

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 647

Short Title: State Bar Dues/NCGA Staff CLEs. (Public)

Sponsors: Senators Lee, Galey, and Batch (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 6, 2023

A BILL TO BE ENTITLED

AN ACT TO ENCOURAGE THE NORTH CAROLINA STATE BAR COUNCIL TO REVISE ITS RULES TO CREATE AN EXEMPTION FROM NORTH CAROLINA STATE BAR CONTINUING LEGAL EDUCATION REQUIREMENTS FOR FULL-TIME EMPLOYEES OF THE NORTH CAROLINA GENERAL ASSEMBLY AND TO MAKE CHANGES TO MEMBERSHIP DUES AND INFORMATION FOR THE NORTH CAROLINA STATE BAR AND DISTRICT BARS.

Whereas, licensed attorneys who are full-time employees of the North Carolina General Assembly draft the laws of this State, regularly conducting extensive legal research upon a variety of legal topics; and

Whereas, licensed attorneys who are full-time judicial law clerks serving in this State receive an exemption from continuing legal education requirements for legal research and writing conducted on behalf of the judicial branch; and

Whereas, licensed attorneys who are full-time professors of law receive an exemption from continuing legal education requirements for legal research, writing, and study; and

Whereas, licensed attorneys who are members of the North Carolina General Assembly, who collaborate with licensed attorneys who are full-time employees of the North Carolina General Assembly in order to complete the work of this State's legislative branch, receive an exemption from continuing legal education requirements; Now, therefore, The General Assembly of North Carolina enacts:

PART I. LEGAL EDUCATION REQUIREMENT EXEMPTION FOR GENERAL ASSEMBLY EMPLOYEES

SECTION 1. It is the recommendation of the General Assembly that the North Carolina State Bar Council exempt full-time employees of the North Carolina General Assembly who are licensed attorneys from all continuing legal education requirements. Therefore, the General Assembly encourages the North Carolina State Bar Council to adopt a rule to provide that full-time employees of the North Carolina General Assembly who are licensed attorneys are exempt from all continuing legal education requirements.

PART II. MAKE CHANGES TO MEMBERSHIP DUES AND INFORMATION FOR THE NORTH CAROLINA STATE BAR AND DISTRICT BARS

SECTION 2.(a) G.S. 84-34 reads as rewritten:

"§ 84-34. Membership fees and list of members.

(a) Every active member of the North Carolina State Bar shall, prior to the first day of July of each year, pay to the secretary-treasurer an annual membership fee in an amount



1 determined by the Council but not to exceed ~~three hundred dollars (\$300.00)~~, and every the
2 following amounts:

- 3 (1) Three hundred dollars (\$300.00) in 2024.
- 4 (2) Three hundred twenty-five dollars (\$325.00) in 2025, 2026, and 2027.
- 5 (3) Three hundred fifty dollars (\$350.00) in 2028, 2029, and 2030.
- 6 (4) Three hundred seventy-five dollars (\$375.00) in 2030, 2031, and 2032.
- 7 (5) Three hundred seventy-five dollars (\$375.00) adjusted for inflation in
8 accordance with the Consumer Price Index computed by the Bureau of Labor
9 Statistics, beginning in 2033 and thereafter.

10 (b) Every member shall notify the secretary-treasurer of the member's correct mailing
11 and email address. Any member who fails to pay the required dues by the last day of June of each
12 year shall be subject to a late fee in an amount determined by the Council but not to exceed thirty
13 dollars (\$30.00). All dues for prior years shall be as were set forth in the General Statutes then in
14 effect. The membership fee shall be regarded as a service charge for the maintenance of the
15 several services authorized by this Article, and shall be in addition to all fees required in
16 connection with admissions to practice, and in addition to all license taxes required by law. The
17 fee shall not be ~~prorated: Provided, that no fee shall be required of~~ prorated or waived, except for
18 the following:

- 19 (1) ~~an~~ An attorney licensed after this Article shall have gone into effect shall not
20 be liable for dues until the first day of January of the calendar year following
21 that in which the attorney was licensed; but this proviso shall not apply to
22 attorneys from other states admitted on certificate.
- 23 (2) A member serving in the Armed Forces, whether in a legal or nonlegal
24 capacity, will be exempt from payment of dues for any year in which the
25 member is on full-time active duty in the military, including members of the
26 National Guard and Reserves called to active duty beyond regularly scheduled
27 monthly and annual trainings.

