

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1232

Short Title: Civil Procedure Study Funds.

(Public)

Sponsors: Senators Rand and Gulley.

Referred to: Appropriations.

May 21, 1996

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF THE CIVIL
PROCEDURE STUDY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. (a) The Civil Procedure Study Commission is created. The Commission shall consist of 18 voting members, six members to be appointed by the President Pro Tempore of the Senate, six members to be appointed by the Speaker of the House of Representatives, and six members to be appointed by the Chief Justice of the North Carolina Supreme Court. No more than four members appointed by the President Pro Tempore of the Senate and no more than four members appointed by the Speaker of the House of Representatives may be members of the General Assembly. No more than four of the members appointed by any one of the three appointing authorities may be members of the same political party.

(b) The Commission shall:

(1) Study all practices and procedures that affect the speed, fairness, and accuracy with which civil actions are disposed of in the trial divisions of the General Court of Justice, including the rules of civil procedure, rules of evidence, other relevant statutes, statewide and local court-adopted rules of practice and procedure, administrative rules, appellate opinions

1 and all other relevant practices, customs, and traditions in the trial courts
2 of North Carolina; and

- 3 (2) Devise and recommend improved practices and procedures that (i)
4 reduce the time required to dispose of civil actions in the trial divisions;
5 (ii) simplify pretrial and trial procedure; (iii) guarantee the fairness and
6 impartiality with which the claims and defenses are heard and resolved;
7 and (iv) increase the parties' and the public's satisfaction with the
8 process of civil litigation.

9 (c) The Commission shall report to the General Assembly and the Chief Justice no
10 later than April 1, 1998. The report shall be in writing and shall set forth the
11 Commission's findings, conclusions, and recommendations, including any proposed
12 legislation or court rules.

13 (d) The Chief Justice shall appoint a chair from the membership of the
14 Commission. The Commission shall meet at such times and places as the chair
15 designates. The facilities of the State Legislative Building shall be available to the
16 Commission, subject to the approval of the Legislative Services Commission. Legislative
17 members of the Commission shall be reimbursed for subsistence and travel expenses at
18 the rates set forth in G.S. 120-3.1. Members of the Commission who are officers or
19 employees of the State shall receive reimbursement for travel and subsistence expenses at
20 the rate set forth in G.S. 138-6. All other members shall receive compensation and
21 reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5.

22 (e) The Commission may solicit, employ, or contract for technical assistance
23 and clerical assistance, and may purchase or contract for the materials and services it
24 needs. Subject to the approval of the Legislative Services Commission, the staff
25 resources of the Legislative Services Commission shall be available to the Commission
26 without cost except for travel, subsistence, supplies, and materials.

27 Sec. 2. There is appropriated from the General Fund to the Judicial
28 Department the sum of twenty-five thousand dollars (\$25,000) for the 1996-97 fiscal year
29 to be used for the expenses of the Commission.

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