



General Statutes Commission

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MEMORANDUM

To: Senate Judiciary
From: General Statutes Commission
Re: HB 67 (GSC Technical Corrections 2021)
Date: June 22, 2021

General Comments

This proposed committee substitute (PCS), recommended by the General Statutes Commission, contains corrections of a technical nature to the General Statutes and session laws. These technical corrections consist of updating or removing obsolete references, fixing incorrect references, fixing the format of citations, replacing legalese with plain English, removing unnecessary language, making stylistic changes for greater clarity or consistency, making language gender-neutral, making changes to conform to this State's drafting conventions, making People First Language changes, recodifying definitions to achieve alphabetical order, modernizing the format of definition lists and other lists, adding a missing word, fixing misspellings, relative pronouns, punctuation, and typographical errors, and making other conforming changes.

Specific Comments

Section 1 makes various corrections relating to Chapter 160D of the General Statutes as follows:

Section 1(a) amends G.S. 1-120.2 by fixing references to repealed statutes to change them to their corresponding current statutes in Chapter 160D and by replacing legalese with plain English.

Section 1(b) amends G.S. 160D-403 as follows:

- In subsections (f) and (g), fixes incorrect references.
- In subsection (b), modernizes a term, removes unnecessary language, makes stylistic changes to conform to this State's drafting conventions and for greater clarity, spells out a number, replaces legalese with plain English, and fixes a relative pronoun.
- In subsection (e), removes unnecessary language and makes stylistic changes for greater clarity and to conform to this State's drafting conventions.
- In subsection (h), clarifies an ambiguous conjunction.

Section 1(c) amends G.S. 160D-604 as follows:

- In subsection (d), makes a conforming change resulting from Section 11 of S.L. 2020-25, which clarified that local governments that have not adopted comprehensive plans but do have land-use plans are authorized to adopt zoning regulations.
- In subsection (a), modernizes a term and replaces legalese with plain English.
- In subsection (e), changes "must" to "shall" for improved internal consistency.

Section 1(d) amends G.S. 160D-605(a) by making a conforming change resulting from Section 11 of S.L. 2020-25, which clarified that local governments that have not adopted comprehensive plans but do have land-use plans are authorized to adopt zoning regulations. In this subsection, this PCS also replaces legalese with plain English.

Section 1(e) amends G.S. 160D-944 as follows:

- In subsection (d), fixes incorrect references and removes unnecessary language.
- In subsection (a), replaces legalese with plain English.
- In subsection (b), replaces legalese with plain English, corrects subject-verb agreement, updates the name of an agency, capitalizes a word, and removes unnecessary language.
- In subsection (c), replaces legalese with plain English and updates the name of an agency.

Section 1(f) amends G.S. 160D-1102 by fixing incorrect references, removing an inapplicable reference, replacing legalese with plain English, and removing unnecessary language.

Section 1(g) amends G.S. 160D-1111 to conform to the rest of Chapter 160D, which applies to both cities and counties. This PCS also replaces legalese with plain English and removes unnecessary language.

Section 1(h) amends G.S. 160D-1202 by changing an incorrect designation of "Part" to "Article," replacing legalese with plain English, fixing relative pronouns, removing unnecessary language, and clarifying an ambiguous reference.

Section 2 amends G.S. 14-113.9 as follows:

- In subsection (b), makes a conforming change for improved internal consistency.
- In subsection (a), fixes punctuation, makes language gender-neutral, removes unnecessary language, and fixes a relative pronoun.

Section 3 amends G.S. 15A-151.5 as follows:

- In subdivision (a)(7b), fixes a reference to the catchline of G.S. 15A-145.8A.
- In subsection (b), replaces legalese with plain English.

Section 4(a) amends G.S. 18B-302 as follows:

- Throughout the section, modernizes the format of lists.
- In subsections (a) and (a1), replaces legalese with plain English.
- In subsection (b), replaces legalese with plain English and reorganizes language to avoid unnecessary repetition.
- In subsection (c), fixes punctuation and replaces legalese with plain English.
- In subsection (d), replaces legalese with plain English and makes language gender-neutral.
- In subsections (e) and (f), replaces legalese with plain English,
- In subsection (h), replaces legalese with plain English and fixes punctuation.
- In subsection (j), adds a subsection catchline to conform to the rest of the section, makes a conforming change for improved internal consistency, and replaces legalese with plain English.

