not cooperate . . . We had subpoena power, and we used it. We wound up passing twenty new statutory provisions to change the way DOT does things, and we also ultimately cleaned house over there, right up to and including the secretary.

But when the legislature does not stand up for its role, some respondents are upset:

It seems to me that in the last three years, the legislature has allowed the governor to eviscerate its constitutional authority with respect to the finances and budgeting for the State.

The legislature is not functioning at its best when it is unduly influenced by the governor, lobbyists, or other interests, [when] it does not take the time to fully explore a measure, and when its members do not protect the legislative institution and its processes vis-à-vis the executive or judicial branches of state government.

Acting with Political Courage

Although many people think that being a legislator is all about being reelected, lawmakers tend to be proud of the institution as a whole when they think that it shows political courage instead of bowing to political expediency. For example:

It was particularly pleasing to me when the legislature, as a whole, supported actions that were not especially popular back home, such as tax increases during tough financial times and capping the prison population temporarily while we worked our way out of a lawsuit.

The insurance companies were threatening to leave the state if we did not give them everything they wanted, which was to be able to stop writing insurance for daycare centers and other public facilities. Their tactics were very heavy-handed, but we faced them down and protected the public interest. We also had a situation where we decided to franchise the wine industry, like the automobile industry. I was accused of all sorts of wrongdoing by the opposition in their attempt to block it. We went ahead nevertheless.

Legislators are sometimes critical of colleagues who take the easy way out and put politics over substance:

I have a problem with colleagues who try to legislate by sound bite. Some people push a personal agenda in this way. They try to get

things passed that are popular short-term but may not be good for the state long-term. Often the legislation is based on misinformation that is not questioned in the rush to get something popular done . . . [T]his costs the taxpayers money.

In addition to criticizing their colleagues' legislative tactics, some lawmakers think the trend toward greater partisanship is bad for North Carolina:

Now we have hand-to-hand combat around partisan interests. We have people splitting into groups and pitting those groups against each other. It has become a detriment to the state that our decision-making process is so divisive.

Spending on legislative campaigns has doubled since 1996, now exceeding \$30 million.

Most, but not all, lawmakers think that the increased level of political and ideological conflict is a problem for the institution. An alternative view is that conflict is part and parcel of the business of legislating:

Inevitably, when one legislator or group of legislators feels "proud of" a majority action that advanced certain goals, other members feel defeated and "not so proud." So the simple answer to your question is, I personally felt "proud" when I was able to convince the majority to support an action that I believed in strongly and worked hard to promote. However, my victory was often someone else's defeat—that's the nature of the institution.

Trends Influencing the Effectiveness of the North Carolina Legislature

We asked those we interviewed to describe the trends they saw affecting the legislature over the past twenty years or so. They cited a wide range of interrelated political, financial, ideological, and technological trends. The

consensus was that the General Assembly is more divided, more partisan, more driven by campaign financing needs, and more vulnerable to special-interest influences than it was in the past. These forces produce a more stressful institutional environment for so-called citizen-legislators. In short, the General Assembly is tracking trends similar to those in other legislatures across the country (for a graphic presentation of the trends, see Figure 1).

