



General Statutes Commission

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MEMORANDUM

To: North Carolina House of Representatives
From: General Statutes Commission
Re: HB 264 (GSC Technical Corrections 2019)
Date: March 13, 2019

General Comments

This bill contains corrections of a technical nature to the General Statutes and session laws as recommended by the General Statutes Commission.

These amendments correct typographical and other obvious drafting, redlining, and stylistic errors, including the addition of missing "bridge" language between the introductory language of a paragraph and a subsequent list, make conforming changes, make references to public officials gender neutral, update formats, and correct or update terminology.

Specific Comments

Section 1 amends G.S. 7A-308(a)(21) to remove an extraneous dollar sign; the dollar sign does not conform to the style of the subsection in which it appears.

Section 2 amends G.S. 7B-3101(a) to update the format of the list, change the last sentence to the indicative mood, and insert the word "the" before "superior court" in subdivision (2).

Section 3 amends G.S. 14-43.15 to correct the spelling of "General Statues" (should be "General Statutes").

Section 4(a) and **Section 4(b)** amend G.S. 14-50.21 and G.S. 14-50.25, respectively, to update a statutory reference. Both statutes refer to "G.S. 14-50.16 through G.S. 14-50.20." G.S. 14-50.16, however, was repealed by S.L. 2017-194, which substantially amended Article 13A of Chapter 14 of the General Statutes, dealing with criminal gangs. Among other things, the act repealed G.S. 14-50.16, enacted a new G.S. 14-50.16A (which contains only definitions), added another new criminal offense, and amended several of the remaining sections of the Article. Because former G.S. 14-50.16 contained a substantive criminal provision and new G.S. 14-50.16A contains only definitions, the proper replacement reference for G.S. 14-50.16 is G.S. 14-50.17.

Section 5 amends G.S. 55-16-22 (annual reports from business corporations) to insert a subsection catchline in subsections (a1) and (a4) to match the style of the remaining subsections. **Section 5** further amends subsection (a4) to make a conforming amendment by removing the reference to the Secretary of Revenue. G.S. 55-16-22 was amended in 2017 by two separate acts, S.L. 2017-90 and S.L. 2017-204. S.L. 2017-90, s. 1(b), added subsection (a4) to require that annual report forms include space for a corporation to indicate whether it was a veteran-owned small business or a service-disabled veteran-owned small business. Because at the time,

annual reports could be filed directly with the Secretary of State or with the Secretary of Revenue for transmission to the Secretary of State, the new subsection (a4) referenced both. S.L. 2017-204, s. 1.13, meanwhile, amended G.S. 55-16-22 to eliminate the option of filing with the Secretary of Revenue. The result was the now-meaningless reference to the Secretary of Revenue in subsection (a4).

Section 6 amends G.S. 120-37(c) and (f) to (i) insert the missing word "thousand" in subsection (c) and (ii) make the reference to the General Assembly's principal clerks gender neutral in subsection (f).

Section 6.1(a) and (b) amend G.S. 122C-263 and G.S. 122C-283 to do all of the following:

- Delete the same "garbage language" from G.S. 122C-263(a) and G.S. 122C-283(a). Both Section 24 of S.L. 2018-33 and Section 3.2(a) of S.L. 2018-76 amended G.S. 122C-263(a) and G.S. 122C-283(a), each act making essentially the same changes to each statute. The later act did not, however, take into account the amendments made to the two statutes by the earlier act, and the language the later act added to each statute was similar but not identical to the language added by the earlier act, resulting in garbage language. The amendments in Section 6(a) and (b) delete the garbage language so that G.S. 122C-263(a) and G.S. 122C-283(a) are set out according to the amendments in S.L. 2018-76, the later-enacted session law.
- Make People First Language changes by changing references to "the mentally ill" to read "individuals with mental illnesses," make language gender-neutral, and modernize the format of a list.

Section 6.1(c) provides an effective date and applicability provision that is the same as the effective date and applicability provision in S.L. 2018-33 and S.L. 2018-76 for the amendments being corrected.

Section 6.2 amends G.S. 143B-139.4B to correct two drafting errors that occurred when the statute was amended last year. Section 15.1 of S.L. 2018-44 amended the introductory language of subsection (b) of that statute to remove the word "acute" from the phrase "an acute mental health" but failed to make a conforming change to the "an." The session law also added the words "or for patients in need of mental health or substance abuse care ... approved community-based site" after the word "crisis" at the end of the sentence, which meant that the period after "crisis" needed to be changed to a comma. When a drafter is redlining punctuation changes, the policy is to strike through the word just in front of the punctuation being changed, because redlining the punctuation alone would be too easily missed. In this case, the drafter struck out "crisis." but failed to reinsert "crisis, ". The proposed amendment corrects both errors.

Section 7(a), (b), (c), and (d) amend G.S. 7A-304(a), 105-164.3(30b), 105-282.1(a)(2), and 143B-437.56(a1), respectively, to insert missing "bridge" language between the introductory language of the paragraph and the list that follows. **Section 7(a)** also amends G.S. 7A-304 in subsection (a) to correct a reference to "section" that should have read "subsection," in subsection (d) to replace a "such" (legalese) with "the," and in subsection (g) to correct the form of a self-citing statutory reference. The reference is to "G.S. 7A-304(a)(6)," but the reference itself is actually in G.S. 7A-304; it should have been phrase as a reference to subdivision (a)(6) "of this section."

Section 8 amends the introductory language of Section 13A.1(a) of S.L. 2018-5 to correct the reference to the statute being amended. The reference is to "G.S. 143B-344.62," but it is clear from the text being amended that the intended section was G.S. 143B-344.60.

Section 9 makes the bill effective when it becomes law unless otherwise provided.