

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 867

Short Title: Public Members/State Bar Council.

(Public)

Sponsors: Representatives Capps; and Davis.

Referred to: Judiciary I.

April 12, 1995

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE NUMBER OF PUBLIC MEMBERS OF THE NORTH
2 CAROLINA STATE BAR COUNCIL.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 84-17 reads as rewritten:

5 **"§ 84-17. Government.**

6 The government of the North Carolina State Bar is vested in a council of the North
7 Carolina State Bar hereinafter referred to as the 'council', which shall be composed of 50
8 councilors exclusive of officers, except as hereinafter provided, to be appointed or elected
9 as hereinafter set forth, the officers of the North Carolina State Bar, who shall be
10 councilors during their respective terms of office, and each retiring president of the North
11 Carolina State Bar who shall be a councilor for one year from the date of expiration of his
12 term as president, whose term of office expires at the 1973 annual meeting or after.
13 Notwithstanding any other provisions of the law, the North Carolina State Bar shall have
14 the power and authority to acquire, hold, rent, encumber, alienate, and otherwise deal
15 with real or personal property in the same manner as any private person or corporation,
16 subject only to the approval of the Governor and the Council of State as to the
17 acquisition, rental, encumbering, leasing and sale of real property. The North Carolina
18 State Bar Council is authorized and empowered in its discretion to utilize the services of
19 the Purchase and Contract Division of the Department of Administration for the
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1 procurement of personal property, in accordance with the provisions of Article 3 of
2 Chapter 143 of the General Statutes. Notwithstanding any provisions of this Article as to
3 the voting powers of members, the council shall be competent to exercise the entire
4 powers of the North Carolina State Bar in respect of the interpretation and administration
5 of this Article, the acquisition, lease, sale, or mortgage of property, real or personal, the
6 seeking of amendments hereto, and all other matters, except as otherwise directed or
7 overruled, as in G.S. 84-33 provided. There shall be one councilor from each judicial
8 district and additional councilors as are necessary to make the total number of councilors
9 50. The additional councilors shall be allocated and reallocated by the North Carolina
10 State Bar every six years on the basis of the number of the active members of each
11 judicial district bar according to the records of the North Carolina State Bar and in
12 accordance with a formula to be adopted by the North Carolina State Bar, to insure an
13 allocation based on lawyer population of each judicial district bar as it relates to the total
14 number of active members of the State Bar.

15 A councilor whose seat has been eliminated due to a reallocation shall continue to
16 serve on the council until expiration of the remainder of the current term.

17 In addition to the 50 councilors, there shall be ~~three~~nine public members not licensed
18 to practice law in this or any other state who shall be appointed ~~by the Governor~~as
19 follows:

20 (1) Three public members shall be appointed by the Speaker of the House
21 of Representatives.

22 (2) Three public members shall be appointed by the Governor; and

23 (3) Three public members shall be appointed by the Lieutenant Governor."

24 Sec. 2. The current public members of the North Carolina State Bar Council
25 appointed by the Governor shall finish serving their three-year terms. Notwithstanding
26 the provisions of G.S. 84-18, the initial public members of the North Carolina State Bar
27 Council appointed by the Speaker of the House of Representatives and by the Lieutenant
28 Governor pursuant to G.S. 84-17, as amended by Section 1 of this act, shall be appointed
29 no later than October 1, 1995, and shall serve for the remainder of the present three-year
30 terms.

31 Sec. 3. This act is effective upon ratification.