

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 229
Mar 1, 2017
HOUSE PRINCIPAL CLERK

H/S

D

HOUSE BILL DRH20011-MNz-1A* (09/06)

Short Title: GSC Technical Corrections 2017.

(Public)

Sponsors: Representative Davis./Senator Barringer (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS
RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1-117 reads as rewritten:

"§ 1-117. **Cross-index of lis pendens.**

Every notice of pending litigation filed under this Article shall be cross-indexed by the clerk of the superior court in a record, called the "Record of Lis Pendens," to be kept by ~~him pursuant to G.S. 2-42(6)~~ the clerk under G.S. 7A-109."

SECTION 2. G.S. 7B-302(a) reads as rewritten:

"(a) When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough assessment, using either a family assessment response or an investigative assessment response, in order to ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the director shall immediately, but no later than 24 hours after receipt of the report, initiate the assessment. When the report alleges neglect or dependency, the director shall initiate the assessment within 72 hours following receipt of the report. When the report alleges abandonment of a ~~juvenile~~ juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately initiate an assessment. When the report alleges abandonment, the director shall also take appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall include a visit to the place where the juvenile resides, except when the report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes. When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes, a visit to the place where the juvenile resides is not required. When the report alleges abandonment, the assessment shall include a request from the director to law enforcement officials to investigate through the North Carolina Center for Missing Persons and other national and State resources whether the juvenile is a missing child."

SECTION 3. G.S. 14-118.6(b1) reads as rewritten:

"(b1) When a lien or encumbrance is presented to a clerk of superior court for filing and the clerk of court has a reasonable suspicion that the lien or encumbrance is false as described in subsection (a) of this section, the clerk of court may refuse to file the lien or encumbrance. Neither the clerk of court nor the clerk's staff shall be liable for filing or the refusal to file a lien or encumbrance under this subsection. The clerk of superior court shall not file, index, or docket the document against the property of a public officer or public employee until that document is



* D R H 2 0 0 1 1 - M N Z - 1 A *

1 approved by any judge of the judicial district having subject matter jurisdiction for filing by the
2 clerk of superior court by any judge of the judicial district having subject matter jurisdiction.
3 court. If the judge determines that the filing is not false, the clerk shall index the claim of lien. A
4 lien or encumbrance filed upon order of the court under this subsection shall have a priority
5 interest as of the date and time of indexing by the clerk of superior court. If the court finds that
6 there is no statutory or contractual basis for the proposed filing, the court shall enter an order that
7 the proposed filing is null and void as a matter of law, and that it shall not be filed or indexed. The
8 clerk of superior court shall serve the order and return the original denied filing to the person or
9 entity that presented it. The person or entity shall have 30 days from the entry of the order to
10 appeal the order. If the order is not appealed within the applicable time period, the clerk may
11 destroy the filing."

12 **SECTION 4.** G.S. 14-159.3(a1) reads as rewritten:

13 "(a1) A landowner who gives a person written consent to operate an all-terrain vehicle on his
14 or her the landowner's property owes the person the same duty of care that he or she the landowner
15 owes a trespasser."

16 **SECTION 5.** G.S. 14-208.6 reads as rewritten:

17 "**§ 14-208.6. Definitions.**

18 The following definitions apply in this Article:

19 ...

20 (5) "Sexually violent offense" means a violation of former G.S. 14-27.6 (attempted
21 rape or sexual offense), G.S. 14-27.21 (first-degree forcible rape),
22 G.S. 14-27.22 (second-degree forcible rape), G.S. 14-27.23 (statutory rape of a
23 child by an adult), G.S. 14-27.24 (first-degree statutory rape), G.S. 14-27.25(a)
24 (statutory rape of a person who is 15 years of age or younger and where the
25 defendant is at least six years older), G.S. 14-27.26 (first-degree forcible sexual
26 offense), G.S. 14-27.27 (second-degree forcible sexual offense), G.S. 14-27.28
27 (statutory sexual offense with a child by an adult), G.S. 14-27.29 (first-degree
28 statutory sexual offense), G.S. 14-27.30(a) (statutory sexual offense with a
29 person who is 15 years of age or younger and where the defendant is at least six
30 years older), G.S. 14-27.31 (sexual activity by a substitute parent or custodian),
31 G.S. 14-27.32 (sexual activity with a student), G.S. 14-27.33 (sexual battery),
32 G.S. 14-43.11 (human trafficking) if (i) the offense is committed against a
33 minor who is less than 18 years of age or (ii) the offense is committed against
34 any person with the intent that they be held in sexual servitude, G.S. 14-43.13
35 (subjecting or maintaining a person for sexual servitude), G.S. 14-178 (incest
36 between near relatives), G.S. 14-190.6 (employing or permitting minor to assist
37 in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious
38 indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a
39 minor), G.S. 14-190.17 (second degree sexual exploitation of a minor),
40 G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-202.1
41 (taking indecent liberties with children), G.S. 14-202.3 (Solicitation of child by
42 computer or certain other electronic devices to commit an unlawful sex act),
43 G.S. 14-202.4(a) (taking indecent liberties with a student), G.S. 14-205.2(c) or
44 (d) (patronizing a prostitute who is a minor or a mentally disabled person),
45 G.S. 14-205.3(b) (promoting prostitution of a minor or a mentally disabled
46 person), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of
47 prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or
48 allowing of sexual act upon a juvenile by parent or guardian). The term also
49 includes the following: a solicitation or conspiracy to commit any of these
50 offenses; aiding and abetting any of these offenses.