An Increase in Two-Party Competitiveness

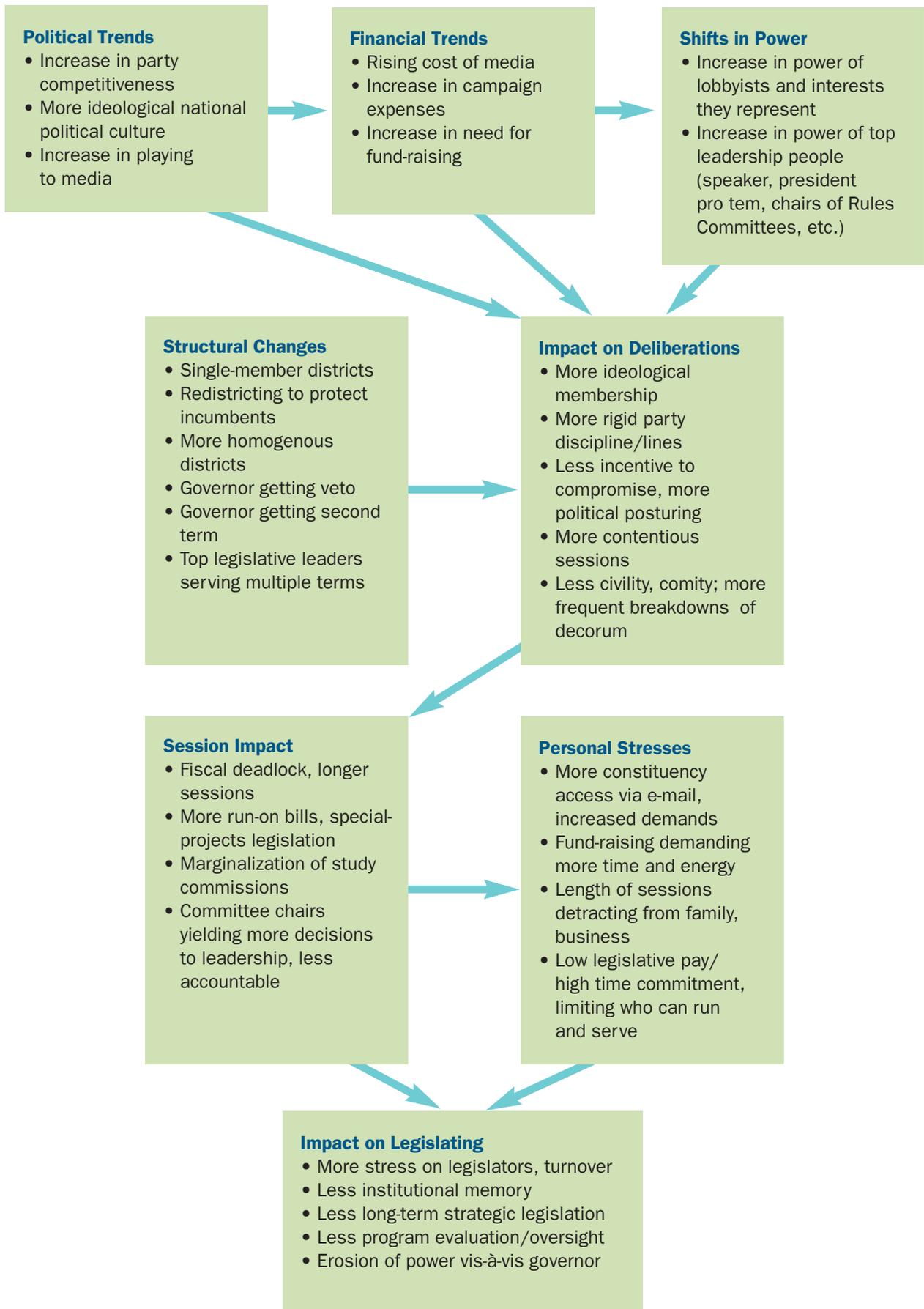
One major change in the legislative landscape over the past two decades is the increase in competitiveness between the Democratic and Republican parties. Control of the General Assembly by the Democratic Party began in the late nineteenth century and continued uninterrupted until the early 1990s, ending in the so-called Mavretic revolution. Representative Joe Mavretic, a Democratic member of the House from Edgecombe County, led a successful rebellion against long-time speaker Liston Ramsey and the Democratic leadership. The Mavretic coalition won control of the House with support from Republican legislators. For the first time in many years, the Republicans participated in a governing coalition. In the mid 1990s, the Republicans won control of the House outright for the first time and, during the 2003–4 session, participated in an unprecedented joint speakership of the House. Since that time the General Assembly has reverted to Democratic control (in the current session, 31–19 in the Senate and 68–52 in the House.)

More Heavily Contested and More Expensive Campaigns

The return of Democratic Party dominance, however, does not mean a return to a low-competition environment as measured by total campaign expenditures. More than \$30 million, a new record, was spent in 2006 on General Assembly elections, double the amount just ten years earlier.⁴ For campaign expenditures by winning candidates in elections over the last fifteen years, see Table 1.

Campaigns are much more expensive than in the past because of the increased

Figure 1. **Factors Influencing the Effectiveness of the North Carolina General Assembly, 1990 to the Present**



emphasis on media-based campaigns and the rising costs of media:

Some factors fueling the influx of money into the system include the rise of two-party competitiveness, the need for media expenditures to reach people in urban areas, and the quasi-monopolies that exist in media markets, making media very expensive.

