



GENERAL STATUTES COMMISSION

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MEMORANDUM

To: Senate Judiciary
From: General Statutes Commission
Re: HB 103 (GSC Technical Corrections 2023)
Date: May 22, 2023

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 removing obsolete references, removing unnecessary language, making stylistic changes for greater clarity or consistency, replacing legalese with plain English, making conforming changes, recodifying statutes for more logical placement in the General Statutes, fixing punctuation, adding clarifying language, making language gender-neutral, fixing the content or format of citations, fixing relative pronouns, modernizing the format of lists, correcting effective dates to reflect legislative intent, splitting up sentences for greater clarity, rewording terms for internal consistency, fixing capitalization, and fixing typographical errors. There is no known opposition to this PCS.

Specific Comments

Section 1 amends G.S. 1-567.36 by removing an obsolete cross-reference, removing unnecessary language, and making a word singular for greater consistency.

Section 2 amends G.S. 1-567.44 as follows:

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

Section 3 amends G.S. 20-4.02 as follows:

- In subsection (a), makes a conforming change to reflect the renumbering of G.S. 20-4.02(a)(8a) as subdivision (a)(8b) of that section by S.L. 2022-68, s. 10(b).
- In subsections (c) and (d), removes unnecessary language.
- In subsection (e), makes a reference to a definition less specific in accordance with this State's drafting conventions.

Section 4 recodifies G.S. 20-187.2 as G.S. 17F-20 for more logical placement in the General Statutes and amends G.S. 17F-20 as follows:

- In subsection (a), fixes punctuation, removes unnecessary language, makes stylistic changes for greater clarity, replaces legalese with plain English, and makes a word singular for greater consistency.

- In subsection (b), makes stylistic changes for greater clarity and replaces legalese with plain English.
- In subsection (c), replaces legalese with plain English.

Section 5 recodifies G.S. 20-187.4 as G.S. 17F-21 for more logical placement in the General Statutes and amends G.S. 17F-21 as follows:

- In subsection (a), fixes punctuation and replaces legalese with plain English.
- In subsection (b), fixes punctuation and makes a reference to a definition less specific in accordance with this State's drafting conventions.

Section 6 recodifies G.S. 20-194 as G.S. 17F-5 for more logical placement in the General Statutes and amends G.S. 17F-5 as follows:

- In the subsection catchline, adds clarifying language.
- In subsection (b), replaces legalese with plain English, adds clarifying language, makes language gender-neutral, adds Oxford commas, and removes unnecessary language.
- In subsection (c), replaces legalese with plain English.

Section 7 amends G.S. 36C-4-411 as follows:

- In subsection (c), makes stylistic changes and removes an extraneous word.
- In subsection (a), makes a stylistic change to introduce a list.
- In subsection (h), replaces legalese with plain English.

Section 8 amends G.S. 41-73 as follows:

- In subdivision (c), fixes an internal citation, makes a stylistic change for greater consistency with the rest of the section, and fixes punctuation.
- In subsection (a), removes unnecessary language.
- In subsection (b), adds a missing word and replaces legalese with plain English.
- In subsections (d) and (e), replaces legalese with plain English.

Section 9 amends G.S. 74C-12 as follows:

- In subdivision (a)(18), makes a conforming change to align the time for obtaining a substitute agent with the time provided in G.S. 74C-8(c)(3), as amended by of Section 1 of S.L. 2022-6, makes stylistic changes for greater clarity and internal consistency, and removes unnecessary language.
- In the lead-in language of subsection (a), adds an Oxford comma.
- In subdivision (a)(6), removes unnecessary language.
- In subdivision (a)(8), fixes a relative pronoun.
- In subdivision (a)(12), removes unnecessary language.
- In subdivision (a)(13), fixes a relative pronoun, replaces legalese with plain English, and makes a stylistic change for greater clarity.
- In subdivision (a)(17), makes stylistic changes for greater clarity and internal consistency, including adding a cross-reference.
- In subdivision (a)(21), makes stylistic changes for greater clarity.
- In subdivision (a)(22), removes unnecessary language.
- In subdivision (a)(23), fixes a relative pronoun.

