

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 525
Second Edition Engrossed 4/4/89
House Committee Substitute Favorable 8/1/89

Short Title: Technical Amendments.

(Public)

Sponsors:

Referred to:

March 20, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO MAKE TECHNICAL AMENDMENTS TO THE 1989 SESSION LAWS, AND TO AMEND VARIOUS OTHER GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-60(a) is amended by deleting the word "for" in the phrase "who for shall be a resident of the prosecutorial district".

Sec. 2. G.S. 14-288.12(c) is amended by deleting "G.S. 160-52, 160-200(7)," and substituting in lieu thereof "G.S. 160A-174(a)".

Sec. 3. G.S. 14-415.1(b)(1) is amended by deleting the number "7" and substituting in lieu thereof the number "7A".

Sec. 4. The third sentence of G.S. 15A-1383(a), as amended by Chapter 1037, Section 70 of the 1987 Session Laws (1988 Regular Session), is rewritten to read:

"In drawing up the plan, the senior resident superior court judge may consult with any public official having authority within his district or set of districts as defined in G.S. 7A-41.1(a) and with any other persons as he may deem appropriate."

Sec. 5. Subsection 15(d) of Chapter 1100 of the 1987 Session Laws (1988 Regular Session) is amended by deleting "G.S. 7A-114(b)" and inserting in lieu thereof "G.S. 7A-144(b)".

Sec. 6. G.S. 18B-801(d)(5) is amended by changing the phrase "to be appointed a receiver" to read "to be appointed as receiver".

1 Sec. 7. G.S. 20-130(d) is amended by deleting the words "civil preparedness
2 coordinators" and substituting in lieu thereof the words "Emergency Management
3 coordinators".

4 Sec. 8. G.S. 28A-14-1(a) is amended in the first sentence by deleting the
5 phrase "a least" and substituting in lieu thereof the phrase "at least".

6 Sec. 9. G.S. 28A-21-2(a) is amended by deleting "G.S. 105-2(3)" and
7 inserting in lieu thereof "G.S. 105-2(a)(3)".

8 Sec. 10. G.S. 44A-4(b)(1) is amended in the first sentence of the second
9 paragraph by deleting the word "court" and inserting in lieu thereof the word "county".

10 Sec. 11. G.S. 62-38 is amended by deleting "G.S. 160-2, paragraph 6" and
11 substituting in lieu thereof "G.S. 160A-319".

12 Sec. 12. Chapter 78C is amended as follows:

13 (a) In G.S. 78C-2(1)a, by deleting "G.S. 78C-2(4)c" and substituting in lieu
14 thereof "G.S. 78C-2(3)c";

15 (b) In G.S. 78C-2(1)1, by deleting "G.S. 78C-2(4)" and substituting in lieu thereof
16 "G.S. 78C-2(1)";

17 (c) In G.S. 78C-2(3), by deleting "G.S. 78C-2(4)a", "G.S. 78C-2(4)c", and "G.S.
18 78C-2(4)d" and substituting in lieu thereof "G.S. 78C-2(3)a", "G.S. 78C-2(3)c", and
19 "G.S. 78C-2(3)d", respectively, wherever these appear in this subdivision;

20 (d) In G.S. 78C-60, by deleting "G.S. 78C-(2)a" and "G.S. 78C-(2)k" and inserting
21 in lieu thereof "G.S. 78C-2(1)a" and "G.S. 78C-2(1)k", respectively.

22 Sec. 13. G.S. 87-58 is amended by deleting from the catch line the words
23 "towns excepted;".

24 Sec. 14. G.S. 87-59(a) is amended by deleting "Chapter 150A" and
25 substituting in lieu thereof "Chapter 150B".

26 Sec. 15. G.S. 75-50(3) is amended by deleting the words "Article 9" and
27 substituting in lieu thereof "Article 9C".

28 Sec. 16. G.S. 90-88(a) is amended by deleting "G.S. 150B" and inserting in
29 lieu thereof "Chapter 150B of the General Statutes".