We have become a two-party state. The special interests have become more organized; they try to pin you down with questionnaires. National politics has spilled over into state and local politics: negative campaigning, obsession with the media, consultants, focus groups, ads, etc.

There is the trend toward two-party competitiveness. This causes people to look for issues to run on and to differentiate themselves from the other party. Everything is now a contest, and issues are less likely to be decided on their merits. There is too much looking ahead to how a given issue can be used in a thirty-second sound bite by their opponents.

Increased Influence of Campaign Contributors

According to lawmakers, the big beneficiaries of this and related trends are candidates with the resources to finance political campaigns. Because there is a greater need for campaign money, there has been an increase in the influence of lobbyists, whose clients are willing to contribute, and moneyed interests, which provide the large contributions needed to run modern political campaigns:

When the [Raleigh] News & Observer attacked the hog lagoons . . . , the hog industry flooded the legislature with money. This got the attention of other special interests, and they tried the same tactic thereafter. The net result of this is a great increase in the power of the special interests.

Now everybody has their own PAC, so we have a collection of special interest groups pushing their point of view on the legislature on a variety of issues, and it is harder to hear the people's voice in all this.

Table 1. **Spending by 170 Winning Candidates for the North Carolina General Assembly**

Election	Total Spending	Average Spending
1992	\$ 3.9 million	\$ 23,000
1994	4.9 million	28,800
1998	11.9 million	70,000
2002	17.2 million	100,000
2006	22.8 million	134,000

Source: Bob Hall, director, Democracy North Carolina, personal communication, March 29, 2007. Amounts in absolute dollars. Hall explains the results as follows:

The rapid rise in legislative campaign fund-raising and spending began after the 1994 election, when the GOP demonstrated its viability, captured the state House majority, and reached campaign fund-raising parity with House Democrats for the first time in modern history. House Republican candidates actually outspent House Democratic candidates in the 1996 election and held on to the majority for another cycle. After 1994, Democrats in the Senate and then in the House got much more aggressive about coordinating and escalating their fund-raising. The "arms race" took off.

More Unified and Polarized Caucuses

Lawmakers report that this increased influence has, in turn, led to an increase in the leverage of key leadership positions in the House and the Senate. The recent speakers of the House and presidents of the Senate could raise substantial sums of money from lobbyists, professional and corporate associations, and other groups and channel those funds to party loyalists. When leaders in both chambers hold substantial campaign funds, they have the means to enforce party unity in the caucuses. This further polarizes already existing partisan and ideological divisions between the party caucuses. Lawmakers are aware of and concerned about this practice:

There are more lobbyists than ever before, and because they direct increasing amounts of funds to the leadership and members for their campaigns, their influence has increased.

The rise of campaign expenses is another disturbing trend. It now costs a quarter of a million dollars to run for the Senate and \$100,000 to run for the House. As a result, members are more dependent on the speaker, who has an advantage in raising funds. [Authors' comment: Costs have increased even more since this statement was made in 2004.]

More Homogenous Districts

Some respondents think that the legislature's creation of single-member

districts in 2002 has been a boon for building coalitions:⁵

Single-member districts have created the possibility and the necessity for people to address issues statewide because you have to build a coalition of counties to get things done. Multimember districts often meant people could duck issues.

But most of those interviewed say that single-member districts, combined with computer-based redistricting designed to protect incumbents, have produced members with more homogenous constituent bases and a more narrow set of interests to represent. This has lessened the incentives to seek middle-of-the-road solutions:

Another part of this is the redrawing of legislative districts along partisan lines, combined with single-member districts. With the computer technology available, you can now draw a district with reasonable assurance it will vote however you design it to vote. This leads to narrowly defined interests within districts.

Single-member districts and big-money campaigning make you more vulnerable and work against statesmanship because you have to please your supporters more consistently . . . Now "checking with the people" is often more related to assessing the impact of

one's action on fund-raising than actually gauging constituent interests in the broader sense.

This narrow interest may also make it hard to see how a statewide perspective is required to solve certain problems, and how legislation that does not directly benefit the predominant demography of your district might deserve your support. When everyone votes on a narrow what's-in-it-for-me basis, then the state as a whole is less likely to be served effectively.

Greater Diversity of Perspective

Some lawmakers welcome the diversity of viewpoints that a genuine two-party system brings to the legislature:

With a two-party system, more people have been involved in the leadership of the General Assembly. This has led to a greater talent pool being available from both parties.

