

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
Fourth Edition Engrossed 8/9/89

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)".

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

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

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

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

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

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

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

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

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

19 (c) In G.S. 78C-2(3), by deleting "G.S. 78C-2(4)a", "G.S. 78C-2(4)c", and "G.S.
20 78C-2(4)d" and substituting in lieu thereof "G.S. 78C-2(3)a", "G.S. 78C-2(3)c", and
21 "G.S. 78C-2(3)d", respectively, wherever these appear in this subdivision;

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

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

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

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

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

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

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

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

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

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

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

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. 41.1. The changes made by Chapter 713, Session Laws of 1989 to G.S.
13 105-159.1(d) shall not be effectuated, as similar changes were made to G.S. 105-
14 159.1(d) by Section 1.32 of Chapter 728, Session Laws of 1989.

15 Sec. 41.2. Section 2 of Chapter 718, Session Laws of 1989 is amended by
16 deleting "G.S. 105-134.6(b), as enacted by House Bill 89 or Senate Bill 51, Chapter ____
17 of the 1989 Session Laws", and substituting "G.S. 105-134.6(b), as enacted by Chapter
18 728 of the 1989 Session Laws".

19 Sec. 41.3. Section 3 of Chapter 718, Session Laws of 1989 reads as
20 rewritten:

21 "Sec. 3. Sections ~~1 and 3-2 and 3~~ of this act are effective for taxable years beginning
22 on or after January 1, 1989. Section 1 of this act was repealed by Section 1.3 of Chapter
23 728, Session Laws of 1989. Section 2 of this act shall become effective for taxable years for
24 which G.S. 105-147 is repealed by House Bill 89 or Senate Bill 51, if either bill is enacted by
25 the 1989 General Assembly."

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

28 "(4) The amount of its authorized common capital stock, the number of
29 shares into which it is divided, the par value of each share; and the
30 amount of common capital stock with which it will commence
31 business. The amount of capital required to charter a bank shall be
32 determined as herein set forth by the Commissioner of Banks who
33 shall give due consideration to (i) the population of the proposed
34 bank's trade area, (ii) the total deposits of those depository financial
35 institutions already operating in the proposed bank's trade area, (iii) the
36 economic conditions and outlook within the proposed bank's trade
37 area, (iv) the business experience and reputation of the proposed
38 bank's management, (v) the business experience and reputation of the
39 proposed bank's incorporators and proposed directors, (vi) the type and
40 nature of business activities proposed to be engaged in, and (vii) the
41 proposed bank's projected deposit growth and profitability. Except as
42 otherwise provided, the amount of common capital stock required to
43 charter a bank shall not be less than two million dollars (\$2,000,000);
44 provided, however, such amount of capital may be increased or

1 decreased in the discretion of the Commissioner of Banks who, after
2 considering the above enumerated criteria, determines that a greater
3 capital requirement is necessary or that a smaller capital requirement
4 will provide a sufficient capital base. In addition to the required
5 capital, every bank shall have a paid in surplus of at least fifty percent
6 (50%) of its common capital stock. The capital and paid in surplus
7 required to charter a bank shall be exclusive of any organizational
8 expenses. This subdivision shall not apply to banks organized and
9 doing business prior to its adoption or amendment; provided, however,
10 the Banking Commission is hereby authorized and directed to adopt
11 rules and regulations to keep any original required minimum capital
12 funds intact to the end that they remain in and with the bank as a
13 protection for depositors."

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

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

19 **"§ 143-64.33. Advice in selecting consultants or negotiating consultant contracts.**

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

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

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

30 Sec. 47. G.S. 113A-129.3(b), as enacted by Chapter 344, Session Laws of
31 1989, reads as rewritten:

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

36 Sec. 48. Section 4 of Chapter 100, Session Laws of 1955, as amended by
37 Chapter 960, Session Laws of 1973, and as rewritten by Chapter 357, Session Laws of
38 1989, is amended by deleting "or other changes", and substituting "or other charges".

