



General Statutes Commission

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MEMORANDUM

To: House Judiciary 1
From: General Statutes Commission
Re: HB 67 (GSC Technical Corrections 2021)
Date: February 19, 2021

General Comments

This bill, recommended by the General Statutes Commission, contains corrections of a technical nature to the General Statutes and session laws. These technical corrections consist of correcting misspellings, splitting up sentences for greater clarity, recodifying definitions to achieve alphabetical order, updating language to conform to the Department of Information Technology statutes, modernizing the format of definition lists and other lists, adding a missing word, replacing legalese with plain English, fixing relative pronouns, fixing punctuation, clarifying ambiguous language, eliminating unnecessary language, making language gender-neutral, and making conforming changes.

Specific Comments

Section 1 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 2(a) recodifies two definitions in G.S. 150B-2 to achieve alphabetical order.

Section 2(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 Part VII-A of S.L. 2015-241 established the Department of Information Technology, repealed Article 3D of Chapter 147 of the General Statutes, and enacted Article 14 of Chapter 143B of the General Statutes.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 bill 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 2(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 2(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 2(a) of this bill, 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 2(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 2(a) of this bill 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 3 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.