30 Sec. 17. G.S. 90-294(c)(8) is amended by deleting "G.S. 93D" and inserting
31 in lieu thereof "Chapter 93D of the General Statutes".

32 Sec. 18. G.S. 96-8(5)(d) is amended by deleting the phrase "paragraphs a, b,
33 or c" and substituting in lieu thereof the phrase "paragraphs a or b".

34 Sec. 19. G.S. 96-8(5)(j) is amended in the last paragraph by deleting
35 "Chapter 22" and "Chapter 131" and substituting in lieu thereof "Chapter 122C" and
36 "Chapter 131E", respectively.

37 Sec. 20. G.S. 96-9(c)(2)c is amended by deleting "G.S. 96-13(3)" and
38 substituting in lieu thereof "G.S. 96-13(a)(3)".

39 Sec. 21. G.S. 96-10(b)(1) is amended by deleting "Workmen's Compensation
40 Law" and substituting in lieu thereof "Workers' Compensation Law".

41 Sec. 22. G.S. 96-13(a)(3) is amended by deleting "(i)" (second occurrence)
42 and substituting in lieu thereof "(ii)".

43 Sec. 23. G.S. 105-312(h1) is amended in the first sentence by deleting the
44 word "accessor" and substituting in lieu of the word "assessor".

1 Sec. 24. G.S. 106-277.17 is amended by deleting the words "director of
2 research of the North Carolina agricultural experiment station" and substituting in lieu
3 thereof the words "Director of the North Carolina Agricultural Research Service".

4 Sec. 25. G.S. 106-418.7 is amended by inserting the word "Market" between
5 "Livestock" and "Advisory".

6 Sec. 26. G.S. 106-549.55(a) is amended by deleting "subdivision (1)" and
7 substituting in lieu thereof "subdivision (17)" throughout this subsection.

8 Sec. 27. G.S. 106-568.8 is amended in the first paragraph by deleting the
9 words "G.S. 106-50.6 and 106-99" and inserting in lieu thereof "G.S. 106-284.40 and
10 106-671".

11 Sec. 28. G.S. 106-661 is amended in subsections (a) and (b) by deleting the
12 phrase "with the exception of subdivision (5)," in both subsections.

13 Sec. 29. G.S. 108A-101(i) is amended by deleting the words "Chapter
14 122" and inserting in lieu thereof the words "Chapter 122C".

15 Sec. 30. The catch line of G.S. 118-50 is amended by deleting the word
16 "Rural".

17 Sec. 31. G.S. 135-5(e)(5) is amended by substituting the phrase "subdivision
18 (3a) of this subsection" in lieu of the phrase "subdivision (3a) of this section" throughout
19 the subdivision.

20 Sec. 32. G.S. 135-40.6(1)o is amended by deleting the phrase "coverage type
21 (2), (3), or (5)" and substituting in lieu thereof the phrase "coverage type (2) or (3)".

22 Sec. 33. Effective July 1, 1986, G.S. 135-40.6A(b)(7) is amended by deleting
23 the word "Elepharoplasties" and substituting in lieu thereof "Blepharoplasties".

24 Sec. 34. G.S. 135-40.7A(c)(2) is amended by deleting the words "Article 1A
25 of General Statutes Chapter 131E" and substituting in lieu thereof the words "Article 2
26 of General Statutes Chapter 122C".

27 Sec. 35. G.S. 135-40.13(c)(4)e is amended by changing the word "roles" to
28 "rules".

29 Sec. 36. Chapter 159G of the General Statutes is amended by deleting "G.S.
30 159G-304", "G.S. 159G-305(c)", "G.S. 159G-306(a)(3)", "G.S. 159G-306(b)", "G.S.
31 159G-306(b)(1)", "G.S. 159G-306(b)(2)", "G.S. 159G-306(b)(3)", "G.S. 159G-306(c)",
32 "G.S. 159G-306(c)(1)", "G.S. 159G-306(c)(3)", and "G.S. 159G-314", wherever they
33 appear in this Chapter, and inserting in lieu thereof "G.S. 159G-4", "G.S. 159G-5(c)",
34 "G.S. 159G-6(a)(3)", "G.S. 159G-6(b)", "G.S. 159G-6(b)(1)", "G.S. 159G-6(b)(2)",
35 "G.S. 159G-6(b)(3)", "G.S. 159G-6(c)", "G.S. 159G-6(c)(1)", "G.S. 159G-6(c)(3)", and
36 "G.S. 159G-14", respectively.