39 Sec. 49. G.S. 18B-1006(i)(4), as rewritten by Chapter 360, Session Laws of
40 1989, reads as rewritten:

41 "(4) A boat shall have a home port in an area where issuance of the permits
42 listed in subdivision (3) is legal, and all passengers shall enter the boat
43 at the home port or at other ports listed on a preannounced itinerary.
44 The boat's permits are valid during tours that leave and return to the

1 boat's home port, and apply regardless of whether the boat crosses into
2 an area where sales are not legal, if the boat docks only at a port listed
3 on the preannounced itinerary, except in an ~~emergency~~; emergency;
4 and".

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

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

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

13 **"§ 66-49.30. Hearing granted applicant if application denied; appeal.**

14 If, upon application, the Commissioner finds that the permit should not be issued or
15 renewed and denies an application, he shall notify the applicant or permittee and advise,
16 in writing, the applicant or permittee of the reasons for the denial or nonrenewal of the
17 permit. Within 30 days of receipt of notification the applicant or permittee may make
18 written demand upon the Commissioner for a hearing to determine the reasonableness
19 of the Commissioner's action. Such hearing shall be scheduled within 30 days and held
20 within 90 days from the date of receipt of the written demand. An applicant or
21 permittee has the right to appeal any order or any unreasonable delay pursuant to Article
22 4 of Chapter 150B of the General Statutes. If the Commissioner shall decline an
23 application for renewal, that applicant may continue to do business pending any appeal
24 taken pursuant hereto."

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

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

- 33 (1) Remitting to collection creditors or forwarders the proceeds to which
34 they are entitled.
- 35 (2) Remitting to the collection agency the commission that is due the
36 collection agency.
- 37 (3) Reimbursing consumers for overpayments.
- 38 (4) Making adjustments to the trust account balance for bank service
39 charges."

40 Sec. 53. Effective with respect to all elections occurring on or after January
41 1, 1990, G.S. 163-278.10A(a), as rewritten by Chapter 449, Session Laws of 1989,
42 reads as rewritten:

43 "(a) Notwithstanding any other provision of this Chapter, a candidate shall be
44 exempted from the reports of contributions, loans, and expenditures required in G.S.

1 163-278.9(a), 163-278.40B, ~~278.40C, 278.40D, and 278.40E~~ 163-278.40C, 163-278.40D,
2 and 163-278.40E if to further his campaign that candidate:

- 3 (1) Does not receive more than one thousand dollars (\$1,000.00) in
4 contributions, and
- 5 (2) Does not receive more than one thousand dollars (\$1,000.00) in loans,
6 and
- 7 (3) Does not spend more than one thousand dollars (\$1,000.00).

8 To qualify for the exemption from those reports, the candidate's treasurer shall file a
9 certification under oath that he does not intend to receive in contributions or loans or
10 expend more than one thousand dollars (\$1,000.00) to further his campaign. The
11 certification shall be filed with the Board at the same time the candidate files his
12 Organizational Report as required in G.S. 163-278.7, G.S. 163-278.9, and G.S. 163-
13 278.40A. If the candidate's campaign is being conducted by a political committee which
14 is handling all contributions, loans, and expenditures for his campaign, the treasurer of
15 the political committee shall file a certification of intent to stay within the threshold
16 amount. If the intent to stay within the threshold changes, or if the ~~\$500.00~~ \$1,000
17 threshold is exceeded, the treasurer shall immediately notify the Board and shall be
18 responsible for filing all reports required in G.S. 163-278.9 and 163-278.40B, ~~278.40C,~~
19 ~~278.40D, and 278.40E~~ 163-278.40C, 163-278.40D, and 163-278.40E; provided that any
20 contribution, loan, or expenditure which would have been required to be reported on an
21 earlier report but for this section shall be included on the next report required after the
22 intent changes or the threshold is exceeded."

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

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

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

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

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

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

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

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

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

4 Sec. 61. Section 2 of Chapter 576, Session Laws of 1989 is amended by
5 deleting "Chapter 561, Session Laws of 1989" and substituting "Chapter 561, Session
6 Laws of 1987".

