



GENERAL STATUTES COMMISSION

300 N. Salisbury Street, Suite 401
Raleigh, NC 27603-5925
Tel. 919-733-6660 Fax 919-715-5459

David C. Unwin
Revisor of Statutes

Caroline Pantoja
Assistant Revisor of Statutes

MEMORANDUM

To: House Judiciary 1
From: General Statutes Commission
Re: HB 917 (GSC Technical Corrections 2024)
Date: May 7, 2024

General Comments

This proposed committee substitute (PCS) contains corrections of a technical nature to the General Statutes and session laws. Everything except Section 16(b) is a recommendation of the General Statutes Commission; Section 16(b) is requested by the Department of State Treasurer and makes technical changes that are parallel to other changes in the PCS. The technical corrections in the PCS consist of updating obsolete references, fixing garbage language caused by past conflicting amendments, replacing legalese with plain English, making conforming changes, deleting obsolete, duplicative, or unnecessary language, making stylistic changes for greater clarity or consistency, fixing punctuation, misspellings, capitalization, and grammatical errors, making language gender-neutral, fixing the format of references, fixing relative pronouns, modernizing the format of lists, making changes to conform to this State's drafting conventions, correcting effective dates to reflect legislative intent, splitting up sentences for greater clarity, rewording terms for internal consistency, and organizing a section into subsections. There is no known opposition to this PCS.

Specific Comments

Section 1 deletes or updates obsolete references to the archaic and obsolete doctrine of coverture. Section 1(a) repeals G.S. 1-18 as obsolete. Section 1(b) amends G.S. 29-30 as follows:

- In subsection (a), replaces "coverture" with "the marriage."
- In subsection (b), fixes punctuation, replaces legalese with plain English, makes stylistic changes for greater clarity, and splits up a sentence for greater clarity.
- In subsection (c), replaces legalese with plain English and removes unnecessary language.
- In subsection (c1), adds an internal cross-reference, makes a stylistic change for greater clarity, removes unnecessary language, and fixes punctuation.
- In subsection (c2), adds an internal cross-reference for greater clarity and fixes punctuation.
- In subsection (e), replaces legalese with plain English.
- In subsection (f), removes unnecessary language.
- In subsection (g), makes a word singular for greater consistency, replaces legalese with plain English, removes unnecessary language, and splits up a subdivision for greater clarity.
- In subsection (h), replaces legalese with plain English, removes unnecessary language, and fixes a relative pronoun.

Section 1(c) amends G.S. 50-11 as follows:

- In subsection (a), replaces legalese with plain English.
- In subsection (b), replaces "coverture" with "the marriage."
- In subsections (c) and (d), replaces legalese with plain English.
- In subsection (e), makes a change to conform to this State's drafting conventions, replaces legalese with plain English and fixes the format of a citation.
- In subsection (f), replaces legalese with plain English.

Section 1(d) amends G.S. 52-10 as follows:

- In subsection (a), replaces "coverture" with "marriage," replaces legalese with plain English, and tabulates language for greater clarity.
- In subsection (a1), fixes misspellings and replaces legalese with plain English.
- In subsection (b), replaces legalese with plain English, fixes punctuation, replaces "must" with "shall" to be more consistent with the rest of the section.
- In subsection (c), replaces legalese with plain English and fixes a relative pronoun.

Section 2 amends G.S. 1-569.17(g), located in the Revised Uniform Arbitration Act, by replacing "protection of records" with "production of records" to be more consistent with the rest of the section and to conform to the Uniform Law Commission's version of the Act. This PCS also replaces legalese with plain English in subsection (h).

Section 3 amends G.S. 7B-2204(d) by deleting garbage language and other unnecessary language. S.L. 2021-180, s. 19C.9(ff), amended G.S. 7B-2204(d) without accounting for amendments to that subsection by S.L. 2021-123, s. 2. S.L. 2023-114, s. 4(e), later amended the subsection and also did not account for the amendments by S.L. 2021-123, s. 2. These conflicting amendments resulted in garbage language.