Having a real two-party system is a big change. We've learned that we have to work with people on both sides of the aisle . . . , and [having two parties] continues to . . . bring more [new] people on. And I think that's good because people from different parts of the state, and people who are versed in different areas of what we do here [are more involved in the legislative process].

Having two parties probably makes things a bit more balanced. Now you've got diversity in thinking. If you don't have any checks and balances, you get caught up in a routine—you get into a box, and you don't want to hear other views. It has made for a better deliberative-type process.

More Political Posturing and More Cross-Party Animosity

Other lawmakers report that there is more political posturing within each body and between the House and the Senate, designed to attract media attention and to get positioned for an upcoming election. This polarizing tendency on the floor of the General Assembly and within the caucuses has made positive cross-party relationships

Positive cross-party relations are hurt by a desire for more media attention and by higher levels of partisanship.

between legislators more difficult. Some of those interviewed say that considering legislation on its merits is more difficult because of the increased “noise” of political jockeying, positioning, and symbolic politics:

Sometimes we get so bogged down in partisan roles [that] people dig their heels in and forget who they are serving. Sometimes people will believe in a bill but vote against it because of the party.

There is a strong trend away from civil discourse and debate and problem solving, toward “demagoguing” issues.

Technology has allowed public policy to be driven by national-level partisan thinkers and tacticians. The agenda now is on the Internet. If I want to know what the Republican Party or the liberal Democrats are going to be talking about next year, there are several websites that I go to from which I can [get a preview of what they will be saying]. Legislators tend to go to those websites, you know. As a result, we have a group-think process, connected to national politics . . . You just go [to the Internet site], print it off, and introduce it. That is a huge change.

Several lawmakers report that the social fabric of the institution is fraying as a result of this partisan noise:

There are critical trends toward fractionalization in the legislature, and the level of animosity has risen between and within the caucuses.

I think the power of friendship is underappreciated as part of the legislative process—friendship even across party lines. People will support your bills even if they disagree with you politically, if there is that friendship. Sometimes this aids the

legislative process, which would otherwise be stymied. For example, I have been a close friend of [a member of the other party] for many years, despite our vast political differences. Now, however, things have become so partisan that these friendships are harder to form.

The Impact on Legislative Effectiveness

Most lawmakers we interviewed think that, in many cases, the trends just discussed are hurting the legislature's ability to live up to the standards it sets for itself. Our respondents identify some additional problems, including voter apathy, legislator stress and turnover, and the diminution of the body's representative makeup.

Decreased Ability to Plan for the Long Term

Ability to plan for the long term appears to be one of the most important criteria that some lawmakers use to assess the effectiveness of the General Assembly. In the opinion of many lawmakers, the current trends do not favor taking a long-term view of solving the state's problems:

There is too much emphasis on the two-year election cycle. We have a situation where Medicaid, education, and prison spending continue to grow and crowd out all other parts of the State budget at the same time [that] our tax revenues are declining because of the loss of our manufacturing base. No one seems to be addressing this basic set of issues . . . We lack a long-term plan and vision. We can foresee the problems, such as the retirement of the baby boomers, but we don't seem to have a way to address these problems.

We have . . . sacrificed employee salaries for the last several years. I do not think that legislators are as concerned as they should be with the long-term deterioration of the State workforce. We also have not invested in State property, construction, and IT [information technology] as we should. [Authors' note: This comment was made in 2004. In the 2006 legislative

session, the legislature passed the largest pay raise for state employees in several years.]

Everyone has a short-term, quick-fix perspective—that is, “What can I do in two years?” This is not a good thing. We have not used the opportunity of the budget crunch to make good decisions that create more efficient government and programs.

Less Effective Deliberation

The net result of these trends, our respondents say, is more heat and less light coming from the combustion of opposing views on the floor of the chambers:

Even though there have been longer sessions and budget crunches, the increase in partisanship emerges as the major trend affecting legislative performance. The battle is often about symbols and images rather than substance and policy.

Because there is more parity among the parties, there is more discussion

on legislation in the chambers. Unfortunately, a lot of this discussion is purely partisan in nature and does not illuminate the issues in any useful detail. Too often it is a restating of philosophy.

The long sessions also crowd out the study commissions, which did a lot of background work for the committees. This leads to more bad legislation, since things are no longer sent back for study. Now a bad bill can [be passed by committee and] gain greater visibility if the committee chair wants to curry favor with someone.