7 Sec. 62. Effective October 1, 1989, Article 27 of Chapter 66 of the General
8 Statutes, as enacted by Chapter 631, Session Laws of 1989, is recodified as Article 28 of
9 Chapter 66 of the General Statutes, G.S. 66-190 through G.S. 66-196 as enacted by that
10 Chapter are recodified as G.S. 66-200 through G.S. 66-206, and the citation to "G.S. 66-
11 192(d)" as contained in G.S. 66-194 as enacted by that Chapter is changed to "G.S. 66-
12 202(d)".

13 Sec. 62.1. Effective January 1, 1990:

14 (1) Article 27 of Chapter 66 of the General Statutes, as enacted by Chapter
15 746, Session Laws of 1989, is recodified as Article 29 of Chapter 66 of
16 the General Statutes;

17 (2) G.S. 66-189 through G.S. 66-196 as enacted by that Chapter are
18 recodified as G.S. 66-209 through G.S. 66-216;

19 (3) G.S. 66-191(a)(2) as recodified as G.S. 66-211(a)(2) is amended by
20 deleting "ARTICLE 27", and substituting "ARTICLE 29"; and

21 (4) G.S. 66-193(c) as recodified to be G.S. 66-213(c) by this section is
22 amended by deleting "G.S. 66-192(e)", and substituting "G.S. 66-
23 212(e)".

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

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

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

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

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

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

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

38 Chapter 234, Private Laws of 1935

39 Chapter 575, Session Laws of 1949

40 Chapter 1113, Session Laws of 1957

41 Chapter 894, Session Laws of 1963

42 Chapter 1220, Session Laws of 1963

43 Chapter 519, Session Laws of 1965."

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

3 Sec. 68.1. (a) G.S. 105-151.19 as enacted by Section 1.22 of Chapter 728,
4 Session Laws of 1989, reads as rewritten:

5 **"§ 105-151.19. Credit for North Carolina dividends.**

6 There is allowed as a credit against the tax imposed by this Division an amount
7 equal to six percent (6%) of the amount of dividends received by the taxpayer during
8 the taxable year from stock issued by a qualified corporation, up to a maximum credit of
9 three hundred dollars (\$300.00) per taxpayer for the taxable year. A corporation is a
10 qualified corporation if fifty percent (50%) or more of the dividends from stock issued
11 by the corporation would be deductible by a corporate shareholder for the taxable year
12 under the provisions of G.S. 105-130.7(1), (2), (3), ~~or (3a), (3a), or (5)~~ except that no
13 credit shall be allowed for dividends issued with respect to a taxable period during
14 which the corporation is an S Corporation subject to the provisions of Division I-S of
15 this Article.

16 This credit applies only with respect to dividends received while the taxpayer was a
17 resident of this State. In the case of a married couple filing a joint return where both
18 spouses received dividends during the taxable year, the three hundred dollar (\$300.00)
19 maximum applies separately to each spouse's dividends for a potential total credit of six
20 hundred dollars (\$600.00) for the couple. This credit may not exceed the amount of tax
21 imposed by this Division for the taxable year reduced by the sum of all credits allowed
22 under this Division, except payments of tax made by or on behalf of the taxpayer."

23 (b) This section is effective for taxable years beginning on or after January 1,
24 1989.

25 Sec. 68.2. G.S. 136-176(a)(2), as enacted by Section 1.1 of Chapter 692,
26 Session Laws of 1989, reads as rewritten:

27 "(2) Motor vehicle use tax deposited in the Fund under Sec. 69. Effective
28 July 1, 1990, G.S. 55-13-25(b), as enacted by Chapter 265, Session
29 Laws of 1989, reads as rewritten:

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

- 31 (1) The corporation's most recent available balance sheet as of the end of a
32 fiscal year ending not more than 16 months before the date of offer of
33 payment, an income statement for that year, a statement of ~~changes in~~
34 ~~shareholders' equity~~ cash flows for that year, and the latest available
35 interim financial statements, if any;
- 36 (2) A statement of the corporation's estimate of the fair value of the
37 shares;
- 38 (3) An explanation of how the interest was calculated;
- 39 (4) A statement of the dissenter's right to demand payment under G.S. 55-
40 13-28; and
- 41 (5) A copy of this Article."