- In subsection (k), adds a subsection catchline to conform to the rest of the section and replaces legalese with plain English.

Section 4(b) amends G.S. 18B-900 as follows:

- In subsection (a), removes "garbage language" that was inadvertently left in the statute the last time it was amended. In this subsection, the PCS also modernizes the format of a list, makes language gender-neutral, fixes punctuation, makes a stylistic change for improved internal consistency, and fixes the format of an internal citation.
- In subsection (b), fixes the format of an internal citation, makes language gender-neutral, removes unnecessary language, and replaces legalese with plain English.
- In subsection (c), fixes the format of an internal citation, fixes punctuation, replaces legalese with plain English, and corrects subject-verb agreement.
- In subsection (d), reorganizes the sentence and makes stylistic changes for greater clarity, makes language gender-neutral, changes "shall" to "must" for improved internal consistency, and fixes the format of an internal citation.
- In subsection (f), changes "may not" to "shall not" to conform to this State's drafting conventions.

Section 5 amends G.S. 42-34.1 as follows:

- In subsections (a1) and (b), corrects misspellings by replacing "disperse" with "disburse."
- In subsections (a) and (b), replaces legalese with plain English and splits up sentences for greater clarity.

Section 6 amends G.S. 50-13.7 as follows:

- In subsection (a), deletes an obsolete reference to repealed G.S. 50-13.7A. Former G.S. 50-13.7A was repealed by S.L. 2013-27, which enacted the Uniform Deployed Parents Custody and Visitation Act as Article 3 of Chapter 50A of the General Statutes. This article does not need to be referenced since it does not limit the provisions of this section. In this subsection, the PCS also removes unnecessary language.
- In subsection (b), fixes relative pronouns, replaces legalese with plain English, and removes unnecessary language.

Section 7 amends G.S. 85B-3.2 as follows:

- In subsection (d), corrects the misspelling of a word.
- Throughout the section, replaces legalese with plain English.

Section 8 amends G.S. 90B-9.1 as follows:

- In subsection (b), fixes a typographical error in a reference. In changing punctuation, S.L. 2019-240, s. 10(a), inadvertently replaced a reference to G.S. 90B-6.2 with G.S. 90-6.2. G.S. 90-6.2 does not exist; G.S. 90B-6.2 still is the correct reference.
- In subsection (a), replaces legalese with plain English.

Section 9 replaces remaining references in the General Statutes to "mentally retarded" or "mental retardation" or associated acronyms with People First Language (e.g. individuals with intellectual

disabilities). This section completes the People First Language project begun by S.L. 2018-47 and S.L. 2019-76. It also makes further technical and conforming changes. The amendments are as follows:

Section 9(a) recodifies definitions in G.S. 108A-58.2(e)(3) to achieve alphabetical order.

Section 9(b) amends G.S. 108A-58.2 as follows:

- In subsection (i), replaces "the mentally retarded" with "individuals with intellectual disabilities," makes stylistic changes for greater clarity, and modernizes the format of a list.
- In subsection (b), updates an obsolete reference to a rule with its current citation.
- In subsection (d), replaces legalese with plain English.
- In subsection (e), fixes punctuation, fixes the format of lists, splits up a subunit into two subunits for greater clarity, replaces legalese with plain English, and modernizes the format of definitions.
- In subsection (f), replaces legalese with plain English.

Section 9(c) amends G.S. 108A-61.1 by replacing "the mentally retarded" with "individuals with intellectual disabilities."

Section 9(d) recodifies definitions in G.S. 108A-70.5(b) to achieve alphabetical order.

Section 9(e) amends G.S. 108A-70.5 as follows:

- In subsection (b), replaces "the mentally retarded" with "individuals with intellectual disabilities," makes a stylistic change to conform to the format of a definitions list, replaces legalese with plain English, and modernizes the format of a list.
- In subsection (c), replaces legalese with plain English.

Section 9(f) amends G.S. 28A-14-1 as follows:

- In subsection (b), makes a change to conform to the recodification of definitions in G.S. 108A-70.5(b), fixes a relative pronoun, fixes the format of a reference to a State agency division, and replaces legalese with plain English.
- In subsection (a), adds an Oxford comma and replaces legalese with plain English.
- In subsection (c), replaces legalese with plain English.