28 (c) The fees shall be disbursed by the secretary-treasurer on the order of the Council. The
29 secretary-treasurer shall annually, at a time and in a law magazine or daily newspaper to be
30 prescribed by the Council, publish an account of the financial transactions of the Council in a
31 form to be prescribed by it. The secretary-treasurer shall compile and keep currently correct from
32 the names and mailing addresses forwarded to the secretary-treasurer and from any other
33 available sources of information a list of members of the North Carolina State Bar and furnish to
34 the clerk of the superior court in each county, not later than the first day of October in each year,
35 a list showing the name and address of each attorney for that county who has not complied with
36 the provisions of this Article. The name of each of the active members who are in arrears in the
37 payment of membership fees shall be furnished to the presiding judge ~~at the next term of the~~
38 ~~superior court after the first day of October of each year,~~ by the clerk of the superior court of
39 each county wherein the member or members reside, and the court shall thereupon take action
40 that is necessary and proper. The names and addresses of attorneys so certified shall be kept
41 available to the public. The Secretary of Revenue is hereby directed to supply the
42 secretary-treasurer, from records of license tax payments, with any information for which the
43 secretary-treasurer may call in order to enable the secretary-treasurer to comply with this
44 requirement.

45 The list submitted to several clerks of the superior court shall also be submitted to the Council
46 ~~at its October meeting of each year~~ and it shall take the action thereon that is necessary and
47 proper."

48 **SECTION 2.(b)** G.S. 84-18.1 reads as rewritten:

49 **"§ 84-18.1. Membership and fees of district bars.**

50 (a) The district bar shall be a subdivision of the North Carolina State Bar subject to the
51 general supervisory authority of the Council and may adopt rules, regulations and bylaws that

1 are not inconsistent with this Article. A copy of any rules, regulations and bylaws that are
2 adopted, along with any subsequent amendments, shall be transmitted to the Secretary-Treasurer
3 of the North Carolina State Bar.

4 (b) Any district bar may from time to time by a majority vote of the members present at
5 a duly called meeting prescribe an annual membership fee to be paid by its active members as a
6 service charge to promote and maintain its administration, activities and programs. The fee shall
7 be in addition to, but shall not exceed, fifty percent (50%) of the amount of the membership fee
8 prescribed by G.S. 84-34 for active members of the North Carolina State Bar. The district bar
9 may also charge a late fee, which shall not exceed fifteen dollars (\$15.00), for the failure to pay
10 judicial district bar dues on time. The district bar shall send by mail or email a written notice to
11 every active member of the district bar at least 30 days before any meeting at which an election
12 is held to impose or increase mandatory district bar dues. Every active member of a district bar
13 which has prescribed an annual membership fee shall keep its secretary-treasurer notified of ~~his~~
14 the member's correct mailing and email address and shall pay the prescribed fee at the time and
15 place set forth in the demand for payment ~~mailed-sent by mail or email to him-the member~~ by its
16 secretary-treasurer. The name of each active member of a district bar who is more than 12 full
17 calendar months in arrears in the payment of any fee shall be furnished by the secretary-treasurer
18 of the district bar to the Council. In the exercise of its powers as set forth in G.S. 84-23, the
19 Council shall thereupon take disciplinary or other action with reference to the delinquent as it
20 considers necessary and proper."

21 **SECTION 2.(c)** The North Carolina State Bar may adopt temporary rules to
22 implement this section.

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24 **PART III. EFFECTIVE DATE**

25 **SECTION 3.** The act is effective July 1, 2023.