

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1739*

Short Title: Implement Gender Neutral Terms. (Public)

Sponsors: Representatives Ross; M. Alexander, Fisher, Gill, Hughes, and Insko.

Referred to: Judiciary I.

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO SUBSTITUTE GENDER NEUTRAL TERMS FOR "BUSINESSMAN,"
"CREWMAN," "ENLISTED MAN," "PER MAN," "POLICEMAN," "WORKMAN,"
AND, AS APPROPRIATE, REFERENCES TO "MAN" WHERE "MAN" IS USED TO
REFER TO A GENERIC HUMAN BEING AND NOT TO A MALE INDIVIDUAL, AND
TO MAKE TECHNICAL CORRECTIONS IN THE SECTIONS BEING AMENDED.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 54B-66(c) reads as rewritten:

"(c) In addition to any of the other penalties or remedies provided by this Article, the willful omission, making, or concurrence in making or publishing a written report, exhibit, or entry in a financial statement on the books of the association, which contains a material statement known to be false shall be deemed to be a Class 1 misdemeanor. For purposes of this section, "material" shall mean "so substantial and important as to influence a reasonable and prudent ~~businessman~~ business person or investor."

SECTION 1.(b) G.S. 54C-79(c) reads as rewritten:

"(c) In addition to any of the other penalties or remedies provided by this Article, the willful omission, making, or concurrence in making or publishing a written report, exhibit, or entry in a financial statement on the books of the association, which contains a material statement known to be false is deemed to be a Class 1 misdemeanor. For purposes of this section, "material" shall mean "so substantial and important as to influence a reasonable and prudent ~~businessman~~ business person or investor."

SECTION 2. G.S. 105-113.81(b) reads as rewritten:

"(b) Sales to Oceangoing Vessels. – Wholesalers and importers of malt beverages and wine are not required to remit excise taxes on malt beverages and wine sold and delivered for use on oceangoing vessels. An oceangoing vessel is a ship that plies the high seas in interstate or foreign commerce, in the transport of freight or passengers, or both, for hire exclusively. To qualify for this exemption the beverages shall be delivered to an officer or agent of the vessel for use on that vessel. Sales made to officers, agents, ~~crewmen~~ crew members, or passengers for their personal use are not exempt."

SECTION 3. G.S. 127A-152 reads as rewritten:

"§ 127A-152. Placing name on muster roll wrongfully.

If any officer of the militia of the State shall knowingly or willfully place, or cause to be placed, on any muster roll the name of any person not regularly or lawfully enlisted, or the name of any enlisted ~~man~~ person who is dead or who has been discharged, transferred, or has lost membership for any cause whatsoever, or who has been convicted of any infamous crime, ~~he~~ the officer shall be guilty of a Class 1 misdemeanor."

SECTION 4. G.S. 113-28 reads as rewritten:



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"§ 113-28. Reimbursement of government for expense of emergency conservation work.

When and if, upon the sale of State lands or its products, the Secretary determines that the State has derived a direct profit as a result of work on the land sold, or on land the products of which are sold, done or to be done, under a project carried on pursuant to an act of Congress entitled, "An act for the relief of unemployment through the performance of useful public work, and for other ~~purposes~~purposes," approved March 31, 1933, one half of such profit from such sale of land, or one half the proceeds of the sale of such products, or such lesser amount as may be sufficient, shall be applied to or toward reimbursing the United States government for moneys expended by it under such act, for the work so done, to the extent and at the rate of one dollar (\$1.00) per ~~man~~person per day, for the time spent in such work, but not exceeding in the aggregate three dollars (\$3.00) per acre. The Secretary shall fix and determine the amount of such profit or proceeds. Such one-half part of such proceeds or profits, as the case may be, shall be retained by the Department, or paid over to it by any other authorized agency making the sale, to be so retained by such Department until the account of the United States government, with respect to such sale, becomes liquidated. Upon completion of the sale, the Department is hereby authorized to settle with the proper federal authority an account fixing the amount due the United States government and to pay over to it the amount so fixed. The unexpended remainder, if any, of such one-half part of such profit or proceeds shall then be paid over or applied by said Department as now authorized and directed by law. This section shall not be construed to authorize the sale of State lands or products, but applies only to a sale now or hereafter authorized by other provisions of law. This section is enacted to procure a continuance of the emergency conservation work within the State, under such act of Congress."