37 Sec. 37. G.S. 160A-71(b)(1) is amended by deleting the reference to "Article
38 33B" and replacing it with a reference to "Article 33C".

39 Sec. 38. G.S. 163-275(16) is amended by substituting "G.S. 163-229(b)(2)" in
40 lieu of "G.S. 162-229(b)(2)".

41 Sec. 39. Section 11 of Chapter 427 of the 1987 Session Laws is amended by
42 deleting "1969" and substituting in lieu thereof "1959".

43 Sec. 40. G.S. 120-20.1 is amended by adding a new subsection to read:

1 "(b2) In any act ratified on or after January 11, 1989, when a new section,
2 subsection, or subdivision is added to the General Statutes, and that section, subsection,
3 or subdivision is underlined, the underlining is not part of the law, but merely an
4 illustration that the material in the bill which enacted the law is new."

5 Sec. 41. Effective October 1, 1989, G.S. 143-117.1(3), as rewritten by
6 Section 3 of Chapter 145, Session Laws of 1989, reads as rewritten:

7 "(3) 'Persons admitted' means clients of regional psychiatric hospitals,
8 State special care centers, regional mental retardation centers, schools
9 for emotionally disturbed children, and alcohol and drug abuse
10 treatment centers, including clients who may be treated on an
11 outpatient basis."

12 Sec. 42. G.S. 53-2(4), as rewritten by Section 2 of Chapter 187, Session Laws
13 of 1987, reads as rewritten:

14 "(4) The amount of its authorized common capital stock, the number of
15 shares into which it is divided, the par value of each share; and the
16 amount of common capital stock with which it will commence
17 business. The amount of capital required to charter a bank shall be
18 determined as herein set forth by the Commissioner of Banks who
19 shall give due consideration to (i) the population of the proposed
20 bank's trade area, (ii) the total deposits of those depository financial
21 institutions already operating in the proposed bank's trade area, (iii) the
22 economic conditions and outlook within the proposed bank's trade
23 area, (iv) the business experience and reputation of the proposed
24 bank's management, (v) the business experience and reputation of the
25 proposed bank's incorporators and proposed directors, (vi) the type and
26 nature of business activities proposed to be engaged in, and (vii) the
27 proposed bank's projected deposit growth and profitability. Except as
28 otherwise provided, the amount of common capital stock required to
29 charter a bank shall not be less than two million dollars (\$2,000,000);
30 provided, however, such amount of capital may be increased or
31 decreased in the discretion of the Commissioner of Banks who, after
32 considering the above enumerated criteria, determines that a greater
33 capital requirement is necessary or that a smaller capital requirement
34 will provide a sufficient capital base. In addition to the required
35 capital, every bank shall have a paid in surplus of at least fifty percent
36 (50%) of its common capital stock. The capital and paid in surplus
37 required to charter a bank shall be exclusive of any organizational
38 expenses. This subdivision shall not apply to banks organized and
39 doing business prior to its adoption or amendment; provided, however,
40 the Banking Commission is hereby authorized and directed to adopt
41 rules and regulations to keep any original required minimum capital
42 funds intact to the end that they remain in and with the bank as a
43 protection for depositors."

1 Sec. 43. Section 4 of Chapter 195, Session Laws of 1989, is amended by
2 deleting "G.S. 153A-58(3) reads as rewritten", and substituting "G.S. 153A-58 reads as
3 rewritten".

