

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

HOUSE BILL 306
RATIFIED BILL

AN ACT TO TRANSFER THE GENERAL STATUTES COMMISSION, THE RESPONSIBILITY FOR THE CODIFICATION OF THE GENERAL STATUTES, THE REVISOR OF STATUTES AND THE STAFF FOR THESE FUNCTIONS TO THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

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

"Article 7D.

"Codification of Statutes.

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

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

- ~~(1)~~ To prepare bills to be presented to the General Assembly at the request of the Governor, and the officials of the State and departments thereof, and members of the General Assembly, and to advise with said officials in connection therewith, and to advise with and assist counties, cities, and towns in the drafting of legislation to be submitted to the General Assembly.
- ~~(2)~~(1) To supervise the recodification of all the statute law of North Carolina and supervise the keeping of such recodifications current by including therein all laws hereafter enacted by supplements thereto issued periodically, all of which recodifications and supplements shall be appropriately annotated.
- ~~(3)~~(2) In order that the laws of North Carolina, as set out in the General Statutes of North Carolina, may be made and kept as simple, as clear, as concise and as complete as possible, and in order that the amount of construction and interpretation of the statutes required of the courts may be reduced to a minimum, ~~it shall also be the duty of the Division of Legislative Drafting and Codification of Statutes to establish and maintain a system of continuous statute research and correction. To that end the Division staff shall:~~
 - a. Make a systematic study of the general statutes of the State, as set out in the General Statutes and as hereafter enacted by the General Assembly, for the purpose of ascertaining what ambiguities, conflicts, duplications and other imperfections of form and expression exist therein and how these defects may be corrected.
 - b. Consider such suggestions as may be submitted ~~to the Division~~ with respect to the existence of such defects and the proper correction thereof.
 - c. Prepare for submission to the General Assembly from time to time bills to correct such defects in the statutes as its research discloses.

"§ 120-36.22. Revisor of Statutes.

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



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

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

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

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

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

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

- (1) Within six months after the adjournment of each General Assembly, or as soon thereafter as possible, the ~~Division Legislative Services Office~~ shall cause to be published under its supervision, cumulative ~~pocket~~ supplements to the General Statutes, and any replacement or recompiled volumes thereof, which shall contain an accurate transcription of all laws of a general and permanent nature enacted by the General Assembly, the material contained in the next preceding ~~pocket and interim supplements, supplement,~~ complete and accurate annotations to the statutes, appendix and other material accumulated since the publication of the next preceding ~~pocket and interim supplements, supplement,~~ and a cumulative index of said material.
- (2) Periodically, every six months after the publication and issuance of a cumulative ~~pocket~~ supplement following a session of the General Assembly, or as soon thereafter as possible, ~~except when the publication of the cumulative pocket supplement makes it unnecessary,~~ the ~~Division Legislative Services Office~~ shall cause to be published an interim supplement containing all pertinent annotations and other material found by the ~~Division Legislative Services Office~~ to be necessary and proper, accumulating since the publication of the said cumulative ~~pocket~~ supplement or the last interim supplement.
- (3) In the preparation of the general and permanent laws enacted by the General Assembly the ~~Division Legislative Services Office~~ is hereby authorized:
 - a. To rearrange the order of chapters, subchapters, articles, sections and other divisions or subdivisions;
 - b. To provide titles for any such divisions or subdivisions and section titles or catchlines when they are not provided by such laws;
 - c. To adopt a uniform system of lettering or numbering sections and the various subdivisions thereof and to reletter or renumber sections and section subdivisions in accordance with such uniform system;
 - d. To rearrange definitions in alphabetical order;
 - e. To rearrange lists of counties in alphabetical order; and
 - f. To make such other changes in arrangement and form that do not change the law as may be found by the ~~Division Legislative Services Office~~ necessary for an accurate, clear and orderly codification of such general and permanent laws."

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

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

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

"§ 164-12. Creation; name.

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

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

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

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

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

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

"§ 164-15. Meetings; quorum.

The Commission shall hold not less than two regular meetings each year, of which one shall be held in June and one in November, at such times during those months as may be fixed therefor by the Commission itself. The Commission may ~~hold such~~ establish a schedule for other regular ~~meetings as it may provide for by its rules.~~ meetings. Special meetings may be called by the chairman, or by any two members of the Commission, upon such notice and in such manner as may be fixed therefor by the ~~rules of policies adopted by the Commission.~~ The regular June and November meetings of the Commission shall be held in Raleigh, but the Commission may provide for the holding of other meetings from time to time at any other place or places in the State. ~~The first meeting of the Commission shall be held in June 1945 upon the call of the Attorney General at such time and upon such notice as he may designate.~~ A majority of the members of the Commission shall constitute a quorum."

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

"§ 164-17. Committees; rules. Committees.

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

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

"§ 164-18. Reports.

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

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

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

SECTION 12. All contractual rights and duties of the State of North Carolina, acting through its Attorney General and the Division of Legislative Drafting and Codification of Statutes of the North Carolina Department of Justice under G.S. 164-10, shall remain

unchanged but shall be executed by the Legislative Services Office. Nothing in this act shall affect any currently existing agreed upon discount for printed materials to be provided by a vendor to the North Carolina Department of Justice.

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

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

In the General Assembly read three times and ratified this the 23rd day of May, 2011.

Walter H. Dalton
President of the Senate

Dale R. Folwell
Speaker Pro Tempore of the House of Representatives

Beverly E. Perdue
Governor

Approved _____m. this _____ day of _____, 2011