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

44 **"§ 58-807. Duration of liability for assessment.**

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

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

10 "(b) If the attorney fails to make the assessment within 30 days after the
11 Commissioner orders him to do so, or if the deficiency is not fully made up within 60
12 days after the date the assessment is made, delinquency proceedings may be instituted
13 and conducted against the insurer as provided in Article ~~17A-46~~ of this Chapter."

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

16 "(5) 'Insolvent insurer' means (i) an insurer licensed and authorized to
17 transact insurance in this State either at the time the policy was issued
18 or when the insured event occurred and (ii) against whom an order of
19 liquidation with a finding of insolvency has been entered after the
20 effective date of this Article by a court of competent jurisdiction in the
21 insurer's state of domicile or of this State under the provisions of ~~G.S.~~
22 ~~58-155.11~~ Article 46 of this Chapter, and which order of liquidation has
23 not been stayed or been the subject of a writ of supersedeas or other
24 comparable order."

25 Sec. 72.1. G.S. 58-656(7), as enacted by Section 1 of Chapter 452, Session
26 Laws of 1989, reads as rewritten:

27 "(7) Without first obtaining the written consent of the Commissioner
28 pursuant to G.S. 58-155.1, the insurer has (i) transferred, or attempted
29 to transfer, in a manner contrary to Article ~~12A-43~~ of this Chapter,
30 substantially its entire property or business, or (ii) has entered into any
31 transaction, the effect of which is to merge, consolidate, or reinsure
32 substantially its entire property or business in or with the property or
33 business of any other person."

34 Sec. 72.2. Section 3.1 of Chapter 722, Session Laws of 1989 is amended by
35 deleting "Section 36 of Chapter 485 of the 1989 Session Laws reads as rewritten:

36 'Sec. 36. G.S. 58-79.1(c) is amended by adding a new subdivision to read:",
37 and substituting: "G.S. 58-79.1(c) as enacted by Section 36 of Chapter 485, Session
38 Laws of 1989 reads as rewritten:".

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

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

1 Sec. 74.1. (a) G.S. 20-79(d) reads as rewritten:

2 "(d) ~~No manufacturer of or dealer in Dealer's license plates may be used on motor~~
3 ~~vehicles, trailers or semitrailers shall cause or permit any such vehicle owned by, or assigned~~
4 ~~to, duly licensed motor vehicle dealers of this State when such person or by any person in~~
5 ~~his employ, which is in the personal use of such person or employee, to be operated or moved~~
6 ~~upon a public on the highway s of this State by the dealer, corporate officers of the~~
7 ~~dealership, salespersons or full-time employees of the dealership, and any designated~~
8 ~~part-time employees of the dealership; with a 'dealer' plate attached to such~~
9 ~~vehicle~~ provided, the vehicle is subject to the proof of financial responsibility
10 requirements of Article 9A of this Chapter. A dealership owner who desires to use
11 dealer's license plates as herein provided shall make application on a form provided by
12 the Division of Motor Vehicles and pay the annual amount set in G.S. 20-87(7)."

13 (b) This section shall become effective October 1, 1989, and shall not affect
14 pending litigation.

15 Sec. 74.2. Effective October 1, 1989, G.S. 20-87(7) reads as rewritten:

16 "(7) ~~Manufacturers and Motor Vehicle Dealers.–Manufacturers and dealers~~
17 ~~in motor vehicles, trailers and semitrailers for license and for one set of~~
18 ~~dealer's plates for each place of business licensed under Article 12 of~~
19 ~~Chapter 20 of the General Statutes shall pay the sum of thirty eight~~
20 ~~dollars (\$38.00), and for each additional set of dealer's plates the sum~~
21 ~~of three dollars (\$3.00).–vehicles shall pay a fee of one-half of the~~
22 ~~amount that would otherwise be payable under this section for each set~~
23 ~~of plates."~~