4 Sec. 44. G.S. 143-64.33, as rewritten by Section 3 of Chapter 230, Session
5 Laws of 1989, reads as rewritten:

6 **"§ 143-64.33. Advice in selecting consultants or negotiating consultant contracts.**

7 On architectural, engineering, or surveying contracts, the Department of
8 Transportation or the Department of Administration may provide, upon request by a
9 county, city, town or other subdivision of the State, advice in the process of selecting
10 consultants or in negotiating consultant contracts with architects, engineers, or
11 surveyors ~~or both or any or all.~~"

12 Sec. 45. Section 12 of Chapter 248, Session Laws of 1989, is amended by
13 deleting "iappear, and substituting "Board".

14 Sec. 46. Section 1 of Chapter 256, Session Laws of 1989, is amended by
15 deleting "G.S. 90-270.66(4) reads as rewritten", and substituting "G.S. 90-270.67(4)
16 reads as rewritten".

17 Sec. 47. G.S. 113A-129.3(b), as enacted by Chapter 344, Session Laws of
18 1989, reads as rewritten:

19 "(b) To the extent feasible, lands and waters within this system shall be dedicated
20 as components of the 'State Nature and Historic Preserve' as provided in Article XIV,
21 Section 5, of the Constitution and as nature reserves pursuant to G.S. 113A-164.1 to
22 ~~G.S. 164.11~~G.S. 113A-164.11."

23 Sec. 48. Section 4 of Chapter 100, Session Laws of 1955, as amended by
24 Chapter 960, Session Laws of 1973, and as rewritten by Chapter 357, Session Laws of
25 1989, is amended by deleting "or other changes", and substituting "or other charges".

26 Sec. 49. G.S. 18B-1006(i)(4), as rewritten by Chapter 360, Session Laws of
27 1989, reads as rewritten:

28 "(4) A boat shall have a home port in an area where issuance of the permits
29 listed in subdivision (3) is legal, and all passengers shall enter the boat
30 at the home port or at other ports listed on a preannounced itinerary.
31 The boat's permits are valid during tours that leave and return to the
32 boat's home port, and apply regardless of whether the boat crosses into
33 an area where sales are not legal, if the boat docks only at a port listed
34 on the preannounced itinerary, except in an ~~emergency.;~~emergency;
35 and".

36 Sec. 50. Section 6.5(a)(1) of the Charter of the Town of Knightdale, being
37 Chapter 155, Private Laws of 1927, as added by Chapter 430, Session Laws of 1989,
38 reads as rewritten:

39 "(1) Capital Costs. 'Capital costs' shall mean costs spent for the purchase
40 of land and development of such land for the recreational needs of the
41 ~~the~~citizens."

42 Sec. 51. G.S. 66-49.30, as rewritten by Section 7 of Chapter 441, Session
43 Laws of 1989, reads as rewritten:

44 **"§ 66-49.30. Hearing granted applicant if application denied; appeal.**

1 If, upon application, the Commissioner finds that the permit should not be issued or
2 renewed and denies an application, he shall notify the applicant or permittee and advise,
3 in writing, the applicant or permittee of the reasons for the denial or nonrenewal of the
4 permit. Within 30 days of receipt of notification the applicant or permittee may make
5 written demand upon the Commissioner for a hearing to determine the reasonableness
6 of the Commissioner's action. Such hearing shall be scheduled within 30 days and held
7 within 90 days from the date of receipt of the written demand. An applicant or
8 permittee has the right to appeal any order or any unreasonable delay pursuant to Article
9 4 of Chapter 150B of the General Statutes. If the Commissioner shall decline an
10 application for renewal, that applicant may continue to do business pending any appeal
11 taken pursuant hereto."

12 Sec. 52. G.S. 66-49.37(a), as rewritten by Section 10 of Chapter 441, Session
13 Laws of 1989, reads as rewritten:

14 "(a) Each permit holder shall deposit, no later than two banking days from receipt,
15 in a separate trust account in any bank located in a ~~bank~~ North Carolina or other bank
16 approved by the Commissioner, sufficient funds to pay all moneys due or owing all
17 collection creditors or forwarders. Said funds shall remain in the trust account until
18 remitted to the creditor or forwarder, and shall not be commingled with any other
19 operating funds. The trust account shall be used only for the purpose of:

- 20 (1) Remitting to collection creditors or forwarders the proceeds to which
21 they are entitled.
- 22 (2) Remitting to the collection agency the commission that is due the
23 collection agency.
- 24 (3) Reimbursing consumers for overpayments.
- 25 (4) Making adjustments to the trust account balance for bank service
26 charges."