Section 4 amends G.S. 14-113.7A by changing the term "credit card" to "financial transaction card" in a reference to a definition in G.S. 14-113.8. Chapter 1244 of the 1967 Session Laws enacted G.S. 14-113.7A and G.S. 14-113.8 to both use the term "credit card." Chapter 741 of the 1979 Session Laws changed the term "credit card" in G.S. 14-113.8 to "financial transaction card," but a conforming change to G.S. 14-113.7A was never made. This PCS also replaces legalese with plain English and deletes unnecessary language.

Section 5 repeals Article 15A ("Investigation of Offenses Involving Abandonment and Nonsupport of Children") of Chapter 15 of the General Statutes. This article discusses an obsolete reporting requirement.

Section 6 codifies permanent language in G.S. 58-50-130 and amends the statute as follows:

- In subsection (a), rearranges language for greater clarity, makes a stylistic change, deletes unnecessary language, replaces legalese with plain English, fixes the format of an internal citation, and replaces "must" with "shall" to be more consistent with the rest of the section.
- In subsection (b), adds a missing word, hyphenates words, fixes punctuation, and replaces legalese with plain English.
- In subsection (b1), fixes a relative pronoun.
- In subsections (f) and (g), replaces "Act" with "Article" for greater clarity.
- Repeals subsection (h) as obsolete.

Section 6(c) corrects a drafting error in S.L. 2015-281, which intended to amend G.S. 58-50-110. Section 6(d) provides that Section 6(c) is retroactively effective January 1, 2016, the effective date of the amendment in S.L. 2015-281.

Section 7 amends G.S. 90A-53(a) to fix garbage language. Both S.L. 2023-65, s. 9.1(a), and S.L. 2023-90, s. 10.1(b), amended G.S. 90A-53 but did not account for each other. This PCS also fixes punctuation and replaces legalese with plain English in subsection (a), and, in subsection (b), replaces legalese with plain English and fixes the format of an internal citation.

Section 8 repeals garbage language remaining in G.S. 108A-54.3A(a)(2a). S.L. 2021-180, s. 9D.14(b), added G.S. 108A-54.3A(a)(2a) with a contingent expiration date, per s. 9D.14(c) of that act. S.L. 2022-74, s. 9D.14(e), amended G.S. 108A-54.3A(a)(2a) in the coded bill drafting format, effective July 1, 2022. Based on its contingent expiration, S.L. 2021-180, s. 9D.14(b), expired June 30, 2023. S.L. 2023-7, s. 1.7(n), also repealed S.L. 2021-180, s. 9D.14, effective October 3, 2023. Consequently, the version of G.S. 108A-54.3A(a)(2a) enacted by S.L. 2021-180, s. 9D.14(b) has expired or been repealed, but the amendments made to G.S. 108A-54.3A(a)(2a) by S.L. 2022-74, s. 9D.14(e), still linger.

Section 9 repeals Article 3 ("Control over Child Caring Facilities") of Chapter 110 of the General Statutes. This article is obsolete; its main provisions were last amended in 1917.

Section 10 amends G.S. 110-130 by making language gender-neutral, organizing the section into two subsections, making stylistic changes, clarifying ambiguous language, modernizing language, fixing punctuation, deleting unnecessary language, replacing legalese with plain English, and splitting up a sentence for greater clarity.

Section 11(a) amends G.S. 115C-284 as follows:

- In subsection (a), deleting an unnecessary reference.
- Deletes subsection (b), which is duplicative of subsection (a).
- Moves language from subsection (h) to subsection (e) and makes technical changes to this language, such as replacing legalese with plain English and deleting unnecessary words. The PCS also makes stylistic changes and deletes other unnecessary language in subsection (e).
- In subsection (f) and (g), replaces legalese with plain English.

Section 11(b) amends G.S. 115C-299 by deleting duplicative language, making a stylistic change, deleting an unnecessary reference, and replacing legalese with plain English.

Section 11(c) repeals G.S. 115C-315(a), which is duplicative of subsection (b) of that section.

Section 11(d) amends G.S. 115C-315(b) by deleting an unnecessary reference and obsolete language.

Section 12 amends G.S. 116-30.2 and G.S. 126-85 to conform to the repeal of G.S. 120-76 by S.L. 2023-134, s. 27.10(a). Section 10(a) replaces a reference to the repealed statute with a reference to G.S. 120-76.1, the corresponding successor statute, and replaces legalese with plain English. Section 10(b) replaces a reference to the repealed statute with a reference to G.S. 120-75.1, the corresponding successor statute, adds Oxford commas, fixes a relative pronoun, and replaces legalese with plain English.