Increased Difficulty in Maintaining Fiscal Integrity

Some see the legislature as stalemated by an ideology-based deadlock between resurgent Republicans, who are eager to reverse what they regard as decades of liberal policymaking, and Democrats, who are increasingly upset over what

they see as a failure to address urgent public needs. This stand-off has led to short-term decision making by the legislature and has exacerbated the legislature's inability to plan and problem-solve for the long term, or play an assertive role in government vis-à-vis the executive. These trends and conditions perceived by legislators and others have, in their opinions, given rise to a concern for the state's long-term financial management:

The public continues to make demands for services but resists paying taxes. The representatives try to respond by shifting burdens to the localities and postponing huge tax increases or service cuts. In the past, the staff could say to committee members that we don't have the money to do something. This would be accepted as fact. Now they will use any stratagem to get their expenditure in, regardless of the cost to future generations. They will use federal grants to pay salaries (which then become a continuing state



Lawmakers think that the legislature's deliberations have become more contentious and partisan, generating much heat but little light.

Takaaki Iwababu / Raleigh News & Observer

The good news: Information technology gives citizens easier access to legislative information and faster ways to reach their representatives.

The bad news: Information technology speeds up legislative work and puts more demands on staff and legislators.

obligation); they will put things off budget (but which still have to be paid for); they will borrow in surreptitious ways that increase the State's debt. Ultimately, if this trend continues, the State will lose its favorable bond ratings.

Since the early 1990s, the legislature has ceded its authority to control spending to various groups. For example, the University won the right to issue self-financing revenue bonds; the Rural Center has gotten \$20 million to give out on special projects; the governor [has received] a similar amount for education, etc. . . . So one big trend is that the legislature has given up a lot of the fiscal control we used to exercise. I do not think this will ultimately prove to be a good trend.

Public Disenchantment with the Political Process

Because of opposing ideological tendencies in tax and spending policies, there is an increase in partisan contentiousness with regard to the budget. The partisan contentiousness in turn leads to longer sessions and more disenchantment among the public:

This sets up a vicious cycle for our democracy. Politicians promote false expectations about what they can achieve, people are inevitably disappointed, leading to disenchantment . . . , and therefore those left involved tend to have the more extreme views, which feeds the partisanship and shrill exchange.

It is the one-upmanship of partisan posturing that does that—a power frenzy, so to speak, sometimes just for power's sake. The people are the losers when this happens, and it discourages good candidates from running. All that squabbling causes

the legislature to look petty and the public to be cynical.

Increased Stress on Legislators

Factors besides longer sessions have led to increased demands and stress on legislators and staffers. Although information technology has increased access to information and made it easier for the members of the public to contact their representatives, it also has speeded up legislative work for legislators and staffers alike and added huge demands:

Information processing has accelerated to the point where it has become absolutely mind-boggling. We process between 500 and 1,000 pieces of information every week. If we were depending on fax and phone, this would be impossible.

The increase in technology has been important, but it has been a double-edged sword. I can now do better analyses and turn information around quicker, but expectations have also gone through the roof.

The time that is needed to do something is very compressed. Now we can create a committee substitute bill in an hour or so. That was unheard of several years ago.

Technology has also had the effect of making things go faster. We say, "We will do this now and then fix it later." Everyone expects a quick turnaround, so there is less time to think—this is a bad trend.

The Decline of the Citizen Legislature

The stress factor, the increased competitiveness and cost of campaigns, the increased polarization of views and a decline in civility in the bodies, and continuing low pay have led many to wonder if the day of the citizen legislature is close to an end. Today, few working people and those raising families can

afford the time or the lost income to be part of the legislature:

With the session extended as long as it is, and the pay so low, some of the best people cannot give their time to the legislature because of other commitments.

With legislators making only \$12,000 to \$13,000 a year, you cannot be a poor person and serve. You must be a retiree or a wealthy person.

These factors in turn lead to a decline in representation of some parts of the electorate:

The longer sessions have meant there will be fewer farmers and small-business people serving. These groups will lose out because they will not be represented. If you had fewer retired or rich people in the legislature, you would have a different perspective on the process.

There are fewer and fewer citizen-legislators who have young families and have jobs and active businesses. There are more people who are retired or close to it.