Section 9(g) amends G.S. 36C-8-818 by making a change to conform to the recodification of definitions in G.S. 108A-70.5(b), fixing a relative pronoun, and fixing the format of a reference to a State agency division.

Section 9(h) amends G.S. 122C-23 as follows:

- In subsection (h), replaces the acronym "ICF/MR" with the People First Language equivalent "ICF/IID."
- In subsection (a), makes further People First Language changes.
- In subsection (b), replaces legalese with plain English.
- In subsection (c), fixes a relative pronoun.

- In subsection (e), removes unnecessary language, replaces legalese with plain English, fixes a relative pronoun, and changes "may not" to "shall not" to conform to this State's drafting conventions.
- In subsection (e1), fixes the format of citations.
- In subsection (e3), deletes obsolete language and fixes the format of a citation.
- In subsection (f), makes a stylistic change for greater clarity.
- In subsection (g), modernizes the format of a list.

Section 9(i) amends G.S. 131E-267 as follows:

- In subsection (g), replaces the acronym "ICF/MR" with the People First Language equivalent "ICF/IID."
- In subsection (a), replaces "In no event may" with "In no event shall" to conform to this State's drafting conventions.

Section 9(j) amends G.S. 131E-272 by replacing the acronym "ICF-MR" with the People First Language equivalent "ICF/IID."

Section 9(k) amends G.S. 160D-907 as follows:

- In subsection (b), makes People First Language changes by replacing "A person with . . . mental retardation" with "A person with . . . an intellectual or other developmental disability" and replacing "mentally ill persons" with "persons with a mental illness."
- In subsection (c), replaces legalese with plain English and replaces "No local government may" with "No local government shall" to conform to this State's drafting conventions.
- In subsection (d), replaces legalese with plain English.

Section 10 amends G.S. 113-276 as follows:

- In subsections (d), (l2), and (n), removes obsolete references to repealed statutes and makes the following additional changes:
 - In subsection (d), replaces legalese with plain English, makes a conforming change for improved internal consistency, and makes a stylistic change to conform to this State's drafting conventions.
 - In subsection (l2), fixes the format of a citation and makes stylistic changes for greater clarity.
 - In subsection (n), makes stylistic changes for greater clarity, removes an unnecessary word, and fixes a relative pronoun.
- In subsection (c), makes language gender-neutral and replaces legalese with plain English.
- In subsection (f), modernizes the format of a list.
- In subsections (g) and (i), makes language gender-neutral.
- In subsection (k), fixes relative pronouns.

Section 11 amends G.S. 115C-218.75 as follows:

- Adds a missing catchline for subsection (h). This new catchline matches the catchline for G.S. 115C-75.9(n).

- In subsection (a), removes unnecessary language and makes stylistic changes for greater clarity.
- In subsection (b), replaces legalese with plain English and removes unnecessary language.
- In subsection (e) replaces legalese with plain English.

Section 12 amends the title of Article 36 of Chapter 120 of the General Statutes to correctly match the name of the legislative committee that is the subject of the article ("Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources").

Section 13 amends G.S. 143-318.18 as follows:

- In subdivision (8), deletes an obsolete reference to G.S. 116-238, which was repealed by S.L. 2006-66, s. 9.11(v). Former G.S. 116-238 provided for an endowment fund for the North Carolina School of Science and Mathematics. S.L. 2006-66, s. 9.11(k), amended G.S. 116-231 to provide that the school is a constituent high school of The University of North Carolina. G.S. 116-36 provides for an endowment fund for each constituent institution of The University of North Carolina. There is already a reference to G.S. 116-36 in the statute; therefore, a new reference does not need to be added.
- In the introductory language of the section, modernizes the format of a list.
- In subdivision (4c), fixes a relative pronoun.
- In subdivision (6), replaces legalese with plain English.
- In subdivision (7), fixes punctuation.

Section 14(a) repeals G.S. 143A-96.1 as obsolete, as a result of S.L. 2015-241. G.S. 143A-96.1 transferred the Division of Veterans Affairs of the Department of Military and Veterans Affairs to the Department of Administration, but S.L. 2015-241, s. 24.1, later established the Department of Military and Veterans Affairs as a new department.

Section 14(b) amends G.S. 144-9 by updating the name of an agency. In subsection (b), the PCS also replaces legalese with plain English and modernizes a term.