24 Sec. 74.3. Effective October 1, 1989, G.S. 20-87(8) reads as rewritten:

25 "(8) ~~Driveaway Companies.– Any person, firm or corporation person~~
26 ~~engaged in the business of driving new motor vehicles from the place~~
27 ~~of manufacture to the place of sale in this State for compensation shall~~
28 ~~pay as a registration fee and for one set of plates one hundred twenty eight~~
29 ~~dollars (\$128.00) and for each additional set of plates six dollars (\$6.00)–a~~
30 ~~fee of one-half of the amount that would otherwise be payable under~~
31 ~~this section for each set of plates."~~

32 Sec. 74.4. Effective October 1, 1989, G.S. 105-164.4(a)(1b), as enacted by
33 Section 3.3 of Chapter 692, Session Laws of 1989, reads as rewritten:

34 "(1b) At the rate of two percent (2%) of the sales price of each aircraft, boat,
35 railway car, or locomotive sold at retail, including all accessories
36 attached to the item when it is delivered to the ~~purchaser~~–purchaser, not
37 ~~to exceed one thousand five hundred dollars (\$1,500)."~~

38 Sec. 74.5. Effective January 1, 1990, G.S. 20-88.01, as amended by Section
39 6.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

40 "**§ 20-88.01. Revocation of registration for failure to register for or comply with**
41 **road tax.**

42 The Secretary of Revenue may notify the Commissioner of those motor vehicles that
43 are registered or are required to be registered under Article 36B of Chapter 105 and as
44 ~~appropriate, whose owners or lessees~~–lessees, as appropriate, are not in compliance with

1 Article 36A or 36B of Chapter 105. When notified, the Commissioner shall withhold or
2 revoke the registration plate for the vehicle."

3 Sec. 74.6. G.S. 136-176(a)(3), as enacted by Section 1.1 of Chapter 692,
4 Session Laws of 1989, reads as rewritten:

5 "(3) Revenue from the certificate of title fee and other fees payable when a
6 certificate of title is issued for a motor vehicle under G.S. 20-85."

7 Sec. 74.7. G.S. 136-17.2A(c), as enacted by Section 1.4 of Chapter 692,
8 Session Laws of 1989, is amended by redesignating subdivision (3) as subdivision (2).

9 Sec. 74.8. Effective October 1, 1989, G.S. 105-174, as enacted by Section
10 4.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

11 "**§ 105-174. Penalties and remedies.**

12 (a) Penalties. ~~The penalties that apply to a failure to pay State sales and use taxes~~
13 ~~apply to a failure to pay the tax levied by this Article~~ penalty for bad checks in G.S. 105-
14 236(1) applies to a check offered in payment of the tax imposed by this Article. In
15 addition, if a check offered to the Division in payment of the tax imposed by this Article
16 is returned unpaid and the tax for which the check was ~~offered~~ offered, plus the penalty
17 imposed under G.S. 105-236(1), is not paid within 30 days after the Commissioner
18 demands its payment, the Commissioner may revoke the registration plate of the vehicle
19 for which a certificate of title was issued when the check was offered.

20 (b) Unpaid Taxes. The remedies for collection of taxes in G.S. 20-99 apply to the
21 taxes levied by this Article and collected by the Commissioner.

22 (c) Appeals. A taxpayer who disagrees with the presumed value of a motor
23 vehicle must pay the tax based on the presumed value, but may appeal the value to the
24 Commissioner. A taxpayer who appeals the value must provide two estimates of the
25 value of the vehicle to the Commissioner. If the Commissioner finds that the value of
26 the vehicle is less than the presumed value of the vehicle, the Commissioner shall
27 refund any overpayment of tax made by the taxpayer with interest at the rate specified
28 in G.S. 105-241.1 from the date of the overpayment.

29 ~~In applying the provisions of Article 9 of this Chapter to the tax levied by this~~
30 ~~Article, the Commissioner shall exercise the power conferred upon the Secretary. A~~
31 ~~taxpayer who appeals the tax imposed by this Article shall appeal to the Commissioner~~
32 ~~or the Commissioner's designee instead of to the Secretary."~~

33 Sec. 74.9. Effective October 1, 1989, G.S. 105-170(a), as enacted by Section
34 4.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

35 "(a) Full Exemptions. The tax imposed by this Article does not apply when a
36 certificate of title is issued as the result of a transfer of a motor ~~vehicle~~ vehicle:

37 (1) To ~~to~~ the insurer of the motor vehicle under G.S. 20-109.1 because the
38 vehicle is a salvage vehicle.