SECTION 5.(a) G.S. 106-65.24 (1) and (7) read as rewritten:

"§ 106-65.24. Definitions.

As used in this Article:

(1) "Animal" means all vertebrate and invertebrate species, including but not limited to ~~man~~humans and other mammals, birds, fish, and shellfish.

...

(7) "Device" means any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than ~~man~~humans and other than bacteria, virus, or other microorganism on or in living ~~man~~humans or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.

...."

SECTION 5.(b) G.S. 106-65.45 reads as rewritten:

"§ 106-65.45. Authority of the Board to adopt regulations.

The Board of Agriculture is hereby authorized to adopt regulations to implement and carry out the purposes of this Article so as to protect the environment from detrimental importation, rearing, sale, and/or release of insects, parasites, predators and other biological organisms in North Carolina, and to protect organisms that are beneficial to ~~man~~people and/or ~~his~~their environment. No viable biological organism shall be brought into North Carolina, reared, collected, propagated or offered for sale or released except under such conditions as are prescribed by regulations adopted under the provisions of this Article."

SECTION 5.(c) G.S. 106-121(5), (6), and (8) read as rewritten:

"§ 106-121. Definitions and general consideration.

For the purpose of this Article:

...

(5) The term "device," except when used in subdivision (15) of this section and in G.S. 106-122, subdivision (10), 106-130, subdivision (6), 106-134, subdivision (3) and 106-137, subdivision (3) means instruments, apparatus

1 and contrivances, including their components, parts and accessories,
2 intended

3 a. For use in the diagnosis, cure, mitigation, treatment, or prevention of
4 disease in ~~man~~humans or other animals; or

5 b. To affect the structure or any function of the body of ~~man~~humans or
6 other animals.

7 (6) The term "drug" means

8 a. Articles recognized in the official United States Pharmacopoeia,
9 official Homeopathic Pharmacopoeia of the United States, or official
10 National Formulary, or any supplement to any of them; and

11 b. Articles intended for use in the diagnosis, cure, mitigation, treatment
12 or prevention of disease in ~~man~~humans or other animals; and

13 c. Articles (other than food) intended to affect the structure or any
14 function of the body of ~~man~~humans or other animals; and

15 d. Articles intended for use as a component of any article specified in
16 paragraphs ~~a, b or c;~~a, b., or c.; but does not include devices or their
17 components, parts, or accessories.

18 ...

19 (8) The term "food" means

20 a. Articles used for food or drink for ~~man~~humans or other animals,

21 b. Chewing gum, and

22 c. Articles used for components of any such article."

23 **SECTION 5.(d)** The introductory language to G.S. 106-134.1(a) reads as
24 rewritten:

25 "(a) A drug intended for use by ~~man~~which humans that."

26 **SECTION 5.(e)** G.S. 106-193 reads as rewritten:

27 **"§ 106-193. Unwholesome products not classified; health officer notified.**

28 Any person employed, licensed, or designated shall neither classify nor certify as to the
29 grade or other classification of any farm product which, in ~~his~~that person's judgment, is
30 unwholesome or unfit for food of ~~man~~humans or other ~~animal~~animals. If, in the performance
31 of ~~his~~ official duties, ~~he~~that person discovers any farm product which is unwholesome or unfit
32 for food of ~~man~~humans or for other ~~animal~~animals for which it is intended, ~~he~~the person shall
33 promptly report the fact to a health officer of the State or of any county or municipality
34 thereof."

35 **SECTION 5.(f)** G.S. 106-305 reads as rewritten:

36 **"§ 106-305. Proclamation of infected feedstuff quarantine.**

37 Upon the recommendation of the Commissioner of Agriculture, it shall be lawful for the
38 Governor to issue ~~his~~a proclamation forbidding the importation into this State of any feedstuff
39 or any other article or material dangerous to livestock and poultry as a carrier of infectious or
40 contagious disease from any area outside the State. This shall also include any and all
41 materials imported for manufacturing purposes or for any other use, which have been tested by
42 any state or federal agency competent to make such tests and found to contain living infectious
43 and contagious organisms known to be injurious to the health of ~~man~~humans, livestock and
44 poultry."

