



General Statutes Commission

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MEMORANDUM

To: Senate Judiciary
From: General Statutes Commission
Re: SB 768 (GSC Technical Corrections 2022)
Date: May 27, 2022

General Comments

This bill, recommended by the General Statutes Commission, contains technical corrections to the General Statutes and session laws. Part I updates cross-references throughout the General Statutes to conform to the consolidated chapter on land-use laws and makes other technical changes. A draft of this part was shared with the UNC School of Government and the North Carolina Home Builders Association. Part II consists of other technical changes, such as updating or deleting obsolete cross-references, fixing the format of citations, replacing legalese with plain English, adding missing language, eliminating unnecessary or obsolete language, making stylistic changes for greater clarity or consistency, making language gender-neutral, making changes to conform to this State's drafting conventions, recodifying a definition to achieve alphabetical order, modernizing the format of definition lists and other lists, clarifying ambiguous language, fixing relative pronouns, punctuation, and typographical errors, and making conforming changes.

Specific Comments

Part I updates cross-references throughout the General Statutes to conform to the consolidated chapter on land-use laws (Chapter 160D of the General Statutes). S.L. 2019-111 repealed Article 18 of Chapter 153A (regarding planning and regulation of development for counties) and Article 19 of Chapter 160A (regarding planning and regulation of development for cities and towns). It consolidated these articles into a new Chapter 160D; however, many cross-references to the former Articles were not updated with cross-references to the new Chapter. Part I makes these cross-reference updates and other technical changes as follows:

Section 1 amends G.S. 18B-904 to replace an obsolete cross-reference.

Section 2 amends G.S. 20-81.12 to replace an obsolete cross-reference.

Section 3 amends G.S. 40A-3 to replace obsolete cross-references and to eliminate obsolete language.

Section 4 amends G.S. 42A-3 to replace an obsolete cross-reference, to eliminate unnecessary language, to replace legalese with plain English, to fix a relative pronoun, and to make a stylistic change.

Section 5 amends G.S. 44A-11.2 to replace an obsolete cross-reference.

Section 6 amends G.S. 44A-24.2 to replace an obsolete cross-reference.

Section 7 amends G.S. 62-100 to replace an obsolete cross-reference.

Section 8 amends G.S. 87-14 to replace obsolete cross-references and to make other technical changes as follows:

- In subsection (a), eliminates unnecessary language, replaces a term for internal consistency, makes a stylistic change, uses more specific language for greater clarity, fixes a relative pronoun, re-designates a subdivision as a new subsection (a1) for greater clarity, and updates a term in the newly designated subdivision.
- In subsection (b), replaces legalese with plain English, makes a stylistic change to eliminate redundancy, fixes a relative pronoun, eliminates unnecessary language, and replaces legalese with plain English.

In addition to sharing this entire Part with the UNC School of Government and the North Carolina Home Builders Association, the Commission shared a draft of this section with the North Carolina Licensing Board for General Contractors.

Section 9 amends G.S. 106-678 to replace an obsolete cross-reference.

Section 10 amends G.S. 106-738 to replace an obsolete cross-reference.

Section 11 amends G.S. 106-743.1 to replace an obsolete cross-reference.

Section 12 amends G.S. 106-743.4 to replace obsolete cross-references.

Section 13 amends G.S. 106-850 to replace an obsolete cross-reference and to make a stylistic change for greater clarity.

Section 14 amends G.S. 115C-525 to replace an obsolete cross-reference and to eliminate unnecessary language.

Section 15 amends G.S. 122C-403 to replace obsolete cross-references and to make the following additional technical changes:

- In the introductory paragraph, makes a stylistic change.
- In subdivision (3), changes "may...not" to "shall...not" in accordance with this State's drafting conventions, eliminates obsolete language, eliminates "garbage" language from redlining errors in S.L. 2007-269, and replaces legalese with plain English.
- In subdivisions (7) and (8), fixes the format of an internal citation.

In addition to sharing this entire Part with the UNC School of Government and the North Carolina Home Builders Association, the Commission shared a draft of this section with the Department of Health and Human Services.

Section 16 amends G.S. 122C-410 to replace obsolete cross-references.