- In subdivision (a)(25), makes stylistic changes for greater clarity and consistency with the cross-referenced statute in this subdivision.
- In subdivision (a)(27), makes stylistic changes for greater clarity and internal consistency and removes unnecessary language.
- In subdivision (a)(28), makes a stylistic change for greater clarity.
- In subsection (b), replaces legalese with plain English.
- In subsection (c), changes "may not" to "shall not" to conform to this State's drafting conventions.

Section 10(a) amends G.S. 90-186 to modernize the format of a list throughout the section and does the following:

- In subdivision (6), removes language that is currently in effect but that was intended by S.L. 2022-67 to have a contingent effective date, replaces legalese with plain English, and removes duplicative language.
- In the lead-in language, fixes the format of a citation.
- In subdivision (1), splits up a sentence for greater clarity, replaces legalese with plain English, and removes unnecessary language.
- In subdivision (2), fixes punctuation and makes a stylistic change for greater clarity.
- In subdivision (3), removes unnecessary language and splits up a sentence for greater clarity.
- In subdivision (4), fixes punctuation, removes an obsolete reference, and replaces legalese with plain English.
- In subdivision (7), removes unnecessary language, splits up a sentence for greater clarity, and replaces legalese with plain English.
- In subdivision (8), replaces legalese with plain English.

Section 10(b) amends G.S. 90-186, as amended by Section 1(a) of the PCS, to add language that was intended by S.L. 2022-67 to have a contingent effective date.

Section 10(c) provides that Section 1(a) of the PCS is effective retroactively to October 1, 2022, consistent with the effective date of the provision this technical correction is correcting. It also provides that Section 1(b) of the PCS has a contingent effective date, consistent with the intent of S.L. 2022-67.

Section 11 amends G.S. 93B-8.1 as follows:

- In subsection (a), rewords terms for internal consistency.
- In subsection (b), changes "no . . . may" to "no . . . shall" to conform to this State's drafting conventions and fixes the format of an internal citation.
- In subsection (b1), rewords terms for internal consistency.
- In subsection (b2), adds lead-in language to introduce a list and rewords a term for internal consistency.
- In subsection (b3), modernizes a term and makes a stylistic change for greater clarity and to conform to this State's drafting conventions.
- In subsections (b4) and (b5), makes a stylistic change to conform to this State's drafting conventions.

- In subsection (b6), changes an indefinite article to a definite article, replaces legalese with plain English, fixes incorrect capitalization, makes stylistic changes for greater clarity, replaces a pronoun with a noun, and makes stylistic changes for greater clarity.
- In subsection (b7), makes an internal cross-reference more specific, removes unnecessary language, and replaces legalese with plain English.
- In subsection (b8), replaces legalese with plain English and formats language into a list for greater clarity.
- In subsection (c), makes stylistic changes for greater clarity and internal consistency.
- In subsection (c1), replaces legalese with plain English.

Section 12 amends G.S. 130A-115 as follows:

- In subsection (g), removes duplicative language resulting from the addition of very similar language by both S.L. 2022-63, s. 2(b), and S.L. 2022-74, s. 9G.4(b).
- In subsection (a), fixes a relative pronoun.
- In subsection (b), replaces legalese with plain English.
- In subsection (c), fixes a relative pronoun, adds an Oxford comma, makes a stylistic change for greater clarity, replaces legalese with plain English, fixes punctuation to conform to this State's drafting conventions, and removes an unnecessary comma.
- In subsection (c1), replaces legalese with plain English.
- In subsection (d), removes an unnecessary comma.
- In subsections (e) and (f), replaces legalese with plain English.
- In subsection (h), removes obsolete language.
- In subsection (i), adds a reference to a constitutional requirement for greater clarity and consistency with the General Statutes.

Section 13 recodifies G.S. 130A-309.06(a)(12) as the second sentence of G.S. 143B-135.204(a), adds additional language for context to that sentence, and removes unnecessary language from that sentence. This recodification is a conforming change to reflect that the Department of Natural and Cultural Resources (as opposed to the Department of Environmental Quality) is the department responsible for the North Carolina Zoological Park. S.L. 2015-241, s. 14.30, renamed the Department of Cultural Resources as the Department of Natural and Cultural Resources and renamed the Department of Environmental and Natural Resources as the Department of Environmental Quality. It also transferred the North Carolina Zoological Park from the old Department of Environmental and Natural Resources to the new Department of Natural and Cultural Resources.