51"

1 **SECTION 6.** G.S. 20-45 reads as rewritten:

2 "**§ 20-45. Seizure of documents and plates.**

3 (a) The Division is ~~hereby~~ authorized to take possession of any certificate of title,
4 registration card, permit, license, or registration plate issued by it upon expiration, revocation,
5 cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or
6 erroneously issued, or which has been unlawfully used.

7 (b) The Division may give notice to the owner, licensee or lessee of its authority to take
8 possession of any certificate of title, registration card, permit, license, or registration plate issued
9 by it and require that person to surrender it to the Commissioner or ~~his~~ the Commissioner's
10 officers or agents. Any person who fails to surrender the certificate of title, registration card,
11 permit, license, or registration plate or any duplicate thereof, upon personal service of notice or
12 within 10 days after receipt of notice by mail as provided in G.S. 20-48, shall be guilty of a Class
13 2 misdemeanor.

14 (c) Any sworn law enforcement officer with jurisdiction, including a member of the State
15 Highway Patrol, is authorized to seize the certificate of title, registration card, permit, license, or
16 registration plate, if the officer has electronic or other notification from the Division that the item
17 has been revoked or cancelled, or otherwise has probable cause to believe that the item has been
18 revoked or cancelled under any law or statute, including ~~G.S. 20-309(e)~~ G.S. 20-311. If a criminal
19 proceeding relating to a certificate of title, registration card, permit, or license is pending, the law
20 enforcement officer in possession of that item shall retain the item pending the entry of a final
21 judgment by a court with jurisdiction. If there is no criminal proceeding pending, the law
22 enforcement officer shall deliver the item to the Division.

23 (d) Any law enforcement officer who seizes a registration plate pursuant to this section
24 shall report the seizure to the Division within 48 hours of the seizure and shall return the
25 registration plate, but not a fictitious registration plate, to the Division within 10 business days of
26 the seizure."

27 **SECTION 7.** The catch line of G.S. 20-171.24 reads as rewritten:

28 "**§ 20-171.24. Motorized all-terrain vehicle use by municipal and county employees of listed**
29 **municipalities and counties permitted on certain highways.**"

30 **SECTION 8.** G.S. 24-10.1(a) reads as rewritten:

31 "(a) Subject to the limitations contained in subsection (b) of this section, any lender may
32 charge a party to a loan or extension of credit governed by the provisions of ~~G.S. 24-1.1, 24-1.2,~~
33 G.S. 24-1.1 or ~~24-1.1A~~ G.S. 24-1.1A a late payment charge as agreed upon by the parties in the
34 loan contract."

35 **SECTION 9.** G.S. 28A-2-4 reads as rewritten:

36 "**§ 28A-2-4. Subject matter jurisdiction of the clerk of superior court in estate proceedings.**

37 (a) The clerks of superior court of this State, as ex officio judges of probate, shall have
38 original jurisdiction of estate proceedings. Except as provided in subdivision (4) of this subsection,
39 the jurisdiction of the clerk of superior court is exclusive. Estate proceedings include, but are not
40 limited to, the following:

