

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 306*
Senate Judiciary II Committee Substitute Adopted 5/17/11

Short Title: Transfer GSC/Revisor of Statutes to GA.

(Public)

Sponsors:

Referred to:

March 10, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO TRANSFER THE GENERAL STATUTES COMMISSION, THE
3 RESPONSIBILITY FOR THE CODIFICATION OF THE GENERAL STATUTES, THE
4 REVISOR OF STATUTES AND THE STAFF FOR THESE FUNCTIONS TO THE
5 GENERAL ASSEMBLY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 2 of Chapter 114 of the General Statutes is recodified as
8 Article 7D of Chapter 120 of the General Statutes to be entitled "Codification of Statutes" and
9 as recodified, reads as rewritten:

10 "Article 7D.

11 "Codification of Statutes.

12 **"§ 120-36.21. ~~Creation of Division; powers and duties.~~ Codification of Statutes.**

13 ~~The Attorney General shall set up in the Department of Justice a division to be designated~~
14 ~~as the Division of Legislative Drafting and Codification of Statutes. There shall be assigned to~~
15 ~~this Division by the Attorney General duties as follows:~~The Legislative Services Officer shall
16 assign to staff of the General Assembly the following duties:

17 (1) ~~To prepare bills to be presented to the General Assembly at the request of~~
18 ~~the Governor, and the officials of the State and departments thereof, and~~
19 ~~members of the General Assembly, and to advise with said officials in~~
20 ~~connection therewith, and to advise with and assist counties, cities, and~~
21 ~~towns in the drafting of legislation to be submitted to the General Assembly.~~

22 (2)(1) To supervise the recodification of all the statute law of North Carolina and
23 supervise the keeping of such recodifications current by including therein all
24 laws hereafter enacted by supplements thereto issued periodically, all of
25 which recodifications and supplements shall be appropriately annotated.

26 (3)(2) In order that the laws of North Carolina, as set out in the General Statutes of
27 North Carolina, may be made and kept as simple, as clear, as concise and as
28 complete as possible, and in order that the amount of construction and
29 interpretation of the statutes required of the courts may be reduced to a
30 minimum, ~~it shall also be the duty of the Division of Legislative Drafting~~
31 ~~and Codification of Statutes to establish and maintain a system of continuous~~
32 ~~statute research and correction. To that end the Division staff shall:~~

33 a. Make a systematic study of the general statutes of the State, as set out
34 in the General Statutes and as hereafter enacted by the General
35 Assembly, for the purpose of ascertaining what ambiguities,
36 conflicts, duplications and other imperfections of form and
37 expression exist therein and how these defects may be corrected.



- 1 b. Consider such suggestions as may be submitted to the ~~Division~~ with
2 respect to the existence of such defects and the proper correction
3 thereof.
4 c. Prepare for submission to the General Assembly from time to time
5 bills to correct such defects in the statutes as its research discloses.

6 **"§ 120-36.22. Revisor of Statutes.**

7 The member of the staff of the ~~Attorney General~~ General Assembly who is assigned to
8 perform the duties prescribed by ~~G.S. 114-9(3)~~ G.S. 120-36.21(2) shall be known as the
9 Revisor of Statutes. ~~Statutes and he shall be subject to all the provisions of Chapter 126 of the~~
10 ~~General Statutes relating to the State Personnel System."~~

11 **SECTION 2.** Article 1 of Chapter 114 of the General Statutes is amended by
12 adding a new section to read:

13 **"§ 114-8.4. Legislative assistance to agencies and local governments.**

14 The Department of Justice may (i) prepare bills to be presented to the General Assembly at
15 the request of the Governor and the officials and departments of the State and advise in
16 connection therewith and (ii) advise with and assist counties, cities, and towns in the drafting of
17 legislation to be submitted to the General Assembly."