Section 17 amends G.S. 130A-64.1 to replace an obsolete cross-reference.

Section 18 amends G.S. 130A-247 to replace an obsolete cross-reference.

Section 19 amends G.S. 130A-250 to replace an obsolete cross-reference.

Section 20 amends G.S. 130A-291.1 to replace an obsolete cross-reference.

Section 21 amends G.S. 130A-309.118 to replace an obsolete cross-reference, to replace legalese with plain English, and to update terminology to conform to the consolidated land-use chapter.

Section 22 amends G.S. 130A-310.37 to replace an obsolete cross-reference.

Section 23 amends G.S. 130A-310.77 to replace obsolete cross-references and to update terminology to conform to the consolidated land-use chapter.

Section 24 amends G.S. 131D-2.1 to replace an obsolete cross-reference.

Section 25 amends G.S. 132-1.2 to replace an obsolete cross-reference and to update terminology to conform to the consolidated land-use chapter.

Section 26 amends G.S. 139-60 to replace an obsolete cross-reference and to make a stylistic change for greater clarity.

Section 27 amends G.S. 143-64.17K to replace an obsolete cross-reference.

Section 28 amends G.S. 143-139 to replace obsolete cross-references and to update terminology to conform to the consolidated land-use chapter.

Section 29 amends G.S. 143-139.4 to replace an obsolete cross-reference.

Section 30 amends G.S. 143-151.8 to remove incongruent cross-references. The statute refers to a federally recognized Indian Tribe under G.S. 153A-350.1, but the successor statute for G.S. 153A-350.1 does not define or describe a federally recognized Indian Tribe. Section 30 makes other technical changes as follows:

- In subsection (a), eliminates unnecessary language, modernizes the format of definitions, tabulates definitions for greater clarity, makes stylistic changes, replaces legalese with plain English, reorders wording for greater clarity, fixes punctuation, and eliminates unnecessary language.
- In subsection (b), replaces legalese with plain English.
- In subsection (c), replaces legalese with plain English and makes stylistic changes for greater clarity.

In addition to sharing this entire Part with the UNC School of Government and the North Carolina Home Builders Association, the Commission shared a draft of this section with the North Carolina Code Officials Qualifications Board.

Section 31 amends G.S. 143-151.12 to remove an incongruent cross-reference. The statute refers to a federally recognized Indian Tribe under G.S. 153A-350.1, but the successor statute for G.S. 153A-350.1 does not define or describe a federally recognized Indian Tribe. Section 31 makes other technical changes to replace legalese with plain English, to modernize the format of a list, to fix a relative pronoun, and to eliminate unnecessary language.

Section 32 amends G.S. 143-151.13 to replace obsolete cross-references.

Section 33 amends G.S. 143-151.15 to replace an obsolete cross-reference.

Section 34 amends G.S. 143-151.17 to remove incongruent cross-references. The statute refers to a federally recognized Indian Tribe under G.S. 153A-350.1, but the successor statute for G.S.

153A-350.1 does not define or describe a federally recognized Indian Tribe. Section 34 makes other technical changes as follows:

- In subsection (a), replaces legalese with plain English, rewords and makes stylistic changes for greater clarity, eliminates unnecessary language, modernizes the format of a list, and makes language gender-neutral.
- In subsection (b), fixes the format of an internal citation.
- In subsection (e), eliminates unnecessary language and replaces legalese with plain English.

Section 35 amends G.S. 143-214.5 to replace an obsolete cross-reference.

Section 36 amends G.S. 143-215.104T to replace an obsolete cross-reference.

Section 37 amends G.S. 143-465 to replace an obsolete cross-reference.

Section 38 amends G.S. 143B-373 to replace obsolete cross-references and to make other technical changes as follows:

- In subsection (a), eliminates unnecessary language, replaces legalese with plain English, and fixes punctuation.
- In subsections (b), updates terminology to conform to the consolidated land-use chapter, makes stylistic changes for greater clarity, removes obsolete language, and replaces legalese with plain English.
- In subsection (c), updates terminology to conform to the consolidated land-use chapter, makes stylistic changes for greater clarity, removes obsolete language, fixes a relative pronoun, and fixes punctuation.