45 **SECTION 5.(g)** G.S. 106-338 reads as rewritten:

46 **"§ 106-338. Quarantine; removal or sale; sale and use of milk.**

47 The owner or owners of an animal affected with tuberculosis shall keep ~~said~~the animal
48 isolated and quarantined in such a manner as to prevent the spread of the disease to the other
49 animals or ~~man~~to humans. ~~Said~~The affected animals must not be moved from the place where
50 quarantined or sold, or otherwise disposed of except upon permission of the State Veterinarian,

1 and then only in accordance with ~~his~~the State Veterinarian's instructions. The milk from ~~said~~
2 the affected animals must not be sold, and if used shall be first boiled or properly pasteurized."

3 **SECTION 5.(h)** G.S. 106-549.81(1) reads as rewritten:

4 "(1) "Animal" means any member of the animal kingdom except ~~man~~a human."

5 **SECTION 5.(i)** G.S. 106-707 reads as rewritten:

6 "**§ 106-707. Short title and purpose.**

7 This Article shall be known as "The North Carolina Biologics Law of 1981." The purpose
8 of the law is to provide for the production and sale of biologics for the prevention or treatment
9 of disease in animals other than ~~man~~humans and to establish controls for the sale and use of
10 biologics in North Carolina."

11 **SECTION 5.(j)** G.S. 106-708(1) and (2) read as rewritten:

12 "**§ 106-708. Definitions.**

13 For purposes of this Article, the following words, terms and phrases are defined as follows:

14 (1) "Animal" means all birds and mammals, other than ~~man~~humans, to which
15 biologics may be administered.

16 (2) "Biologics" means preparations made from living organisms and their
17 products, including serums, vaccines, ~~antigens~~antigens, and antitoxins
18 ~~which~~that are used for the treatment or prevention of diseases in animals
19 other than humans, or in the diagnosis of diseases.

20"

21 **SECTION 5.(k)** G.S. 113A-3 reads as rewritten:

22 "**§ 113A-3. Declaration of State environmental policy.**

23 The General Assembly of North Carolina, recognizing the profound influence of ~~man's~~
24 human activity on the natural environment, and desiring, in its role as trustee for future
25 generations, to assure that an environment of high quality will be maintained for the health and
26 well-being of all, declares that it shall be the continuing policy of the State of North Carolina to
27 conserve and protect its natural resources and to create and maintain conditions under which
28 ~~man~~human beings and nature can exist in productive harmony. Further, it shall be the policy of
29 the State to seek, for all of its citizens, safe, healthful, productive and aesthetically pleasing
30 surroundings; to attain the widest range of beneficial uses of the environment without
31 degradation, risk to health or safety; and to preserve the important historic and cultural
32 elements of our common inheritance."

33 **SECTION 5.(l)** G.S. 143-444 reads as rewritten:

34 "**§ 143-444. Determinations.**

35 The Board is authorized:

36 (1) To declare as a pest any form of plant or animal life or virus which is
37 injurious to plants, ~~man~~humans, domestic animals, articles, or substances;

38 (2) To determine whether pesticides are highly toxic to ~~man~~humans; and

39 (3) To determine standards of coloring or discoloring for pesticides, and to
40 subject pesticides to the requirements of G.S. 143-443(a)(4)."

41 **SECTION 6.(a)** G.S. 113-315.34(d) reads as rewritten:

42 "(d) The Secretary of Commerce is authorized to appoint such number of employees of
43 the Authority as ~~he~~the Secretary may think proper as special ~~police men~~police officers, who,
44 when so appointed, shall have within the jurisdiction of the Authority all the powers of
45 ~~police men~~police officers of incorporated towns. Special ~~police men~~police officers may arrest
46 persons who violate State law or a rule adopted by the Authority. Employees appointed as such
47 special ~~police men~~police officers shall take the general oath of office prescribed by G.S. 11-11."