- 41 (1) Probate of wills.
- 42 (2) Granting and revoking of letters testamentary and letters of administration, or
43 other proper letters of authority for the administration of estates.
- 44 (3) Determination of the elective share for a surviving spouse as provided in
45 G.S. 30-3.
- 46 (4) Proceedings to ascertain heirs or devisees, to approve settlement agreements
47 pursuant to G.S. 28A-2-10, to determine questions of construction of wills, to
48 determine priority among creditors, to determine whether a person is in
49 possession of property belonging to an estate, to order the recovery of property
50 of the estate in possession of third parties, and to determine the existence or
51 nonexistence of any immunity, power, privilege, duty, or right. Any party or the

1 clerk of superior court may file a notice of transfer of a proceeding pursuant to
 2 this subdivision to the Superior Court Division of the General Court of Justice
 3 as provided in G.S. 28A-2-6(h). In the absence of a transfer to superior court,
 4 Article 26 of Chapter 1 of the General Statutes shall apply to ~~a trust~~ an estate
 5 proceeding pending before the clerk of superior court to the extent consistent
 6 with this Article.

7 (b) Nothing in this section shall affect the right of a person to file an action in the Superior
 8 Court Division of the General Court of Justice for declaratory relief under Article 26 of Chapter 1
 9 of the General Statutes. In the event that either the petitioner or the respondent in an estate
 10 proceeding requests declaratory relief under Article 26 of Chapter 1 of the General Statutes, either
 11 party may move for a transfer of the proceeding to the Superior Court Division of the General
 12 Court of Justice as provided in Article 21 of Chapter 7A of the General Statutes. In the absence of
 13 a removal to superior court, Article 26 of Chapter 1 of the General Statutes shall apply to an estate
 14 proceeding to the extent consistent with this Article.

15 (c) Without otherwise limiting the jurisdiction of the Superior Court Division of the
 16 General Court of Justice, the clerk of superior court shall not have jurisdiction under subsection (a)
 17 or ~~(e)-(b)~~ of this section or G.S. 28A-2-5 of the following:

- 18 (1) Actions by or against creditors or debtors of an estate, except as provided in
 19 Article 19 of this Chapter.
- 20 (2) Actions involving claims for monetary damages, including claims for breach of
 21 fiduciary duty, fraud, and negligence.
- 22 (3) Caveats, except as provided under G.S. 31-36.
- 23 (4) Proceeding to determine proper county of venue as provided in G.S. 28A-3-2.
- 24 (5) Recovery of property transferred or conveyed by a decedent with intent to
 25 hinder, delay, or defraud creditors, pursuant to G.S. 28A-15-10(b)."

26 **SECTION 10.** G.S. 28A-19-5(b) reads as rewritten:

27 "(b) With respect to a contingent or unliquidated claim rejected by a personal representative
 28 pursuant to G.S. 28A-19-16, the claimant may, within the three-month period prescribed by
 29 G.S. 28A-19-16, file a petition for an order of the clerk of superior court in accordance with
 30 subsection (a) of this section, provided that nothing in this section shall require the clerk of
 31 superior court to hear and determine the validity of, priority of, or amount of a contingent or
 32 unliquidated claim that has not yet become absolute."

33 **SECTION 11.** G.S. 31B-1(a) reads as rewritten:

34 "(a) A person who succeeds to a property interest as:

35 ...

- 36 (8) ~~Appointee~~ Appointee, permissible appointee, or taker in default under a power
 37 of appointment exercised by a testamentary instrument or a nontestamentary
 38 instrument;

39 ...

40 may renounce at anytime, in whole or in part, the right of succession to any property or interest
 41 therein, including a future interest, by filing a written instrument under the provisions of this
 42 Chapter. A renunciation may be of a fractional share or any limited interest or estate. The
 43 renunciation shall be deemed to include the entire interest of the person whose property or interest
 44 is being renounced unless otherwise specifically limited. A person may renounce any interest in or
 45 power over property, including a power of appointment, even if its creator imposed a spendthrift
 46 provision or similar restriction on transfer or a restriction or limitation on the right to renounce.
 47 Notwithstanding the foregoing, there shall be no right of partial renunciation if the instrument
 48 creating the interest expressly so provides."