27 Sec. 53. Effective with respect to all elections occurring on or after January
28 1, 1990, G.S. 163-278.10A(a), as rewritten by Chapter 449, Session Laws of 1989,
29 reads as rewritten:

30 "(a) Notwithstanding any other provision of this Chapter, a candidate shall be
31 exempted from the reports of contributions, loans, and expenditures required in G.S.
32 163-278.9(a), 163-278.40B, ~~278.40C, 278.40D, and 278.40E~~ 163-278.40C, 163-278.40D,
33 and 163-278.40E if to further his campaign that candidate:

- 34 (1) Does not receive more than one thousand dollars (\$1,000.00) in
35 contributions, and
- 36 (2) Does not receive more than one thousand dollars (\$1,000.00) in loans,
37 and
- 38 (3) Does not spend more than one thousand dollars (\$1,000.00).

39 To qualify for the exemption from those reports, the candidate's treasurer shall file a
40 certification under oath that he does not intend to receive in contributions or loans or
41 expend more than one thousand dollars (\$1,000.00) to further his campaign. The
42 certification shall be filed with the Board at the same time the candidate files his
43 Organizational Report as required in G.S. 163-278.7, G.S. 163-278.9, and G.S. 163-
44 278.40A. If the candidate's campaign is being conducted by a political committee which

1 is handling all contributions, loans, and expenditures for his campaign, the treasurer of
2 the political committee shall file a certification of intent to stay within the threshold
3 amount. If the intent to stay within the threshold changes, or if the ~~\$500.00~~ \$1,000
4 threshold is exceeded, the treasurer shall immediately notify the Board and shall be
5 responsible for filing all reports required in G.S. 163-278.9 and 163-278.40B, ~~278.40C,~~
6 ~~278.40D, and 278.40E~~ 163-278.40C, 163-278.40D, and 163-278.40E; provided that any
7 contribution, loan, or expenditure which would have been required to be reported on an
8 earlier report but for this section shall be included on the next report required after the
9 intent changes or the threshold is exceeded."

10 Sec. 54. G.S. 147-69.2(c) is amended by deleting "G.S. 147-69.2(b)(6)", and
11 substituting "G.S. 147-69.2(b)(8)".

12 Sec. 55. Section 36 of Chapter 168, Session Laws of 1989, is amended by
13 deleting "G.S. 104G-6(14)", and substituting "G.S. 104G-6(a)(14)".

14 Sec. 56. The table set forth in G.S. 7A-60(a1) is amended by deleting from
15 the heading of the left hand column the word "Judicial", and substituting the word
16 "Prosecutorial".

17 Sec. 57. G.S. 20-16.1(b)(3) reads as rewritten:

18 "(3) Upon conviction of such offense outside the jurisdiction of this State
19 the person so convicted may apply to the resident judge of the superior
20 court of the district or set of districts as defined in G.S. 7A-41.1(a) in
21 which he resides for limited driving privileges hereinbefore defined.
22 Upon such application the judge shall have the authority to issue such
23 limited driving privileges in the same manner as if he were the trial
24 judge."

25 Sec. 58. G.S. 143B-501(3) reads as rewritten:

26 "(3) 'Judicial district' means ~~the districts prescribed in G.S. 7A-41~~ a district
27 court district as defined in G.S. 7A-133."

28 Sec. 59. Section 2.1 of Chapter 617, Session Laws of 1989, is amended by
29 deleting the phrase "General Statutes" and substituting the phrase "1981 Session Laws".

30 Sec. 60. G.S. 143B-426.40, as added by Chapter 239, Session Laws of 1989,
31 is amended by adding immediately after "University of North Carolina" the words ", the
32 Office of State Controller shall have the following powers and duties".