39 (2) To either a manufacturer, as defined in G.S. 20-285, or a motor vehicle
40 retailer for the purpose of resale."

41 Sec. 74.10. Effective October 1, 1989, G.S. 105-170(b)(4), as enacted by
42 Section 4.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

43 "(4) ~~To one of the following for the purpose of resale:~~

44 a. ~~A motor vehicle retailer.~~

1 b. A a secured party who has filed a security interest in the motor
2 vehicle with the Department of the Secretary of State."

3 Sec. 74.11. Effective October 1, 1989, G.S. 20-85(a), as amended by Section
4 2.1 of Chapter 692, Session Laws of 1989, is amended by adding a new subdivision to
5 read:

6 "(9) Each application for certificate of title for a motor vehicle transferred
7 to a manufacturer, as defined in G.S. 20-285, or a motor vehicle
8 retailer for the purpose of resale..... 10.00."

9 Sec. 74.12. G.S. 136-44.8, as enacted by Section 1.18 of Chapter 692,
10 Session Laws of 1989, is recodified as G.S. 136-28.7.

11 Sec. 74.13. Effective October 1, 1989, G.S. 105-167(b), as enacted by
12 Section 4.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

13 "(b) Retail Value. The retail value of a motor vehicle for which a certificate of
14 title is issued because of a sale of the motor vehicle by a retailer is the sales price of the
15 motor vehicle, including all accessories attached to the vehicle when it is delivered to
16 the purchaser, less the amount of any allowance given by the retailer for a motor vehicle
17 taken in trade as a partial payment for the purchased motor vehicle. The retail value of
18 a motor vehicle for which a certificate of title is issued because of a sale of the motor
19 vehicle by a seller who is not a retailer is the market value of the vehicle, value of the
20 ~~vehicle set in a schedule of values adopted by the Commissioner,~~ less the amount of any
21 allowance given by the seller for a motor vehicle taken in trade as a partial payment for
22 the purchased motor vehicle. The retail value of a motor vehicle for which a certificate
23 of title is issued because of a reason other than the sale of the motor vehicle is the
24 market value of the vehicle-vehicle. The market value of a vehicle is presumed to be the
25 value of the vehicle set in a schedule of values adopted by the Commissioner."

26 Sec. 74.14. G.S. 136-28.7(a), as enacted by Section 1.18 of Chapter 692,
27 Session Laws of 1989, is rewritten to read:

28 "(a) The Department of Transportation shall require that every contract for
29 construction or repair necessary to carry out the provisions of this Chapter shall contain
30 a provision requiring that ~~steel and cement used or supplied in the performance of the~~
31 ~~contract or any subcontract thereunder are produced in the United States~~ all steel and cement
32 permanently incorporated into the construction or repair project be produced in the
33 United States."

34 Sec. 74.15. G.S. 136-28.7, as enacted by Section 1.18 of Chapter 692,
35 Session Laws of 1989, is amended by designating subsection (c) as subsection (d) and
36 inserting a new subsection (c) to read:

37 "(c) The Department of Transportation shall apply this section consistent with the
38 requirements in 23 C.F.R. § 635.410(b)(4)."

39 Sec. 74.16. G.S. 136-12(b), as amended by Section 1.3 of Chapter 692,
40 Session Laws of 1989, reads as rewritten:

41 "(b) At least ~~25-30~~ days before it approves a Transportation Improvement Program
42 in accordance with G.S. 143B-350(f)(4) or approves interim changes to a Transportation
43 Improvement Program, the Department shall submit the proposed Transportation

1 Improvement Program or proposed interim changes to a Transportation Improvement
2 Program to the following members and staff of the General Assembly:

- 3 (1) The Speaker and the Speaker Pro Tempore of the House of
4 Representatives;
- 5 (2) The Lieutenant Governor and the President Pro Tempore of the
6 Senate;
- 7 (3) The Chairs of the House and Senate Appropriations Committees;
- 8 (4) Each member of the Joint Legislative Highway Oversight Committee;
9 and
- 10 (5) The Fiscal Research Division of the Legislative Services
11 Commission."