Section 13 amends G.S. 116-209.28 by updating the term for the North Carolina Principal Fellows Trust Fund to conform to Section 3.4(d) of S.L. 2022-71. The PCS also deletes an unnecessary date.

Section 14 repeals G.S. 121-42. This section is duplicative of G.S. 121-34, which is located at the beginning of the same article.

Section 15 authorizes the Revisor of Statutes to recodify definitions so that they appear in alphabetical order and recodifies certain definitions to appear in alphabetical order.

Section 16 amends G.S. 128-28, G.S. 153A-93, and G.S. 160A-163 by updating obsolete references to the Firemen's Pension Fund or Firemen's and Rescue Squad Workers' Pension Fund. The current name of the fund is the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund. Please see Article 86 of Chapter 58 of the General Statutes. Chapter 1420 of the 1957 Session Laws established the North Carolina Firemen's Pension Fund. Chapter 1029 of the 1981 Session Laws renamed the fund the North Carolina Firemen's and Rescue Squad Workers' Pension Fund. S.L. 2013-284 renamed the fund as the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, which is the current name.

The PCS also makes additional technical changes in these three statutes and makes parallel technical changes in G.S. 135-6, which is very similar to G.S. 128-28. The Department of State Treasurer requested the changes to G.S. 135-6. The additional technical changes are as follows:

- In G.S. 128-28(a), replaces legalese with plain English.
- In G.S. 128-28(b), replaces legalese with plain English and adds Oxford commas.
- In G.S. 128-28(c), fixes punctuation, makes stylistic changes, replaces legalese with plain English, and fixes a relative pronoun.
- In G.S. 128-28(e), makes language gender-neutral, replaces legalese with plain English, makes stylistic changes, changes a term to be more consistent with the rest of the section, and clarifies an ambiguous reference.
- In G.S. 128-28(f) and (f1), replaces legalese with plain English.
- In G.S. 128-28(g), updates terms, deletes unnecessary language, and fixes a relative pronoun.
- In G.S. 128-28(h), adds an Oxford comma, deletes unnecessary language, and replaces legalese with plain English.
- In G.S. 128-28(i), replaces legalese with plain English and fixes punctuation.
- In G.S. 128-28(j), fixes a relative pronoun.
- In G.S. 128-28(k), replaces legalese with plain English.
- In G.S. 128-28(l), capitalizes language, deletes unnecessary language, replaces legalese with plain English, makes a stylistic change, and fixes a grammatical error.
- In G.S. 128-28(m), replaces legalese with plain English, deletes unnecessary language, makes stylistic changes, and clarifies an ambiguous reference.
- Repeals G.S. 128-28(n) as obsolete.
- In G.S. 128-28(o), deletes unnecessary language, replaces legalese with plain English, adds an Oxford comma, and fixes a grammatical error.
- In G.S. 128-28(p), deletes an unnecessary word.