33 Sec. 61. Section 2 of Chapter 576, Session Laws of 1989 is amended by
34 deleting "Chapter 561, Session Laws of 1989" and substituting "Chapter 561, Session
35 Laws of 1987".

36 Sec. 62. Effective October 1, 1989, Article 27 of Chapter 66 of the General
37 Statutes, as enacted by Chapter 631, Session Laws of 1989, is recodified as Article 28 of
38 Chapter 66 of the General Statutes, G.S. 66-190 through G.S. 66-196 as enacted by that
39 Chapter are recodified as G.S. 66-200 through G.S. 66-206, and the citation to "G.S. 66-
40 192(d)" as contained in G.S. 66-194 as enacted by that Chapter is changed to "G.S. 66-
41 202(d)".

42 Sec. 63. G.S. 143B-181.10(c), as rewritten by Section 96(a) of Chapter 500,
43 Session Laws of 1989 is amended by deleting "shilled", and substituting "skilled".

1 Sec. 64. Section 110(b) of Chapter 500, Session Laws of 1989 is amended by
2 deleting "Ecomonic", and substituting "Economic".

3 Sec. 65. Section 74(g)(2) of Chapter 830, Session Laws of 1987, as enacted
4 by Section 113(a) of Chapter 500, Session Laws of 1989, is amended by deleting
5 "facilities" and substituting "facilities".

6 Sec. 66. G.S. 20-127 is amended by adding a new subsection to read:

7 "(i) Subsections (d) through (g) of this section do not apply to law-enforcement
8 K-9 vehicles and films used to darken windows on those units."

9 Sec. 67. Chapter 611, Session Laws of 1989 is amended by adding a new
10 section to read:

11 "Sec. 4.1. The following acts having served the purposes for which they were
12 enacted or having been consolidated into this act are expressly repealed:

13 Chapter 234, Private Laws of 1935

14 Chapter 575, Session Laws of 1949

15 Chapter 1113, Session Laws of 1957

16 Chapter 894, Session Laws of 1963

17 Chapter 1220, Session Laws of 1963

18 Chapter 519, Session Laws of 1965."

19 Sec. 68. G.S. 90-95(h)(3a), as enacted by Chapter 690, Session Laws of 1989
20 is recodified as G.S. 90-95(h)(3b).

21 Sec. 69. Effective July 1, 1990, G.S. 55-13-25(b), as enacted by Chapter 265,
22 Session Laws of 1989, reads as rewritten:

23 "(b) The offer of payment must be accompanied by:

24 (1) The corporation's most recent available balance sheet as of the end of a
25 fiscal year ending not more than 16 months before the date of offer of
26 payment, an income statement for that year, a statement of ~~changes in~~
27 ~~shareholders' equity~~ cash flows for that year, and the latest available
28 interim financial statements, if any;

29 (2) A statement of the corporation's estimate of the fair value of the
30 shares;

31 (3) An explanation of how the interest was calculated;

32 (4) A statement of the dissenter's right to demand payment under G.S. 55-
33 13-28; and

34 (5) A copy of this Article."

35 Sec. 70. Effective January 1, 1990, G.S. 58-807 as enacted by Chapter 425,
36 Session Laws of 1989, reads as rewritten:

37 "**§ 58-807. Duration of liability for assessment.**

38 Every subscriber of a domestic reciprocal having contingent assessment liability
39 shall be liable for and shall pay his share of any assessment computed in accordance
40 with this Part, if, while the policy is in force or within one year after its termination, the
41 subscriber is notified (i) by the attorney of his intention to levy the assessment or (ii)
42 that delinquency proceedings have been commenced against the reciprocal under the
43 provisions of Article ~~17A or~~ 46 of this Chapter, and the Commissioner or receiver
44 intends to levy an assessment."

1 Sec. 71. Effective January 1, 1990, G.S. 58-809(b) as enacted by Section 1 of
2 Chapter 425, Session Laws of 1989, reads as rewritten:

3 "(b) If the attorney fails to make the assessment within 30 days after the
4 Commissioner orders him to do so, or if the deficiency is not fully made up within 60
5 days after the date the assessment is made, delinquency proceedings may be instituted
6 and conducted against the insurer as provided in Article ~~47A~~ 46 of this Chapter."