18 **SECTION 3.** G.S. 164-10 reads as rewritten:

19 **"§ 164-10. Supplements to the General Statutes; rearrangement of laws, and correction of**
20 **errors.**

21 ~~The Division of Legislative Drafting and Codification of Statutes of the Department of~~
22 ~~Justice, under the direction and supervision of the Attorney General, Legislative Services~~
23 ~~Office shall have the following duties and powers with regard to the supplements to the~~
24 ~~General Statutes:~~

- 25 (1) Within six months after the adjournment of each General Assembly, or as
26 soon thereafter as possible, the ~~Division~~ Legislative Services Office shall
27 cause to be published under its supervision, cumulative ~~pocket~~ supplements
28 to the General Statutes, and any replacement or recompiled volumes thereof,
29 which shall contain an accurate transcription of all laws of a general and
30 permanent nature enacted by the General Assembly, the material contained
31 in the next preceding ~~pocket and interim supplements, supplement,~~ complete
32 and accurate annotations to the statutes, appendix and other material
33 accumulated since the publication of the next preceding ~~pocket and interim~~
34 ~~supplements, supplement,~~ and a cumulative index of said material.
35 (2) Periodically, every six months after the publication and issuance of a
36 cumulative ~~pocket~~ supplement following a session of the General Assembly,
37 or as soon thereafter as possible, ~~except when the publication of the~~
38 ~~cumulative pocket supplement makes it unnecessary,~~ the ~~Division~~
39 Legislative Services Office shall cause to be published an interim
40 supplement containing all pertinent annotations and other material found by
41 the ~~Division~~ Legislative Services Office to be necessary and proper,
42 accumulating since the publication of the said cumulative ~~pocket~~ supplement
43 or the last interim supplement.
44 (3) In the preparation of the general and permanent laws enacted by the General
45 Assembly the ~~Division~~ Legislative Services Office is hereby authorized:
46 a. To rearrange the order of chapters, subchapters, articles, sections and
47 other divisions or subdivisions;
48 b. To provide titles for any such divisions or subdivisions and section
49 titles or catchlines when they are not provided by such laws;

- 1 c. To adopt a uniform system of lettering or numbering sections and the
2 various subdivisions thereof and to reletter or renumber sections and
3 section subdivisions in accordance with such uniform system;
4 d. To rearrange definitions in alphabetical order;
5 e. To rearrange lists of counties in alphabetical order; and
6 f. To make such other changes in arrangement and form that do not
7 change the law as may be found by the ~~Division~~ Legislative Services
8 Office necessary for an accurate, clear and orderly codification of
9 such general and permanent laws."

10 **SECTION 4.** Effective beginning with the first supplements or replacement or
11 recompiled volumes of the General Statutes that are printed under the supervision of the
12 Legislative Services Office, G.S. 164-11(a) reads as rewritten:

13 "(a) The supplements to the General Statutes of North Carolina, or to any replacement or
14 recompiled volumes of the General Statutes, when printed under the supervision of the ~~Division~~
15 ~~of Legislative Drafting and Codification of Statutes of the Department of Justice,~~ Legislative
16 Services Office shall establish prima facie the general and permanent laws of North Carolina
17 contained in said supplements."

18 **SECTION 5.** G.S. 164-12 reads as rewritten:

19 **"§ 164-12. Creation; name.**

20 (a) There is hereby created and established a commission to be known as "The General
21 Statutes Commission."

22 (b) The Commission shall be located within the General Assembly for administrative
23 purposes only."