49 **SECTION 12.** G.S. 36C-8-816.1 reads as rewritten:

50 "§ **36C-8-816.1. Trustee's special power to appoint to a second trust.**

51 (a) For purposes of this section, the following definitions apply:

- 1 (1) Current beneficiary. – A person who is a permissible distributee of trust income
2 or principal.
- 3 (2) Original trust. – A trust established under an irrevocable trust instrument
4 pursuant to the terms of which a trustee has a discretionary power to distribute
5 principal or income of the trust to or for the benefit of one or more current
6 beneficiaries of the trust.
- 7 (3) Second trust. – A trust established under an irrevocable trust instrument, the
8 current beneficiaries of which are one or more of the current beneficiaries of the
9 original trust. The second trust may be a trust created under the same trust
10 instrument as the original trust or under a different trust instrument.
- 11 (b) A trustee of an original trust may, without authorization by the court, exercise the
12 discretionary power to distribute principal or income to or for the benefit of one or more current
13 beneficiaries of the original trust by appointing all or part of the principal or income of the original
14 trust subject to the power in favor of a trustee of a second trust. The trustee of the original trust
15 may exercise this power whether or not there is a current need to distribute principal or income
16 under any standard provided in the terms of the original trust. The trustee's special power to
17 appoint trust principal or income in further trust under this section includes the power to create the
18 second trust. The second trust may have a duration that is longer than the duration of the first trust.
- 19 (c) The terms of the second trust shall be subject to all of the following:
- 20 (1) The beneficiaries of the second trust may include only beneficiaries of the
21 original trust.
- 22 (2) A beneficiary who has only a future beneficial interest, vested or contingent, in
23 the original trust cannot have the future beneficial interest accelerated to a
24 present interest in the second trust.
- 25 (3) The terms of the second trust may not reduce any fixed income, annuity, or
26 unitrust interest of a beneficiary in the assets of the original trust if that interest
27 has come into effect with respect to the beneficiary.
- 28 (4) If any contribution to the original trust qualified for a marital or charitable
29 deduction for federal income, gift, or estate tax purposes under the Internal
30 Revenue Code, then the second trust shall not contain any provision that, if
31 included in the original trust, would have prevented the original trust from
32 qualifying for the deduction or that would have reduced the amount of the
33 deduction.
- 34 (5) If contributions to the original trust have been excluded from the gift tax by the
35 application of section 2503(b) and section 2503(c) of the Internal Revenue
36 Code, then the second trust shall provide that the beneficiary's remainder
37 interest in the contributions shall vest and become distributable no later than the
38 date upon which the interest would have vested and become distributable under
39 the terms of the original trust.
- 40 (6) If any beneficiary of the original trust has a power of withdrawal over trust
41 property, then either:
- 42 a. The terms of the second trust must provide a power of withdrawal in the
43 second trust identical to the power of withdrawal in the original trust; or
- 44 b. Sufficient trust property must remain in the original trust to satisfy the
45 outstanding power of withdrawal.
- 46 (7) If a trustee of an original trust exercises a power to distribute principal or
47 income that is subject to an ascertainable standard by appointing property to a
48 second trust, then the power to distribute income or principal in the second trust
49 must be subject to the same ascertainable standard as in the original trust and
50 must be exercisable in favor of the same current beneficiaries to whom such
51 distribution could be made in the original trust.