- In G.S. 128-28(q), deletes unnecessary language, adds Oxford commas, fixes a grammatical error, replaces legalese with plain English, makes stylistic changes, and makes language gender-neutral.
- In G.S. 128-28(r), modernizes the format of a list, fixes a relative pronoun, and deletes unnecessary language.
- In G.S. 128-28(s), replaces legalese with plain English.
- In G.S. 128-28(u), replaces legalese with plain English, makes a stylistic change, and fixes a grammatical error.
- In G.S. 135-6(a), deletes unnecessary or obsolete language, replaces legalese with plain English, removes quotation marks, and adds an Oxford comma.
- In G.S. 135-6(b), replaces "Neither . . . may" with "Neither . . . shall" in accordance with this State's drafting conventions.
- In G.S. 135-6(d), makes language gender-neutral, replaces legalese with plain English, changes a term to be more consistent with the rest of the section, and deletes an unnecessary word.
- In G.S. 135-6(e) and (e1), replaces legalese with plain English.
- In G.S. 135-6(f), updates terms, deletes unnecessary language, and fixes a relative pronoun.
- In G.S. 135-6(g), deletes unnecessary language and replaces legalese with plain English.
- In G.S. 135-6(h), replaces legalese with plain English and fixes punctuation.
- In G.S. 135-6(i), fixes a relative pronoun.
- In G.S. 135-6(j), replaces legalese with plain English.
- In G.S. 135-6(k), capitalizes language, deletes unnecessary language, replaces legalese with plain English, makes a stylistic change, and fixes a grammatical error.
- In G.S. 135-6(l), replaces legalese with plain English, deletes unnecessary language, makes stylistic changes, and clarifies an ambiguous reference.
- Repeals G.S. 135-6(m) as obsolete.
- In G.S. 135-6(n), deletes unnecessary language, replaces legalese with plain English, adds an Oxford comma, and fixes a grammatical error.
- In G.S. 135-6(o), deletes an unnecessary word.
- In G.S. 135-6(p), deletes unnecessary language, adds Oxford commas, fixes a grammatical error, replaces legalese with plain English, makes stylistic changes, and makes language gender-neutral.
- In G.S. 135-6(q), modernizes the format of a list, makes a stylistic change, and deletes unnecessary language.
- In G.S. 135-6(r), replaces legalese with plain English.
- In G.S. 135-6(t), replaces legalese with plain English, makes a stylistic change, and fixes a grammatical error.
- In G.S. 153A-93(a), replaces legalese with plain English.
- In G.S. 153A-93(b), replaces "No . . . may" with "No . . . shall" in accordance with this State's drafting conventions.
- In G.S. 153A-93(d), fixes a relative pronoun and replaces legalese with plain English.
- In G.S. 153A-93(d1), deletes an unnecessary date, fixes a relative pronoun, and replaces legalese with plain English.
- In G.S. 153A-93(d2), replaces legalese with plain English and replaces "may not" with "shall not" in accordance with this State's drafting conventions.
- In G.S. 153A-93(e), makes a stylistic change, replaces legalese with plain English, and deletes unnecessary language.
- In G.S. 160A-163(a), fixes punctuation and replaces legalese with plain English.

- In G.S. 160A-163(b), replaces legalese with plain English and deletes unnecessary language.
- In G.S. 160A-163(e), fixes a relative pronoun and replaces legalese with plain English.
- In G.S. 160A-163(f), makes a stylistic change, replaces legalese with plain English, and deletes unnecessary language.
- In G.S. 160A-163(g), makes stylistic changes, fixes relative pronouns, and replaces legalese with plain English.

Section 17 amends G.S. 143-215.107F by correcting a misspelling and replacing legalese with plain English.

Section 18 repeals Article 29A ("Governor's Council on Employment of the Handicapped") of Chapter 143 of the General Statutes as obsolete. This article discusses the "National Employ the Physically Handicapped Week"; however, in 1988, the U.S. Congress expanded this week to the entire month of October and changed the name to the National Disability Employment Awareness Month.

Section 19 amends G.S. 144-9(b) by deleting garbage language, specifically the word "Department." When S.L. 2021-180, s. 37.9(a), amended G.S. 144-9(b), it did not account for the recent amendments by S.L. 2021-88, s. 14(b).

Section 20 updates obsolete references to former G.S. 150B-36, which was repealed by S.L. 2011-398, s. 20. That session law provided that an administrative law judge, not the agency, shall make a final decision in a contested case under Article 3 of Chapter 150B of the General Statutes. Section 20(a) recodifies to a more suitable location language in G.S. 150B-37(c) requiring the Office of Administrative Hearings to forward a written copy of an administrative law judge's final decision to the parties. Section 20(b) amends G.S. 150B-34 by making a change to be more consistent with the rest of the section and replacing legalese with plain English. The rest of the section updates language to conform to the repeal of G.S. 150B-36 and the recodification of G.S. 150B-37(c) and makes other technical changes as follows:

