

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS65032-LBz-347* (05/13)

Short Title: Implement Gender Neutral Terms.

(Public)

Sponsors: Senator Hartsell.

Referred to:

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

7 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

31 **"§ 127A-152. Placing name on muster roll wrongfully.**

32 If any officer of the militia of the State shall knowingly or willfully place, or cause to be
33 placed, on any muster roll the name of any person not regularly or lawfully enlisted, or the
34 name of any enlisted ~~man~~ person who is dead or who has been discharged, transferred, or has



1 lost membership for any cause whatsoever, or who has been convicted of any infamous crime,
2 ~~he the officer~~ shall be guilty of a Class 1 misdemeanor."

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

4 "**§ 113-28. Reimbursement of government for expense of emergency conservation work.**

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

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

27 "**§ 106-65.24. Definitions.**

28 As used in this Article:

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

31 ...

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

38"

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

40 "**§ 106-65.45. Authority of the Board to adopt regulations.**

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

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

49 "**§ 106-121. Definitions and general consideration.**

50 For the purpose of this Article:

51 ...

- 1 (5) The term "device," except when used in subdivision (15) of this section and
 2 in G.S. 106-122, subdivision (10), 106-130, subdivision (6), 106-134,
 3 subdivision (3) and 106-137, subdivision (3) means instruments, apparatus
 4 and contrivances, including their components, parts and accessories,
 5 intended
 6 a. For use in the diagnosis, cure, mitigation, treatment, or prevention of
 7 disease in ~~man~~humans or other animals; or
 8 b. To affect the structure or any function of the body of ~~man~~humans or
 9 other animals.
- 10 (6) The term "drug" means
 11 a. Articles recognized in the official United States Pharmacopoeia,
 12 official Homeopathic Pharmacopoeia of the United States, or official
 13 National Formulary, or any supplement to any of them; and
 14 b. Articles intended for use in the diagnosis, cure, mitigation, treatment
 15 or prevention of disease in ~~man~~humans or other animals; and
 16 c. Articles (other than food) intended to affect the structure or any
 17 function of the body of ~~man~~humans or other animals; and
 18 d. Articles intended for use as a component of any article specified in
 19 paragraphs ~~a, b or c;~~a, b., or c.; but does not include devices or their
 20 components, parts, or accessories.
- 21 ...
- 22 (8) The term "food" means
 23 a. Articles used for food or drink for ~~man~~humans or other animals,
 24 b. Chewing gum, and
 25 c. Articles used for components of any such article."

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

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

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

30 **"§ 106-193. Unwholesome products not classified; health officer notified.**

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

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

39 **"§ 106-305. Proclamation of infected feedstuff quarantine.**

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

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

49 **"§ 106-338. Quarantine; removal or sale; sale and use of milk.**

50 The owner or owners of an animal affected with tuberculosis shall keep ~~said~~the animal
 51 isolated and quarantined in such a manner as to prevent the spread of the disease to the other

1 animals or ~~man~~ to humans. ~~Said~~The affected animals must not be moved from the place where
2 quarantined or sold, or otherwise disposed of except upon permission of the State Veterinarian,
3 and then only in accordance with ~~his~~ the State Veterinarian's instructions. The milk from ~~said~~
4 the affected animals must not be sold, and if used shall be first boiled or properly pasteurized."

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

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

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

8 **"§ 106-707. Short title and purpose.**

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

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

14 **"§ 106-708. Definitions.**

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

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

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

22"

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

24 **"§ 113A-3. Declaration of State environmental policy.**

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

35 **SECTION 5.(1)** G.S. 143-444 reads as rewritten:

36 **"§ 143-444. Determinations.**

37 The Board is authorized:

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

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

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

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

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

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

1 "(d) The Executive Director of the Authority is authorized to appoint such number of
2 employees of the Authority as ~~he~~the Executive Director may think proper as special ~~policemen,~~
3 police officers, who, when so appointed, shall have all the powers of ~~policemen-police officers~~
4 of incorporated towns. Such ~~policemen-police officers~~ shall have the power of arrest of persons
5 committing violations of State law or any reasonable rules, regulations and ordinances lawfully
6 adopted by the Authority as herein authorized. Employees appointed as such special ~~policemen~~
7 police officers shall take the general oath of office prescribed by G.S. 11-11."

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

9 "**§ 160A-285. Powers and duties of policemen.**

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

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

16 "**§ 160A-286. Extraterritorial jurisdiction of ~~policemen, police officers.~~**

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

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

25 **SECTION 6.(e)** The terms "policeman" and "policemen" are changed to "police
26 officer" and "police officers", in G.S. 20-125, 20-130, 105-367, 120-32.2, 160A-281, and
27 160A-284.

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

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

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

33 "**§ 95-110.3. Definitions.**

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

36 ...

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

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

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

48 ...

49 (n) The term "special equipment" shall mean any permanently or semi-permanently
50 located device, manually or power-operated, used for moving or lifting person or persons and
51 materials but not considered as an elevator, escalator, dumbwaiter, moving walk, personnel

1 hoist, inclined stairway chair lift, inclined or vertical wheelchair lift, or manlift. Special
2 equipment shall include, but not be limited to, manhoists, lift bridges, elevators which are used
3 only for handling building materials and ~~workmen-workers~~ during construction, and stage and
4 orchestra lifts."

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

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

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