Section 14 amends G.S. 130A-440.1 as follows:

- In subsection (a), removes obsolete language and removes "garbage language" that was inadvertently left in the statute when previously amended.
- In subsection (a1), removes obsolete language and modernizes the format of a list.
- In subsection (c), (f), and (g), removes obsolete language.

Section 15 amends G.S. 150B-21.12 as follows:

- In subsection (d), removes "garbage" language that resulted from a conflict between S.L. 2011-291, s. 2.60, and S.L. 2011-398, s. 8. S.L. 2011-291 amended a reference to a legislative committee, but S.L. 2011-398 deleted that reference.

- In subsection (c), changes two instances of "shall" to "must" for greater internal consistency.

Section 16 amends G.S. 160D-1110 as follows:

- Repeals subsection (f) because it refers to a requirement that Section 54 of S.L. 2013-413 repealed.
- In subsection (a), makes stylistic changes for greater clarity and internal consistency, removes an unnecessary comma, and replaces legalese with plain English.
- In subsection (b), replaces legalese with plain English, changes "must" to "shall" for greater internal consistency, fixes the format of citations to conform to this State's drafting conventions, and removes unnecessary language.
- In subsection (c), removes an obsolete cross-reference and makes stylistic changes for greater clarity.
- In subsection (d), replaces legalese with plain English and splits a sentence for greater clarity.
- In subsection (e), makes a reference to a definition less specific in accordance with this State's drafting conventions and adds a cross-reference for greater clarity.
- In subsection (g), removes unnecessary language, splits a sentence for greater clarity, updates a term, fixes noun/verb agreement, removes duplicative language, makes references to definitions less specific in accordance with this State's drafting conventions, makes a stylistic change for greater clarity, and replaces legalese with plain English.
- In subsection (h), changes "No . . . may" to "No . . . shall" to conform to this State's drafting conventions.
- In subsection (i), replaces legalese with plain English.

Section 17 amends Section 12 of S.L. 2012-149 by striking contingent effective date language that is not intended to function as a contingency.

Section 18 fixes two errors relating to the Business Recovery Grant Program as follows:

- S.L. 2022-6, s. 20.7, amended G.S. 105-130.5(b)(31a) and G.S. 105-153.5(b)(14a), effective for taxable years beginning on or after January 1, 2020. S.L. 2021-180, s. 34.3B, however, had added these subdivisions, effective for taxable years beginning on or after January 1, 2021. Since the amendments have an earlier effective date than the underlying language, there is a conflict. Moving the effective date of the underlying language a year earlier to match the amendments eliminates this conflict.
- S.L. 2021-189, s. 6.5(a), stated that it was amending Section 34.3A(h) of "S.L. 2021-280". There is no S.L. 2021-280; the language being set out is from S.L. 2021-180. This proposed technical correction would fix this typographical error.

Section 19 amends Section 40.3(f) of S.L. 2021-180, as enacted by Section 18.2 of S.L. 2022-6, by fixing an internal cross-reference.

Section 20(a) amends Section 7(c) of S.L. 2022-73 by adding a word that was inadvertently stricken by a previous amendment.

Section 20(b) makes the effective date of Section 20(a) consistent with the effective date of the provision it is amending.

Section 21(a) amends the introductory language of Section 15.3(f) of S.L. 2022-74 to correct the citation of the provision it is intending to amend.

Section 21(b) makes the effective date of Section 21(a) consistent with the effective date of the provision it is amending.

Section 22(a) amends Section 20.4(b) of S.L. 2022-74 to correct the citation of the provision it is intending to repeal.

Section 22(b) makes the effective date of Section 22(a) consistent with the effective date of the provision it is amending.

Section 23(a) amends the introductory language of Section 39.16 of S.L. 2022-74 to correct the citation of the provision it is intending to amend.

Section 23(b) makes the effective date of Section 23(a) consistent with the effective date of the provision it is amending.

The final section of this act provides that, except as otherwise provided, this act is effective when it becomes law.