24 **SECTION 6.** G.S. 164-13(a) reads as rewritten:

25 "(a) It shall be the duty of the Commission:

- 26 (1) To advise and cooperate with the ~~Division of Legislative Drafting and~~
27 ~~Codification of Statutes of the Department of Justice~~ Legislative Services
28 Office in the work of continuous statute research and correction for which
29 the ~~Division~~ Legislative Services Office is made responsible by
30 G.S. ~~114-9(3).~~ 120-36.21(2).
- 31 (2) To advise and cooperate with the ~~Division of Legislative Drafting and~~
32 ~~Codification of Statutes~~ Legislative Services Office in the preparation and
33 issuance ~~by the Division~~ of supplements to the General Statutes pursuant to
34 G.S. ~~114-9(2).~~ 120-36.21(1).
- 35 (3) To make a continuing study of all matters involved in the preparation and
36 publication of modern codes of law.
- 37 (4) To recommend to the General Assembly the enactment of such substantive
38 changes in the law as the Commission may deem advisable.
- 39 (5) To receive and consider proposed changes in the law recommended by the
40 American Law Institute, by the National Conference of Commissioners on
41 Uniform State Laws or by other learned bodies."

42 **SECTION 7.** G.S. 164-15 reads as rewritten:

43 **"§ 164-15. Meetings; quorum.**

44 The Commission shall hold not less than two regular meetings each year, of which one shall
45 be held in June and one in November, at such times during those months as may be fixed
46 therefor by the Commission itself. The Commission may ~~hold such~~ establish a schedule for
47 ~~other regular meetings as it may provide for by its rules.~~ meetings. Special meetings may be
48 called by the chairman, or by any two members of the Commission, upon such notice and in
49 such manner as may be fixed therefor by the ~~rules of policies adopted by~~ the Commission. The
50 regular June and November meetings of the Commission shall be held in Raleigh, but the
51 Commission may provide for the holding of other meetings from time to time at any other place

1 or places in the State. ~~The first meeting of the Commission shall be held in June 1945 upon the~~
2 ~~call of the Attorney General at such time and upon such notice as he may designate.~~ A majority
3 of the members of the Commission shall constitute a quorum."

4 **SECTION 8.** G.S. 164-17 reads as rewritten:

5 "**§ 164-17. Committees; rules.**~~Committees.~~

6 The Commission may elect, or may authorize its chairman to appoint, such committees of
7 the Commission as it may deem proper. The Commission may adopt such ~~rules~~ policies and
8 guidelines not inconsistent with this Article as it may deem proper with respect to any and all
9 matters relating to the discharge of its duties under this Article."

10 **SECTION 9.** G.S. 164-18 reads as rewritten:

11 "**§ 164-18. Reports.**

12 The Commission shall submit to each regular session of the General Assembly a report of
13 its work during the preceding two years, together with such recommendations as it may deem
14 proper. The Commission may report recommended legislation to each annual session of the
15 General Assembly as it deems appropriate."

16 **SECTION 10.** G.S. 143A-53 is repealed.

17 **SECTION 11.** The statutory authority, powers, duties, functions, records,
18 personnel, property, and unexpended balances of appropriations, allocations, or other funds of
19 the General Statutes Commission are transferred from the Department of Justice to the General
20 Assembly, with all of the elements of a Type II transfer as defined by G.S. 143A-6. The
21 administrative rules of the General Statutes Commission are repealed but are deemed adopted
22 as policies of the General Statutes Commission until it amends or repeals them. The Revisor of
23 Statutes shall notify the Codifier of Rules of the repeal, and the Codifier of Rules may enter the
24 repeal in the Administrative Code.

25 **SECTION 12.** All contractual rights and duties of the State of North Carolina,
26 acting through its Attorney General and the Division of Legislative Drafting and Codification
27 of Statutes of the North Carolina Department of Justice under G.S. 164-10, shall remain
28 unchanged but shall be executed by the Legislative Services Office. Nothing in this act shall
29 affect any currently existing agreed upon discount for printed materials to be provided by a
30 vendor to the North Carolina Department of Justice.

31 **SECTION 13.** The following positions are transferred to the General Assembly
32 from the Department of Justice: two Assistant Attorney General positions (Position #60010185
33 and #60010191) and one Administrative Assistant position (Position #60010189).

34 **SECTION 14.** This act becomes effective June 1, 2011.