We now have fewer people in the legislature who hold down full-time jobs. We have more retirees. We have fewer young people and women under forty-five.

Decline in Legislators' Deliberative Capacity

Some fear that this set of circumstances has led to a lower "caliber" of member—fewer lawyers and fewer real leaders:

It is increasingly difficult for attorneys to serve and to keep up with their law practices. As a result, the ranks of lawyers in the General Assembly have been decimated . . . Lawyers are trained in civility. It is part of their professionalism . . . That civility has declined somewhat. You also miss that training in many instances relative to lawmaking. Partly as a result of this, I think the caliber of the average legislator has declined.

There was a time when the legislature drew more of the state's

talented leadership than it does now. Several decades ago, you had, in general, more impressive people serving than now.

Decline in Institutional Effectiveness

Some lawmakers believe that a variety of related and independent factors have led to a decline in the relative power of the General Assembly and its institutional effectiveness. They say that increased

membership turnover has damaged institutional memory. They fear that continuation of the partisanship trend may eventually lead to the replacement of nonpartisan staff with partisan staff. General Assembly staffers are a professionally trained and politically neutral group of analysts—focusing, for example, on research, fiscal research, or bill drafting—who are managed by staff directors employed by the

legislature. In recent years the speaker of the House and the president pro tempore of the Senate have hired their own staff assistants.

There is more turnover, and long-time legislators are leaving due to retirement.

We . . . have staff aging out as well. So we are getting younger people with strong credentials but little experience.

I think we may be headed for a full-time legislature and partisan staff. I am not in favor of the partisan staff because the nonpartisan staff we have does such a good job staying neutral.

Another trend is increased turnover. We have more new members than previously. We have three new chairs on the Senate side and eight on the House side. So institutional memory is lost.

Right now the legislature and state government in general are somewhat weaker because we do not have people in charge who really understand the budget process. We have a whole new crew.

Many also think that the balance of power has shifted against the legislature. In 1977 the constitution was changed so that the governor could succeed himself or herself. James B. Hunt Jr. was the first governor to be reelected, in 1980. In 1997 the constitution was changed to give the governor veto power over most types of legislation. (For a timeline of these and other structural changes that have affected the legislative culture, see the sidebar on this page.)

Thirty years ago the legislature was the dominant branch. The leaders of the legislature, especially the Senate, were very influential in setting state policies. Now you have a governor who can succeed himself and has a veto and considers himself the chief State policy leader.

Institutionally, the legislature, with 170 members, is at a disadvantage relative to the executive, which can be much more focused on specific situations.

Events Relating to the Concentration of Power and the Growth of Two-Party Competitiveness in the General Assembly

1977	Constitution is amended to allow governor to succeed himself or herself for second term.
1977–80	James B. Hunt Jr. serves first term as governor.
1980	Carl J. Stewart becomes first speaker to serve more than one term (1977–78, 1979–80). ¹
1981–84	Hunt serves second term as governor, succeeding himself.
1985–88	James G. Martin serves first term as governor (second Republican since 1901).
1988	Liston B. Ramsey becomes longest-serving speaker (1980–88).
1989	Senate president pro tempore is empowered to make all committee appointments. Democrat Josephus L. Mavretic defeats Speaker Ramsey with Republican support. Republicans share in leadership of committees (1989–90).
1989–92	Martin serves second term as governor.
1993–96	Hunt serves unprecedented third term as governor.
1995–98	Republicans control House for first time since 1894.
1997	Governor receives power to veto most types of legislation.
1997–2000	Hunt serves fourth term as governor.
2002	Single-member districts are established.
2003	House elects Democratic and Republican co-speakers for first time.
2006	Speaker James B. Black completes tenure equaling Ramsey's in length (1998–2006). General Assembly passes lobbying and ethics reforms, limiting lobbyists' campaign contributions, entertaining.
2007	Marc Basnight begins eighth term as Senate president pro tempore, remaining longest-serving state senate president pro tempore in country (1992–2007). Black, no longer speaker, resigns House seat. House changes rules, limiting methods previously used to insert last-minute changes in bills.

Note

1. Presidents pro tempore of the Senate had been serving two terms for several years to "balance" the Lt. Governor's four-year term as president of the Senate.