12 Sec. 74.17. Chapter 480 of the Session Laws of 1989 is amended by adding a
13 new section to read:

14 "Sec. 3.1. Contracts awarded pursuant to the separate prime contract system during
15 the period beginning on June 28, 1989 and ending December 31, 1989 are not hereby
16 invalidated for noncompliance with G.S. 143-128(c)."

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

19 **"§ 130A-415. Unclaimed bodies; disposition.**

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

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

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

41 (c) Should the Commission of Anatomy decline to receive a dead body, the
42 person with possession shall inform the director of social services of the county in
43 which the body is located. The director of social services of that county shall arrange
44 for prompt final disposition of the body, either by cremation or burial. Reasonable costs

1 of disposition and of efforts made to notify relatives and others shall be considered
2 funeral expenses and shall be paid in accordance with G.S. 28A-19-6 and G.S. 28A-19-
3 8. If those expenses cannot be satisfied from the decedent's estate, they shall be borne
4 by the decedent's county of residence. If the deceased is not a resident of this State, or if
5 the county of residence is unknown, those expenses shall be borne by the county in
6 which the death occurred.

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

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

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

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

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

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

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

29 **"§ 90-14.11. ~~Appeal to Supreme Court; Appeal; appeal bond.~~**

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

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

38 "j. State facilities as listed in G.S. 122C-181(a), School for the
39 Deaf at Morganton, North Carolina Sanatorium at McCain,
40 Western Carolina Sanatorium at Black Mountain, Eastern North
41 Carolina Sanatorium at Wilson, and Gravelly Sanatorium at
42 Chapel Hill under Chapter 143, Article 7; Governor Morehead
43 School under Chapter 115, Article 40; Central North Carolina
44 School for the Deaf under Chapter 115, Article 41; Wright

1 School for Treatment and Education of Emotionally Disturbed
2 Children under Chapter 122C; ~~122C~~; and these same institutions
3 by any other names by which they may be known in the
4 future;"

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

7 **"§ 163-132.5A. Precinct boundaries.**

8 (a) Whenever an annexation ordinance adopted under Parts 1, 2, or 3 of Article
9 4A of Chapter 160A of the General Statutes, or a local act of the General Assembly
10 annexing property to a municipality, becomes effective during the period beginning
11 with the date of the annexation as reported through the U.S. Census Bureau's 1988
12 Boundary and Annexation Survey and ending October 31, 1989, and any part of the
13 boundary of the area being annexed which is actually contiguous to the city is also a
14 precinct boundary for elections administered by the county board of elections then the
15 annexed area is automatically moved into the 'city precinct', provided that if the
16 annexed area is adjacent to more than one city precinct, the board of elections shall
17 place the area in any one or more of the adjacent city precincts. The county board of
18 elections may delay the effective date of any change under this subsection to a date not
19 later than January 1, 1992.

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

24 Sec. 75.4. G.S. 143-215.94P(b)(5), as enacted by Section 5 of Chapter 656 of
25 the 1989 Session Laws, reads as rewritten:

26 "(5) Discharge or leaking of oil or natural gas from a private pleasure boat
27 or commercial fishing vessel having a fuel capacity of less than ~~5,000~~
28 500 gallons."

29 Sec. 75.5. Part 2B of Article 21A of Chapter 143 of the General Statutes
30 (G.S. 143-215.94N through G.S. 143-215.94W), as enacted by Section 5 of Chapter 656
31 of the 1989 Session Laws, is recodified as Part 2C of Article 21A of Chapter 143 of the
32 General Statutes (G.S. 143-215.94AA through G.S. 143-215.94JJ). The Revisor of
33 Statutes shall correct every reference to any section of the General Statutes which is
34 recodified by this section.

35 Sec. 76. Except as otherwise provided herein, this act is effective upon
36 ratification.