

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 306*
PROPOSED SENATE COMMITTEE SUBSTITUTE H306-PCS30333-RU-2

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

(Public)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

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



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1 Assembly, for the purpose of ascertaining what ambiguities,
2 conflicts, duplications and other imperfections of form and
3 expression exist therein and how these defects may be corrected.

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

9 **"§ 120-36.22. Revisor of Statutes.**

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

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

16 **"§ 114-8.4. Legislative assistance to agencies and local governments.**

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

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

22 **"§ 164-10. Supplements to the General Statutes; rearrangement of laws, and correction of**
23 **errors.**

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

- 28 (1) Within six months after the adjournment of each General Assembly, or as
29 soon thereafter as possible, the ~~Division~~ Legislative Services Office shall
30 cause to be published under its supervision, cumulative ~~pocket~~ supplements
31 to the General Statutes, and any replacement or recompiled volumes thereof,
32 which shall contain an accurate transcription of all laws of a general and
33 permanent nature enacted by the General Assembly, the material contained
34 in the next preceding ~~pocket and interim supplements, supplement,~~ complete
35 and accurate annotations to the statutes, appendix and other material
36 accumulated since the publication of the next preceding ~~pocket and interim~~
37 ~~supplements, supplement,~~ and a cumulative index of said material.
38 (2) Periodically, every six months after the publication and issuance of a
39 cumulative ~~pocket~~ supplement following a session of the General Assembly,
40 or as soon thereafter as possible, ~~except when the publication of the~~
41 ~~cumulative pocket supplement makes it unnecessary,~~ the Division
42 Legislative Services Office shall cause to be published an interim
43 supplement containing all pertinent annotations and other material found by
44 the ~~Division~~ Legislative Services Office to be necessary and proper,
45 accumulating since the publication of the said cumulative ~~pocket~~ supplement
46 or the last interim supplement.
47 (3) In the preparation of the general and permanent laws enacted by the General
48 Assembly the ~~Division~~ Legislative Services Office is hereby authorized:
49 a. To rearrange the order of chapters, subchapters, articles, sections and
50 other divisions or subdivisions;

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

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

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

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

21 "**§ 164-12. Creation; name.**

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

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

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

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

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

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

45 "**§ 164-15. Meetings; quorum.**

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

1 regular June and November meetings of the Commission shall be held in Raleigh, but the
2 Commission may provide for the holding of other meetings from time to time at any other place
3 or places in the State. ~~The first meeting of the Commission shall be held in June 1945 upon the~~
4 ~~call of the Attorney General at such time and upon such notice as he may designate.~~ A majority
5 of the members of the Commission shall constitute a quorum."

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

7 "**§ 164-17. Committees; rules.**Committees.

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

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

13 "**§ 164-18. Reports.**

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

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

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

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

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

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