Summary and Conclusion: The General Assembly at a Critical Crossroads

Our study suggests that the North Carolina legislature, like the legislatures of many other states, is undergoing change and stress. Furthermore, members and staffers of the General Assembly experience this stress on an individual level. The change and the stress make it harder for the General Assembly to plan for the long term, to solve specific problems, to maintain a membership that—occupationally, at least—mirrors North Carolinians generally, and to act more independently of influences from lobbyists, monied special-interest groups, and the executive branch.

These are not judgments of the legislature from some outside, uninformed group. These are the judgments of legislators themselves. The symptoms are problematic and serious and deserve thoughtful attention. Former State Treasurer Edwin Gill used to observe, “Good government is a habit in North Carolina.” Do these current habits (or norms) of the North Carolina General Assembly identified by lawmakers in our study represent good government?

What can be done? There is a quandary. The legislature is a sovereign branch of North Carolina Government: no outside force can change it, short of a major revision of the constitution. So it may be time for the North Carolina legislature to take a fresh look at itself as an institution.

The General Assembly, we think, is at a crossroads. Will it be business as usual or renewal? If the opinions and the concerns of the lawmakers we interviewed are any indication, renewal is the strong preference. Renewal in this case means doing all the things that lawmakers told us make our legislature an effective institution. To recap, these include the following:

- Enact complete, comprehensive, strategic statutes that contain solutions to specific situations and needs instead of offering an expedient, political quick fix
- Create strong initiatives for legislative oversight and program evaluation to ensure that legislative solutions are effectively implemented

- Enact statutes (especially spending and financing laws) that ensure the highest levels of fiscal responsibility, accountability, and integrity in the face of a political process that is increasingly competitive and money driven
- Set new standards for Senate and House floor and committee debate and discussion, and build in practices that result in more informed decisions and creative solutions and substantially reduce partisan bickering

Change is needed to put the *citizen* back in citizen-legislator.

- Exercise the legislature’s constitutional prerogatives with respect to the executive branch consistently, clearly, and unambiguously
- Ensure that programs and services containing essential administrative and technical support are available to members to minimize stress associated with their work
- Consider how to remove the barriers that, in effect, currently narrow the range of those who can serve in the legislature, by reviewing the salary and the compensation provided, the level of staff support, the demands of the session calendar, each legislator’s full- or part-time status, and other issues

Effecting this renewal and redirection will require a healthy serving of an attribute of effectiveness that lawmakers told us they admire: political courage.

As an institution, the legislature has shown that it can change with new expectations and demands. Over the last twenty years, it has authorized significant increases in professional staffing and provided greater access to new technologies for all members. It has instituted its own orientation for new legislators, and some members participate in an expanded orientation program sponsored by the Institute of Government. In 2006 it adopted campaign finance reform, restricted lobbyists’ activities, and established a committee to audit government performance. In 2007 the House

reformed its rules to correct some past practices.⁶

It remains to be seen whether these adaptations will keep pace with the pressures that concern the lawmakers we interviewed, such as the norm of quick-fix, run-on legislation; the decline in decorum and comity among members; the increase in partisanship; the concentration of power; and the unremitting demands and influence of perpetual fund-raising.

From our interviews with a cross-section of past and present lawmakers, we learned not only of these concerns but of their genuine interest in restoring the conditions and the norms that promoted “doing the right things.” Perhaps another study should survey *all* lawmakers to determine if similar opinions, today, extend to the whole group. Clearly, continuing business as usual will not promote renewal in the direction of increased effectiveness of the North Carolina General Assembly. This is why we find the lines of Robert Burns’s poem as relevant today as in 1796. We hope that the members of the General Assembly will see themselves as others see them and act decisively and effectively.

We are convinced that if the legislators seriously undertake a renewal initiative and follow through on it diligently, they might improve their deliberative processes, strengthen the legislature’s ability to address contemporary challenges, and restore a sense of pride in the institution among lawmakers themselves.

To achieve this goal, we join with the fifty-three legislators, staffers, and lobbyists we interviewed, who would invite all lawmakers to consider the admonition of the North Carolina State motto: “To be, rather than to seem.”