48 **SECTION 6.(b)** G.S. 143B-461(d) reads as rewritten:

49 "(d) The Executive Director of the Authority is authorized to appoint such number of
50 employees of the Authority as ~~he~~the Executive Director may think proper as special ~~police men~~police officers,
51 police officers, who, when so appointed, shall have all the powers of ~~police men~~police officers

1 of incorporated towns. Such ~~policemen~~police officers shall have the power of arrest of persons
2 committing violations of State law or any reasonable rules, regulations and ordinances lawfully
3 adopted by the Authority as herein authorized. Employees appointed as such special ~~policemen~~
4 police officers shall take the general oath of office prescribed by G.S. 11-11."

5 **SECTION 6.(c)** G.S. 160A-285 reads as rewritten:

6 **"§ 160A-285. Powers and duties of policemen.**

7 As a peace officer, a ~~policeman~~police officer shall have within the corporate limits of the
8 city all of the powers invested in law-enforcement officers by statute or common law. ~~He~~The
9 police officer shall also have power to serve all civil and criminal process that may be directed
10 to ~~him~~that officer by any officer of the General Court of Justice and may enforce the
11 ordinances and regulations of the city as the council may direct."

12 **SECTION 6.(d)** G.S. 160A-286 reads as rewritten:

13 **"§ 160A-286. Extraterritorial jurisdiction of ~~policemen~~police officers.**

14 In addition to their authority within the corporate limits, city ~~policemen~~police officers shall
15 have all the powers invested in law-enforcement officers by statute or common law within one
16 mile of the corporate limits of the city, and on all property owned by or leased to the city
17 wherever located.

18 Any police officer pursuing an offender outside the corporate limits or extraterritorial
19 jurisdiction of the city shall be entitled to all of the privileges, immunities, and benefits to
20 which ~~he~~the officer would be entitled if acting within the city, including coverage under the
21 workers' compensation laws."

22 **SECTION 6.(e)** The terms "policeman" and "policemen" are changed to "police
23 officer" and "police officers", in G.S. 20-125, 20-130, 105-367, 120-32.2, 160A-281, and
24 160A-284.

25 **SECTION 7.(a)** G.S. 23-10(2) reads as rewritten:

26 "(2) Wages due to ~~workmen,workers~~, clerks, traveling or city ~~salesmen,~~
27 salespersons, or servants, which have been earned within three months
28 before registration of said deed of trust or deed of assignment, and".

29 **SECTION 7.(b)** G.S. 95-110.3 reads as rewritten:

30 **"§ 95-110.3. Definitions.**

31 (a) The term "Commissioner" shall mean the North Carolina Commissioner of Labor or
32 ~~his~~the Commissioner's authorized representative.

33 ...

34 (f) The term "inclined stairway chair lift" shall mean a hoisting and lowering
35 mechanism with one or more chairs or a platform for one or more wheelchairs installed on a
36 stairway for the purpose of transporting a ~~physically disabled person~~person who is physically
37 disabled.

38 (g) The term "inclined or vertical wheelchair lift" shall mean a powered
39 platform-elevating device used to transport a ~~physically disabled person~~person who is
40 physically disabled and in a wheelchair.

41 (h) The term "manlift" shall mean platforms or brackets and accompanying handholds,
42 mounted on, or attached to, an endless belt operating vertically in one direction only and being
43 supported by, and driven through, pulleys at the top and bottom and intended primarily for the
44 conveyance of persons.

45 ...

46 (n) The term "special equipment" shall mean any permanently or semi-permanently
47 located device, manually or power-operated, used for moving or lifting person or persons and
48 materials but not considered as an elevator, escalator, dumbwaiter, moving walk, personnel
49 hoist, inclined stairway chair lift, inclined or vertical wheelchair lift, or manlift. Special
50 equipment shall include, but not be limited to, manhoists, lift bridges, elevators which are used

1 only for handling building materials and ~~workmen~~workers during construction, and stage and
2 orchestra lifts."

3 **SECTION 7.(c)** G.S. 163-278.6(12) reads as rewritten:

4 "(12) The term "labor union" means any union, organization, combination or
5 association of employees or ~~workmen~~workers formed for the purposes of
6 securing by united action favorable wages, improved labor conditions, better
7 hours of labor or work-related benefits, or for handling, processing or
8 righting grievances by employees against their employers, or for
9 representing employees collectively or individually in dealings with their
10 employers. The term includes any unions to which Article 10, Chapter 95 of
11 the General Statutes applies."

12 **SECTION 8.** This act is effective when it becomes law.