Section 39 amends G.S. 153A-44 to replace obsolete cross-references.

Section 40 amends G.S. 153A-149 to replace obsolete cross-references.

Section 41 amends G.S. 153A-210.4 to replace an obsolete cross-reference.

Section 42 amends G.S. 153A-471 to replace an obsolete cross-reference.

Section 43 amends G.S. 159G-23 to replace an obsolete cross-reference.

Section 44 amends G.S. 160A-31 to replace obsolete cross-references.

Section 45 amends G.S. 160A-58.1 to replace obsolete cross-references and to reword for greater consistency with a cross-referenced statute.

Section 46 amends G.S. 160A-58.4 to replace obsolete cross-references.

Section 47 amends G.S. 160A-209 to replace obsolete cross-references.

Section 48 amends G.S. 160A-239.4 to replace an obsolete cross-reference.

Section 49 amends G.S. 160A-307.1 to replace an obsolete cross-reference.

Section 50 amends G.S. 160A-505 to replace an obsolete cross-reference.

Section 51 amends G.S. 162A-6 to replace an obsolete cross-reference.

Section 52 amends G.S. 162A-9 to replace an obsolete cross-reference.

Section 53 amends G.S. 162A-93 to replace an obsolete cross-reference.

Part II consists of the following additional technical corrections:

Section 54(a) amends G.S. 1-54.1 by adding the phrase "or approving a" that was mistakenly deleted from the statute by S.L. 2019-111 (the session law that reorganized the land-use laws into Chapter 160D of the General Statutes). It also adds the phrase "shall be brought" to complete a sentence fragment and makes stylistic changes to shorten the language.

Section 54(b) amends G.S. 160D-1405 as follows:

- In subsection (b), adds cross-references to G.S. 1-54(10) to be consistent with the rest of the section and replaces legalese with plain English.
- In subsection (c), eliminates unnecessary language, fixes a relative pronoun, and replaces "may not" with "shall not" in accordance with this State's drafting conventions.
- In subsection (d), replaces legalese with plain English.

Section 55 amends G.S. 47C-2-117 as follows:

- In subsection (a), fixes a typographic error in a cross-reference, fixes the format of an internal citation, and fixes punctuation.
- In subsection (b), replaces legalese with plain English and replaces "no . . . may" with "no . . . shall" in accordance with this State's drafting conventions.
- In subsection (c), replaces "must" with "shall" to be consistent with the rest of the section.
- In subsection (d), replaces "no . . . may" with "no . . . shall" in accordance with this State's drafting conventions.
- In subsection (f), eliminates unnecessary language, replaces legalese with plain English, and makes stylistic changes.

Section 56 amends G.S. 47F-1-102 as follows:

- In subsection (c), moves a cross-reference so that it appears in the correct location in a list of cross-references ordered by G.S. number and corrects the capitalization of the catchline in the cross-reference. This bill also fixes the catchline in another cross-reference to conform to the section being referenced and eliminates unnecessary language.
- In subsection (b), modernizes the format of a list and fixes a relative pronoun.
- In subsection (d), eliminates unnecessary language and replaces legalese with plain English.

Section 57 repeals subsection (j) of G.S. 113-276 as obsolete. This subsection used to allow certified migrant farm workers to use resident fishing licenses, but this subsection has been non-functional for at least a decade or so. The Commission contacted the Department of Commerce, Wildlife Resources Commission, North Carolina Justice Center Workers' Rights Project, Legal Aid of North Carolina Farmworker Unit, and North Carolina Advocates for Justice, and all responded with no opposition to repealing this subsection. In subsection (c), this bill also fixes a grammatical error by making a word singular.

Section 58(a) recodifies a definition in G.S. 126-5(b) to achieve alphabetical order.