7 Sec. 72. G.S. 58-155.45(5), as rewritten by Section 2 of Chapter 206, Session
8 Laws of 1989, reads as rewritten:

9 "(5) 'Insolvent insurer' means (i) an insurer licensed and authorized to
10 transact insurance in this State either at the time the policy was issued
11 or when the insured event occurred and (ii) against whom an order of
12 liquidation with a finding of insolvency has been entered after the
13 effective date of this Article by a court of competent jurisdiction in the
14 insurer's state of domicile or of this State under the provisions of ~~G.S.~~
15 ~~58-155.11~~ Article 46 of this Chapter, and which order of liquidation has
16 not been stayed or been the subject of a writ of supersedeas or other
17 comparable order."

18 Sec. 73. Section 1 of Chapter 225, Session Laws of 1989, is amended by
19 deleting "G.S. 122C-271 reads as rewritten:" and substituting "G.S. 122C-271(b) reads
20 as rewritten:".

21 Sec. 74. Section 2 of Chapter 225, Session Laws of 1989, is amended by
22 deleting "G.S. 122C-263 reads as rewritten:" and substituting "G.S. 122C-263(d) reads
23 as rewritten:".

24 Sec. 75. G.S. 130A-415, as rewritten by Chapter 222, Session Laws of 1989,
25 reads as rewritten:

26 **"§ 130A-415. Unclaimed bodies; disposition.**

27 (a) Any person, including officers, employees and agents of the State or of any
28 unit of local government in the State, undertakers doing business within the State,
29 hospitals, nursing homes or other institutions, having physical possession of a dead
30 body shall make reasonable efforts to contact relatives of the deceased or other persons
31 who may wish to claim the body for final disposition. If the body remains unclaimed
32 for final disposition for 10 days, the person having possession shall notify the
33 Commission of Anatomy. Upon request of the Commission of Anatomy, the person
34 having possession shall deliver the dead body to the Commission of Anatomy at a time
35 and place specified by the Commission of Anatomy or shall permit the Commission of
36 Anatomy to take and remove the body.

37 (b) All dead bodies not claimed for final disposition within 10 days of the
38 decedent's death may be received and delivered by the Commission of Anatomy
39 pursuant to the authority contained in G.S. 143B-204 and this Part and in accordance
40 with the rules of the Commission of Anatomy. Upon receipt of a body by the
41 Commission of Anatomy all interests in and rights to the unclaimed dead body shall
42 vest in the Commission of Anatomy. The recipient to which the Commission of
43 Anatomy delivers the body shall pay all expenses for the embalming and delivery of the
44 body, and for the reasonable expenses arising from efforts to notify relatives or others.

1 (b1) The 10-day period referenced in subsections (a) and (b) of this section may be
2 shortened by the county director of social services upon determination that a dead body
3 will not be claimed for final disposition within the 10-day period.

4 (c) Should the Commission of Anatomy decline to receive a dead body, the
5 person with possession shall inform the director of social services of the county in
6 which the body is located. The director of social services of that county shall arrange
7 for prompt final disposition of the body, either by cremation or burial. Reasonable costs
8 of disposition and of efforts made to notify relatives and others shall be considered
9 funeral expenses and shall be paid in accordance with G.S. 28A-19-6 and G.S. 28A-19-
10 8. If those expenses cannot be satisfied from the decedent's estate, they shall be borne
11 by the decedent's county of residence. If the deceased is not a resident of this State, or if
12 the county of residence is unknown, those expenses shall be borne by the county in
13 which the death occurred.

14 (d) No autopsy shall be performed on an unclaimed body without the written consent
15 of the Commission of Anatomy except that written consent is not required for an
16 autopsy performed pursuant to Part 2 of this Article.

17 (e) Due caution shall be taken to shield the unclaimed body from public view.