Section 15 amends G.S. 143B-1413(b) by fixing punctuation and replacing legalese with plain English.

Section 16(a) recodifies two definitions in G.S. 150B-2 to achieve alphabetical order.

Section 16(b) further amends G.S. 150B-2 as follows:

- In sub-subdivision (8a)*l.*, updates language to conform to the Department of Information Technology statutes. Part VII-A of S.L. 2015-241 established the Department of Information Technology, repealed Article 3D of Chapter 147 of the General Statutes, and enacted Article 14 of Chapter 143B of the General Statutes. The Revisor of Statutes renumbered this article as Article 15 of Chapter 143B. Section 7A.4(ff) of the session law added a new subsection (i) to G.S. 150B-38 that does not fit with the rest of that section. It appears that this language is intended to be set out in G.S. 150B-2(8a)*l.*, which contains an obsolete reference to G.S. 147-33.81. This PCS amends G.S. 150B-2(8a)*l.* to match the language set out in G.S. 150B-38(i) and repeals G.S. 150B-38(i).
- Throughout the section, modernizes the format of the list of definitions.
- In subdivision (3), adds an Oxford comma.

- In subdivision (4b), fixes relative pronouns, clarifies an ambiguous conjunction, and adds Oxford commas.
- In subdivision (5a), adds an Oxford comma and fixes a relative pronoun.
- In subdivision (6), makes language gender-neutral.
- In subdivision (7a), fixes a relative pronoun.
- In sub-subdivision (8a)b., adds back the word "or" to a list. S.L. 2018-146, s. 4.5(b), deleted this word when it deleted the ultimate item in the list but did not add the word back.

Section 16(c) amends G.S. 150B-38 as follows:

- Repeals subsection (i) as a corollary change to the amendment to G.S. 150B-2(8a)l. made by the previous section.
- In subsection (b), modernizes the format of a list.
- In subsection (d), fixes a relative pronoun and replaces "must" with "shall" to conform to the rest of the section.
- In subsection (e), makes language gender-neutral.

Section 16(d) amends G.S. 122C-151.4 as follows:

- In subsection (f), updates a reference to conform to the renumbering of definitions in G.S. 150B-2 by Section 16(a) of this PCS, fixes a relative pronoun, and eliminates unnecessary words.
- In subsection (a), changes the definitional term "Appeals Panel" to "Panel," since that is the term used in this section, modernizes the format of the list of definitions, and fixes relative pronouns.
- In subsection (c), fixes relative pronouns, eliminates unnecessary words, and modernizes the format of a list.
- In subsection (d), eliminates unnecessary words and fixes a relative pronoun.
- In subsection (e), eliminates unnecessary words.
- In subsection (g), adds a subsection catchline to conform to the rest of the section.

Section 16(e) amends G.S. 150B-23 as follows:

- In subsection (a3), updates references to conform to the renumbering of definitions in G.S. 150B-2 by Section 16(a) of this PCS and replaces legalese with plain English.
- In subsection (a), fixes relative pronouns, modernizes the format of a list, and clarifies an ambiguous reference.
- In subsection (a2), changes "must" to "shall" to conform to the rest of the section.
- In subsection (c), replaces legalese with plain English.
- In subsection (f), replaces legalese with plain English, fixes a relative pronoun, and eliminates an unnecessary word.

Section 17 amends G.S. 150B-21.2 as follows:

- In subsection (d), fixes a typographical error by replacing "or" with "of." In this subsection, the PCS also fixes relative pronouns and removes a hyphen to conform to this State's drafting conventions.
- In subsection (c), modernizes a term and adds little Roman numbers for greater clarity.
- In subsection (e), changes "shall" to "must" for improved internal consistency.

- In subsection (g), changes "shall" to "must" for improved consistency with the rest of the section and fixes a relative pronoun.
- In subsection (i), removes a hyphen to conform to this State's drafting conventions.

Section 18 repeals Section 5 of S.L. 2020-90 to eliminate "garbage language" that it added to Section 11.5(c) of S.L. 2020-83. In amending the other session law, Section 5(a) of S.L. 2020-90 set out language that differed from what was actually set out in that session law. The only resulting change was the addition of the phrase "the District Attorney may," which does not fit with the rest of the language and the meaning of which is already accomplished by Section 11.5(c) of S.L. 2020-83.

The **final section** provides that this act is effective when it becomes law.