

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE DRH10766-TB-4 (03/26)

Short Title: Expand Membership/Gen. Statutes Commission. (Public)

Sponsors: Representatives Harrison and Cotham (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO EXPAND THE MEMBERSHIP OF THE GENERAL STATUTES
COMMISSION TO INCLUDE APPOINTEES FROM ELON UNIVERSITY SCHOOL OF
LAW AND THE CHARLOTTE SCHOOL OF LAW (NC), INC.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 164-14 reads as rewritten:

"§ 164-14. Membership; appointments; terms; vacancies.

- (a) The Commission shall consist of ~~12~~14 members, who shall be appointed as follows:
- (1) One member, by the president of the North Carolina State Bar;
 - (2) One member, by the General Statutes Commission;
 - (3) One member, by the dean of the school of law of the University of North Carolina;
 - (4) One member, by the dean of the school of law of Duke University;
 - (5) One member, by the dean of the school of law of Wake Forest University;
 - (6) One member, by the Speaker of the House of Representatives of each General Assembly from the membership of the House;
 - (7) One member, by the President Pro Tempore of the Senate of each General Assembly from the membership of the Senate;
 - (8) Two members, by the Governor;
 - (9) One member, by the dean of the school of law of North Carolina Central University;
 - (10) One member by the president of the North Carolina Bar Association;
 - (11) One member, by the dean of the school of law of Campbell University.
 - (12) One member, by the dean of the school of law of Elon University.
 - (13) One member, by the dean of the Charlotte School of Law (NC), Inc.

(b) Appointments of original members of the Commission made by the president of the North Carolina State Bar, the president of the North Carolina Bar Association, and the deans of the schools of law of Duke University, the University of North Carolina, and Wake Forest University shall be for one year. Appointments of original members of the Commission made by the Speaker of the House of Representatives, the President of the Senate, and the Governor shall be for two years.

(c) After the appointment of the original members of the Commission, appointments by the president of the North Carolina State Bar, the General Statutes Commission, and the deans of the schools of law of North Carolina Central University, Duke University, Elon University, the University of North Carolina, and Wake Forest University shall be made in the



1 even-numbered years, and appointments made by the Speaker of the House of Representatives,
2 the President Pro Tempore of the Senate, president of the North Carolina Bar Association, the
3 ~~dean-deans~~ of the School of Law of Campbell University and the Charlotte School of Law
4 (NC), Inc., and the Governor shall be made in the odd-numbered years. Such appointments
5 shall be made for two-year terms beginning June first of the year when such appointments are
6 to become effective and expiring May 31 two years thereafter. All such appointments shall be
7 made not later than May 31 of the year when such appointments are to become effective.

8 (d) If any appointment provided for by this section is not made prior to June first of the
9 year when it should become effective, a vacancy shall exist with respect thereto, and the
10 vacancy shall then be filled by appointment by the Governor. If any member of the
11 Commission dies or resigns during the term for which he was appointed, his successor for the
12 unexpired term shall be appointed by the person who made the original appointment, as
13 provided in G.S. 164-14, or by the successor of such person; and if such vacancy is not filled
14 within 30 days after the vacancy occurs, it shall then be filled by appointment by the Governor.
15 In any case where an appointment authorized to be made by G.S. 164-14(c) has not been made
16 on or before July 31 of the year in which it was due to be made, a vacancy shall exist with
17 respect to that appointment and the General Statutes Commission at its next meeting shall by
18 majority vote fill the vacancy by appointment.

19 (e) All appointments shall be reported to the secretary of the Commission.

20 (f) Notwithstanding the expiration of the term of the appointment, the terms of
21 members of the General Statutes Commission shall continue until the appointment of a
22 successor has been made and reported to the secretary of the Commission."

23 **SECTION 2.** This act is effective when it becomes law. The initial appointment
24 by the dean of the school of law for Elon University shall be for the term ending May 31, 2010.
25 The initial appointment by the dean of the Charlotte School of Law (NC), Inc., shall be for the
26 term ending May 31, 2011.