Notes

1. See Alan Rosenthal, “The Good Legislature,” *State Legislatures*, July/August 1999. Available at www.ncsl.org/programs/pubs/799good.htm. Long a leading scholar on U.S. state legislatures, Rosenthal argues that good legislatures exhibit the following characteristics: effective sharing of power with the governor; reasonable representation of, accessibility to, and responsiveness to the population they serve; an absence of destructive partisanship; reasonable norms of participation for minority and lower-status



Rushing to push bills through as a legislative session ends, committee members congregate on the Senate floor. Will the General Assembly continue doing business as usual, or will it opt for renewal?

and what kind of training and support was needed to promote better legislative leadership for new and experienced legislators. However, the three opening questions produced such striking responses that they have become the focus of this article:

- When were you *most* proud of the legislature? What do you see as the high points of your time with the legislature?
- When were you *least* proud of the legislature? What do you see as the low points of your time with the legislature?
- What are the major trends affecting legislative performance?

Either an executive summary (18 pages) or the entire study (194 pages) may be obtained by e-mailing dkiel@mindspring.com. This article is being published with the permission of the Z. Smith Reynolds Foundation, Tom Ross, executive director. However, there has been no prior review by the foundation, and we take full responsibility for the information and conclusions provided.

4. See “Spending Change,” Editorial, *Greensboro News & Record*, November 10, 2006.

5. The General Assembly created single-member districts partly in response to court decisions holding that multimember districts tended to discriminate against minority voters.

6. In 2006 the General Assembly passed the State Government Legislative Ethics Act (SL 2006-201), which among other things sets limits on how lobbyists can contribute to and entertain legislators. For a full description, see www.ncleg.net/gascrpts/BillLookUp/BillLookUp.pl?Session=2005&BillID=H1843. Also in 2006, the General Assembly authorized a general audit of all state government agencies and established a committee to carry the audit out by February 1, 2008. For details, see www.ncga.state.nc.us/committeefrontpages/gpacii/index.html. Early in 2007, the House passed changes in its rules, reforming key processes such as making committee appointments by an explicit deadline; eliminating the practice of assigning key members (“floaters”) to any committee, at any time; requiring conference committee reports to be held over to the next legislative day; eliminating substantive “special provisions” in appropriations bills; and ensuring that any amendment that clearly is unconstitutional is ruled “out of order.” See H.R. 423, 2007 Gen. Assem., Reg. Sess. (N.C. 2007), available at www.ncleg.net/house/documents/HouseRulesHB423.pdf.

legislators; effective deliberative processes that allow for influence, negotiation, and compromise among a variety of interests; an effective budget process; and monitoring of the effects of the laws they pass. These are precisely the characteristics that lawmakers in our study report as being under pressure in recent sessions of the North Carolina General Assembly.

In his well-received 1997 book *The Decline of Representative Democracy* (CQ Press), Rosenthal argues that a national transformation is occurring in legislative cultures, characterized by the following trends:

- Legislators are expected to process more information and respond more quickly to the public.
- Politics has become more partisan, and more legislators are looking beyond the state legislature to higher office. These and other factors make compromise and problem solving more difficult. The trend is exacerbated by redistricting to strengthen homogenous, narrow interests and maintain politically safe districts for incumbents.
- Legislators must spend more and more time in fund-raising for expensive media campaigns. This increases their dependence on special interests and legislative leaders who are effective at raising campaign funds.

These trends track closely those named by the sample in our study. That suggests strongly

that changes in the North Carolina General Assembly are part of a national pattern afflicting state legislatures.

2. See Jim Morrill and Mark Johnson, “N.C. House, Senate Approve Ethics Reform: Some Say Sweeping Bill Sparked by Scandals Doesn’t Go Far Enough,” *Charlotte Observer*, July 28, 2006.

3. We conducted the study on behalf of the Z. Smith Reynolds Foundation in fall 2003 and winter and spring 2004. We made detailed summaries of all interviews and sent them to those interviewed for verification. The sample was designed to represent a cross-section of legislators in terms of race, gender, political affiliation, and length of time in the legislature, and to include past and present leaders as well as new members. We also included interviews with knowledgeable staffers and lobbyists and, in one case, a well-respected independent observer of the legislature. We have used the term “lawmakers” to describe those interviewed. Occasionally, when the reference is to legislators specifically, we have used “legislators” or “members” to describe those whose views are being described or quoted.

One of us, Tom Covington, proposed the study to the Z. Smith Reynolds Foundation in order to conduct an assessment of legislators’ needs and interests in leadership training beyond the orientations already provided by the General Assembly itself and the Institute of Government. Most of the nine questions we asked had to do with determining how the respondents defined legislative effectiveness

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