- 1 (8) The second trust may confer a power of appointment upon a beneficiary of the
2 original trust to whom or for the benefit of whom the trustee has the power to
3 distribute principal or income of the original trust. The permissible appointees
4 of the power of appointment conferred upon a beneficiary may include persons
5 who are not beneficiaries of the original or second trust. The power of
6 appointment conferred upon a beneficiary shall be subject to the provisions of
7 G.S. 41-23 specifying the permissible period allowed for the suspension of the
8 power of alienation of the original trust and the time from which that
9 permissible period is computed.
- 10 (9) The terms of the second trust shall not contain any provisions that would
11 jeopardize (i) the qualification of a transfer as a direct skip under section
12 2642(c) of the ~~Internal Revenue~~ Internal Revenue Code, (ii) if the first trust
13 owns subchapter S Corporation stock, the election to treat a corporation as a
14 subchapter S Corporation under section 1362 of the Internal Revenue Code,
15 (iii) if the first trust owns an interest in property subject to the minimum
16 distribution rules of section 401(a)(9) of the Internal Revenue Code, a favorable
17 distribution period by shortening the minimum distribution period, or (iv) any
18 other specific tax benefit for which ~~a contribution originally~~ the first trust was
19 clearly designed to qualify and for which the first trust qualified or would have
20 qualified for income, gift, estate, or generation skipping transfer tax purposes.
21 but for the enactment of this section. In this subdivision, "tax benefit" means a
22 federal or State tax deduction, exemption, exclusion, or other benefit not
23 otherwise listed in this section, except for the benefit from having the settlor
24 considered the owner under sections 671 through 679 of the Internal Revenue
25 Code. Subject to clause (ii) above, the second trust may be a trust as to which
26 the settlor is not considered the owner under sections 671 through 679 of the
27 Internal Revenue Code even if the settlor is considered the owner of the first
28 trust, and the second trust may be a trust as to which the settlor of the first trust
29 is considered the owner under sections 671 through 679 of the Internal Revenue
30 Code, even if the settlor is not considered the owner of the first trust.
- 31 (10) Notwithstanding any other provision of this section, but subject to the
32 limitations of subdivisions (1), (2), (4), (5), and (9) of this subsection, a trustee
33 may exercise the power to appoint principal and income under subsection (b) of
34 this section with respect to a disabled beneficiary's interest in the original trust
35 to a second trust that is a supplemental needs trust that does not have (i) an
36 ascertainable standard (or has a different ascertainable standard); (ii) a fixed
37 income, annuity, or unitrust interest in the assets of the original trust; or (iii) a
38 right of withdrawal, if the trustee determines that it would be in the best interest
39 of the disabled beneficiary. For purposes of this subsection, the following
40 apply:
- 41 a. A "supplemental needs trust" means a trust that is a discretionary trust
42 under G.S. 36C-5-504 and relative to the original trust contains either
43 lesser or greater restrictions on the trustee's power to distribute income
44 or principal, and which the trustee believes would, if implemented,
45 allow the disabled beneficiary to receive greater governmental benefits
46 than the disabled beneficiary would receive if the power to appoint
47 principal and income had not been exercised.
- 48 b. "Governmental benefits" means medical assistance, financial aid, or
49 services from any local, State, or federal agency or department.
- 50 c. A "disabled beneficiary" means a current beneficiary of the original
51 trust who the trustee determines has a condition that substantially

1 impairs the beneficiary's ability to provide for his or her own support,
2 care, or custody whether or not the beneficiary has been adjudicated a
3 "disabled person" by any government agency or department.

4 d. The second supplemental needs trust shall not be liable to pay or
5 reimburse the State or any government or public agency for medical
6 assistance, financial aid, or services provided to the disabled beneficiary
7 except as provided in the second supplemental needs trust.

8 (d) A trustee may not exercise the power to appoint principal or income under subsection
9 (b) of this section if the trustee is a beneficiary of the original trust, but the remaining cotrustee or
10 a majority of the remaining cotrustees may act for the trust. If all the trustees are beneficiaries of
11 the original trust, then the court may appoint a special fiduciary with authority to exercise the
12 power to appoint principal or income under subsection (b) of this section.

13 (e) The exercise of the power to appoint principal or income under subsection (b) of this
14 section:

15 (1) Shall be considered the exercise of a power of appointment, other than a power
16 to appoint to the trustee, the trustee's creditors, the trustee's estate, or the
17 creditors of the trustee's estate; and

18 (2) Shall be subject to the provisions of G.S. 41-23 specifying the permissible
19 period allowed for the suspension of the power of alienation of the original trust
20 and the time from which that permissible period is computed; and

21 (3) Is not prohibited by a spendthrift provision or by a provision in the original
22 trust instrument that prohibits amendment or revocation of the trust.

23 (f) To effect the exercise of the power to appoint principal or income under subsection (b)
24 of this section, all of the following shall apply:

25 (1) The exercise of the power to appoint shall be made by an instrument in writing,
26 signed and acknowledged by the trustee, setting forth the manner of the
27 exercise of the power, including the terms of the second trust, and the effective
28 date of the exercise of the power. The instrument shall be filed with the records
29 of the original trust.

30 (2) The trustee shall give written notice to all qualified beneficiaries of the original
31 trust, at least 60 days prior to the effective date of the exercise of the power to
32 appoint, of the trustee's intention to exercise the power. The notice shall include
33 a copy of the instrument described in subdivision (1) of this subsection.

34 (3) If all qualified beneficiaries waive the notice period by a signed written
35 instrument delivered to the trustee, the trustee's power to appoint principal or
36 income shall be exercisable after notice is waived by all qualified beneficiaries,
37 notwithstanding the effective date of the exercise of the power.

38 (4) The trustee's notice under this subsection shall not limit the right of any
39 beneficiary to object to the exercise of the trustee's power to appoint and bring
40 an action for breach of trust seeking appropriate relief as provided by
41 G.S. 36C-10-1001.