18 (f) Notwithstanding anything contained in this section, an unclaimed body shall
19 not mean a dead body for which the deceased has made a gift pursuant to Part 3 of this
20 Article.

21 (g) Nothing in this Part shall require the officers, employees or agents of a county
22 to notify the Commission of Anatomy regarding the bodies of minors who were in the
23 custody of the county at the time of death and whose final disposition will be arranged
24 by the county. In the absence of notification, the expenses of the final disposition shall
25 be a charge upon the county having custody.

26 (h) The provisions of this Part shall not apply to bodies within the jurisdiction of
27 the medical examiner under G.S. 130A-383 or 130A-384.

28 (i) In addition to the other duties of the Commission of Anatomy, when the
29 Commission of Anatomy is notified by the Lifeguardianship Council of the Association
30 of Retarded Citizens of North Carolina, Inc., that the Council intends to claim a body,
31 the Commission shall release the body to the Council. The Lifeguardianship Council
32 shall notify the Commission of Anatomy within 24 hours after death of its intent to
33 claim a body for burial or other humane and caring disposition."

34 Sec. 75.1. Effective October 1, 1989, and applying to appeals filed on and
35 after that date, G.S. 90-14.11 reads as rewritten:

36 **"§ 90-14.11. ~~Appeal to Supreme Court;~~ Appeal; appeal bond.**

37 Any party to the review proceeding, including the Board, may appeal ~~to the Supreme~~
38 ~~Court~~ from the decision of the superior court under rules of procedure applicable in
39 other civil cases. No appeal bond shall be required of the Board. The appealing party
40 may apply to the superior court for a stay of that court's decision or a stay of the Board's
41 decision, whichever shall be appropriate, pending the outcome of the ~~appeal to the~~
42 ~~Supreme Court.~~ appeal."

43 Sec. 75.2. Effective January 1, 1990, G.S. 105A-2(1)j, as rewritten by
44 Chapters 539 and 699, Session Laws of 1989, reads as rewritten:

1 "j. State facilities as listed in G.S. 122C-181(a), School for the
2 Deaf at Morganton, North Carolina Sanatorium at McCain,
3 Western Carolina Sanatorium at Black Mountain, Eastern North
4 Carolina Sanatorium at Wilson, and Gravelly Sanatorium at
5 Chapel Hill under Chapter 143, Article 7; Governor Morehead
6 School under Chapter 115, Article 40; Central North Carolina
7 School for the Deaf under Chapter 115, Article 41; Wright
8 School for Treatment and Education of Emotionally Disturbed
9 Children under Chapter 122C; ~~122C~~; and these same institutions
10 by any other names by which they may be known in the
11 future;"

12 Sec. 75.3. G.S. 163-132.5A, as amended by Section 3 of Chapter 440,
13 Session Laws of 1989, reads as rewritten:

14 **"§ 163-132.5A. Precinct boundaries.**

15 (a) Whenever an annexation ordinance adopted under Parts 1, 2, or 3 of Article
16 4A of Chapter 160A of the General Statutes, or a local act of the General Assembly
17 annexing property to a municipality, becomes effective during the period beginning
18 with the date of the annexation as reported through the U.S. Census Bureau's 1988
19 Boundary and Annexation Survey and ending October 31, 1989, and any part of the
20 boundary of the area being annexed which is actually contiguous to the city is also a
21 precinct boundary for elections administered by the county board of elections then the
22 annexed area is automatically moved into the 'city precinct', provided that if the
23 annexed area is adjacent to more than one city precinct, the board of elections shall
24 place the area in any one or more of the adjacent city precincts. The county board of
25 elections may delay the effective date of any change under this subsection to a date not
26 later than January 1, 1992.

27 ~~(b) This section does not apply when the entire area of contiguity between the~~
28 ~~city and the area being annexed is a township boundary, a county boundary, a visible~~
29 ~~feature used or expected to be used as a census block boundary in the 1990 census, or a~~
30 ~~combination of those boundaries."~~

31 Sec. 76. Except as otherwise provided herein, this act is effective upon
32 ratification.