- In G.S. 90A-30(a), fixes a relative pronoun and replaces legalese with plain English.
- In G.S. 90A-30(b), replaces legalese with plain English.
- In G.S. 90A-30(c), modernizes the format of a list, replaces legalese with plain English, and makes conforming changes.
- In G.S. 104E-24(a), modernizes the format of a list, clarifies an ambiguous reference, and makes a stylistic change.
- In G.S. 104E-24(b), replaces legalese with plain English.
- In G.S. 104E-24(c), replaces legalese with plain English and fixes an incorrect reference.
- In G.S. 104E-24(d), replaces legalese with plain English, adds a missing word, modernizes the format of a list, and makes conforming changes.
- In G.S. 108A-70.9A(f), G.S. 108A-70.9B(g), and G.S. 108D-16, makes conforming changes.
- In G.S. 122C-24, makes a word plural and deletes obsolete language.
- In G.S. 122C-24.1, G.S. 131D-34, and G.S. 131E-129(f), replaces legalese with plain English, modernizes the format of a list, and makes conforming changes.
- In G.S. 143-215.94G(a), rearranges language for greater clarity and deletes language that is unnecessary in light of subsection (a2) of the section.
- In G.S. 143-215.94G(a1), replaces legalese with plain English.

- In G.S. 143-215.94G(b), replaces "may not" with "shall not" in accordance with this State's drafting conventions.
- In G.S. 143-215.94G(d), modernizes the format of a list and makes stylistic changes.
- In G.S. 143-215.94G(e), changes punctuation in accordance with this State's drafting conventions.
- In G.S. 143-215.94G(g), fixes a relative pronoun.
- In G.S. 143-215.94G(h), fixes the format of a list.
- In G.S. 143-215.94G(j), replaces "may not" with "shall not" in accordance with this State's drafting conventions and makes conforming changes.

Section 21 moves the last sentence of subsection (d) of G.S. 160D-1311 to a new subsection (g) of that section. Moving this sentence to become its own subsection clarifies that the entire section is subject to G.S. 153A-149. This sentence originated from former G.S. 153A-376, where it was its own subsection. This PCS also replaces legalese with plain English in this sentence and makes the following additional technical changes:

- In subsections (a), (b), and (c), replaces legalese with plain English.
- In subsection (d), replaces legalese with plain English and splits up a sentence for clarity.
- In subsections (e) and (f), replaces legalese with plain English.

Section 22 amends G.S. 168-11 by reorganizing the statute for greater clarity, removing an obsolete reference, replacing legalese with plain English, and removing unnecessary language.

Section 23 clarifies the State-County Special Assistance Program payment rates. Current law provides a January 31, 2023, effective date for G.S. 108A-42.1 ("State-County Special Assistance Program payment rates"), which is after the initial cost-of-living adjustment date of January 1, 2023. This PCS amends the statute to incorporate the January 1, 2023, adjustment and changes its effective date to January 1, 2023.

Section 24 amends two contingent effective dates associated with the previous section of the PCS by eliminating an unnecessary requirement and shifting them by 30 days. The effective dates are contingent on the Department of Health and Human Services ("DHHS") obtaining approval from:

- The federal Social Security Administration (SSA) to allow eligible individuals residing in in-home living arrangements to qualify for State-County Special Assistance under the Social Security Optional State Supplement Program in the same manner as individuals residing in adult care homes or special care units.
- The federal Centers for Medicare and Medicaid Services (CMS) for a State Plan amendment to add Medicaid coverage for individuals residing in in-home living arrangements who qualify for State-County Special Assistance under the Social Security Optional State Supplement Program.

SSA informed DHHS that SSA's approval was not necessary, and CMS gave DHHS its approval, effective January 1, 2023. This PCS amends the effective dates and related language to reflect the SSA's position and ties the effective dates to the date of CMS's approval (January 1, 2023), instead of 30 days after this date. A January 1, 2023, effective date better accommodates the annual cost-of-living adjustment of the State-County Special Assistance Program payment rates.

Section 25 fixes a problem in an effective date in the 2023 budget bill (S.L. 2023-134). The language of House Bill 862 ("Strengthen Child Fatality Prevention System") was moved to the 2023 budget bill. Section 3.1(d) of House Bill 862 provided that Section 3.1 of the bill (with the exception of new G.S. 7B-1413.5) would become effective January 1, 2025. When the language was moved to the budget bill, this effective date was inadvertently not carried over, causing the language to prematurely become law on October 3, 2023, instead of on January 1, 2025. This PCS supplies the missing effective date and is itself retroactively effective October 3, 2023, matching the date the language prematurely became law.

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