Section 58(b) amends G.S. 126-5 as follows:

- In subsection (c), deletes an obsolete cross-reference to former G.S. 126-7. The only remaining related statute (G.S. 126-7.3) does not fit the context in which this cross-reference appears. The content of former G.S. 126-7 that did fit the context concerned the former Comprehensive Compensation System; this language was repealed by S.L. 2012-142, s. 25.2C, and was not replaced. This bill also eliminates unnecessary language, replaces legalese with plain English, makes a stylistic change, fixes the format an internal citation, and makes language gender-neutral,
- In subsection (c7), deletes another obsolete cross-reference to former G.S. 126-7 and replaces an obsolete cross-reference to former G.S. 126-34.1(a)(2) with a cross-reference to the successor provisions in G.S. 126-34.02(b)(1) and (2). (These provisions concern allegations of discrimination or retaliation for protesting discrimination in the context of State employment. S.L. 2013-382, s. 6.1, repealed G.S. 126-34.1 and enacted G.S. 126-34.02.) This bill also eliminates unnecessary language and replaces legalese with plain English.
- In subsection (a), eliminates unnecessary language, replaces legalese with plain English, and modernizes the format of a list.
- In subsection (b), modernizes the format of definitions and replaces legalese with plain English.
- In subsection (c1), eliminates unnecessary language, replaces legalese with plain English, and makes a stylistic change.
- In subsection (c2), eliminates unnecessary language, replaces legalese with plain English, makes a stylistic change, and fixes punctuation.
- In subsection (c3), eliminates unnecessary language, replaces legalese with plain English, makes a stylistic change, and adds an Oxford comma.
- In subsections (c5) and (c6), replaces legalese with plain English.
- In subsection (c8), eliminates unnecessary language, replaces legalese with plain English, and makes a stylistic change.
- In subsection (c9), eliminates unnecessary language and replaces legalese with plain English.
- In subsection (c10), eliminates unnecessary language, replaces legalese with plain English, and fixes a grammatical error by making a word plural.
- In subsection (c11), fixes punctuation and modernizes the format of a list.
- In subsections (c12) and (c13), eliminates unnecessary language and replaces legalese with plain English.
- In subsections (c14) and (c15), replaces legalese with plain English.
- In subsection (c16), eliminates unnecessary language and replaces legalese with plain English.
- In subdivision (d)(1), eliminates unnecessary language.
- In subdivision (d)(2), fixes the format of an internal citation and replaces legalese with plain English.
- In subdivision (d)(2a), replaces legalese with plain English.
- In subdivision (d)(3), makes a stylistic change, eliminates unnecessary language, and fixes the format of an internal citation.
- In subdivision (d)(4), eliminates unnecessary language.
- In subdivision (d)(5), replaces "must" with "shall" to be consistent with the rest of the section and replaces legalese with plain English.

- In subdivision (d)(6), eliminates unnecessary language.
- In subdivision (d)(7), adds a missing subdivision catchline to be consistent with the rest of the subsection and eliminates obsolete language.
- In subsection (g), fixes punctuation, replaces legalese with plain English, replaces "must" with "shall" to be consistent with the rest of the section, and makes language gender-neutral.
- In subsection (h), makes a stylistic change, eliminates unnecessary language, and fixes the format of a citation.

The Commission shared a draft of this section with the State Human Resources Commission and Office of Administrative Hearings.

Section 59(a) amends G.S. 160D-405 as follows:

- In subsection (a), adds a cross-reference to G.S. 160D-1403 for appeals of administrative decisions on subdivision plats.
- In subsection (b), replaces legalese with plain English.
- In subsection (f), restructures some sentences for greater clarity and replaces legalese with plain English.
- In subsection (g), eliminates unnecessary language.

Section 59(b) amends G.S. 160D-808 to make a stylistic change to clarify the intent of the statute.

Section 59(c) amends G.S. 160D-1403 as follows:

- In subsection (b), restructures the subsection and adds language to clarify that an appeal of an administrative subdivision plat decision by a governing board or planning board is to superior court, not to a board of adjustment. Current law is slightly ambiguous as to which body reviews this type of decision.
- In subsection (a), replaces legalese with plain English, makes a stylistic change, and eliminates unnecessary language.
- In subsection (c), replaces legalese with plain English.

Section 60(a) and **Section 60(b)** amend the introductory language of Section 3(a) and Section 4(a), respectively, of S.L. 2021-39 to fix references to local legislation from the early twentieth century. (There were no "Session Laws" at that time.)

Part III, which consists of **Section 61**, provides that this act is effective when it becomes law.