

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS85134-LBz-216* (3/6)

Short Title: General Statutes Comm. Technical Corrections. (Public)

Sponsors: Senator Hartsell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL
STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 110-142.1(i) reads as rewritten:

"(i) The designated representative shall notify the individual in writing that the individual may, by filing a motion, request any or all of the following:

(1) Judicial review of the designated representative's decision.

(2) A judicial determination of compliance.

(3) A modification of the support order.

The notice shall also contain the name and address of the court in which the individual shall file the motion and inform the individual that the individual's name shall remain on the certified list unless the judicial review results in a finding by the court that the ~~the~~ individual is in compliance with this section. The notice shall also inform the individual that the individual must comply with all statutes and rules of court regarding motions and notices of hearing and that any motion filed under this section is subject to the limitations of G.S. 50-13.10."

SECTION 2. G.S. 110-142.1(l) reads as rewritten:

"(l) The Department of Health and Human Services shall prescribe forms for use by the designated representative. When the individual is no longer in arrears or negotiates an agreement with the designated representative for a payment schedule on arrears or ~~reimbursement~~ reimbursement, the designated representative shall mail to the individual and the appropriate board a notice certifying that the individual is in compliance. The receipt of certification shall serve to notify the individual and the board that, for the purposes of this section, the individual is in compliance with the order for support. When the individual has complied with or is no longer subject to a subpoena issued pursuant to a child support or paternity establishment proceeding, the designated

1 representative shall mail to the individual and the appropriate board a notice certifying
2 that the individual is in compliance. The receipt of certification shall serve to notify the
3 individual and the board that the individual is in compliance with this section."

4 **SECTION 3.** G.S. 70-27(b) reads as rewritten:

5 "(b) The purpose of this Article is (i) to provide adequate protection from
6 vandalism for unmarked human burials and human skeletal remains, (ii) to provide
7 adequate protection for unmarked human burials and human skeletal remains not within
8 the jurisdiction of the medical examiner pursuant to ~~G.S. 130-198~~ G.S. 130A-383 that
9 are encountered during archaeological excavation, construction, or other ground
10 disturbing activities, found anywhere within the State except on federal land, and (iii) to
11 provide for adequate skeletal analysis of remains removed or excavated from unmarked
12 human burials if the analysis would result in valuable scientific information."

13 **SECTION 4.** G.S. 70-30 reads as rewritten:

14 **"§ 70-30. Jurisdiction over remains.**

15 (a) Subsequent to notification of the discovery of an unmarked human burial or
16 human skeletal remains, the medical examiner of the county in which the remains were
17 encountered shall determine as soon as possible whether the remains are subject to the
18 provisions of ~~G.S. 130-198~~ G.S. 130A-383.

19 (b) If the county medical examiner determines that the remains are subject to the
20 provisions of ~~G.S. 130-198~~, G.S. 130A-383, he will immediately proceed with his
21 investigation.

22 (c) If the county medical examiner determines that the remains are not subject to
23 the provisions of ~~G.S. 130-198~~, G.S. 130A-383, he shall so notify the Chief Medical
24 Examiner. The Chief Medical Examiner shall notify the Chief Archaeologist of the
25 discovery of the human skeletal remains and the findings of the county medical
26 examiner. The Chief Archaeologist shall immediately take charge of the remains.

27 (d) Subsequent to taking charge of the human skeletal remains, the Chief
28 Archaeologist shall have 48 hours to make arrangements with the landowner for the
29 protection or removal of the unmarked human burial or human skeletal remains. The
30 Chief Archaeologist shall have no authority over the remains at the end of the 48-hour
31 period and may not prohibit the resumption of the construction or agricultural activities
32 without the permission of the landowner."

33 **SECTION 5.** G.S. 70-39 reads as rewritten:

34 **"§ 70-39. Exceptions.**

35 (a) Human skeletal remains acquired from commercial biological supply houses
36 or through medical means are not subject to the provisions of G.S. 70-37(a).

37 (b) Human skeletal remains determined to be within the jurisdiction of the
38 medical examiner according to the provisions of ~~G.S. 130-198~~ G.S. 130A-383 are not
39 subject to the prohibitions contained in this Article."

40 **SECTION 6.** G.S. 152-7(6) reads as rewritten:

41 **"§ 152-7. Duties of coroners with respect to inquests and preliminary hearings.**

42 The duties of the several coroners with respect to inquests and preliminary hearings
43 shall be as follows:

44 ...

1 (6) Immediately upon information of the death of a person within his
2 county, under such circumstances as call for an investigation as
3 provided in ~~G.S. 130-98~~ G.S. 130A-383, the coroner shall notify the
4 district attorney of the superior court and the medical examiner.

5 "

6 **SECTION 7.** G.S. 140-5.17 is repealed.

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