42 (g) Nothing in this section shall be construed to create or imply a duty of the trustee to
43 exercise the power to distribute principal or income, and no inference of impropriety shall be made
44 as a result of a trustee not exercising the power to appoint principal or income conferred under
45 subsection (b) of this section. Nothing in this section shall be construed to abridge the right of any
46 trustee who has a power to appoint property in further trust that arises under the terms of the
47 original trust or under any other section of this Chapter or under another provision of law or under
48 common law.

49 (h) A trustee or beneficiary may commence a proceeding to approve or disapprove a
50 proposed exercise of the trustee's special power to appoint to a second trust pursuant to subsection
51 (b) of this section."

1 **SECTION 13.(a)** G.S. 39-33 and G.S. 39-34 are repealed.

2 **SECTION 13.(b)** G.S. 39-35 is recodified as G.S. 31D-5-505.

3 **SECTION 13.(c)** G.S. 39-36 is recodified as G.S. 31D-4-403.1.

4 **SECTION 14.** G.S. 42A-17(a) reads as rewritten:

5 "(a) A vacation rental agreement shall identify the name and address of the ~~bank or savings~~
6 ~~and loan association~~ federally insured depository institution in which the tenant's security deposit
7 and other advance payments are held in a trust account, and the landlord and real estate broker
8 shall provide the tenant with an accounting of such deposit and payments if the tenant makes a
9 reasonable request for an accounting prior to the tenant's occupancy of the property."

10 **SECTION 15.** G.S. 97-25(f) reads as rewritten:

11 "(f) In claims subject to G.S. 97-18(b) and (d), a party may file a motion as set forth in this
12 subsection regarding a request for medical compensation or a dispute involving medical issues.
13 The nonmoving party shall have the right to contest the motion. Motions and responses shall be
14 submitted contemporaneously via electronic ~~mail~~ means to the Commission and to the opposing
15 party or the opposing party's ~~attorney[, as follows]:~~ attorney, as follows:

16 (1) A party may file a motion with the Executive Secretary for an administrative
17 ruling regarding a request for medical compensation or a dispute involving
18 medical issues. The motion shall be decided administratively pursuant to rules
19 governing motions practices in contested cases. The Commission shall decide
20 the motion within 30 days of the filing of the motion unless an extension of
21 time to respond to the motion has been granted for good cause shown. Either
22 party may file a motion for reconsideration of the administrative order with the
23 Executive Secretary. Either party may request an expedited formal hearing
24 pursuant to G.S. 97-84 and subdivision (2) of this subsection to appeal the
25 decision of the Executive Secretary approving or denying the original motion or
26 the motion for reconsideration. Within five days of the filing of a request for an
27 expedited formal hearing pursuant to G.S. 97-84 and subdivision (2) of this
28 subsection to appeal the decision of the Executive Secretary, the Commission
29 shall assign a Deputy Commissioner to conduct the formal hearing. The
30 decision shall not be stayed during the pendency of an appeal pursuant to
31 G.S. 97-84 and subdivision (2) of this subsection except under those
32 circumstances set out in subdivision (4) of this subsection. A motion to stay
33 shall be filed with the Deputy Commissioner scheduled to conduct the formal
34 hearing pursuant to G.S. 97-84. Either party may appeal the decision of the
35 Deputy Commissioner pursuant to G.S. 97-84 to the Full Commission pursuant
36 to G.S. 97-85. The decision of the Deputy Commissioner shall not be stayed
37 during the pendency of an appeal except under those circumstances set out in
38 subdivision (4) of this subsection. A motion to stay the decision of the Deputy
39 Commissioner pursuant to G.S. 97-84 shall be directed to the Chair of the
40 Commission. The Full Commission shall render a decision on the appeal of the
41 Deputy Commissioner's decision on the motion within 60 days of the filing of
42 the notice of appeal.

43 (2) In lieu of filing a motion with the Executive Secretary for an administrative
44 ruling pursuant to subdivision (1) of this subsection, when appealing a ruling
45 made pursuant to subdivision (1) of this subsection or when appealing an
46 administrative ruling of the Chief Deputy or the Chief Deputy's designee on an
47 emergency motion, a party may request a full evidentiary hearing pursuant to
48 G.S. 97-84 on an expedited basis, limited to a request for medical compensation
49 or a dispute involving medical issues, by filing a motion with the Office of the
50 Chief Deputy Commissioner. The case will not be ordered into mediation based
51 upon a party's request for hearing on the motion or appeal under this

1 subdivision, except upon the consent of the parties. The Commission shall set
2 the date of the expedited hearing, which shall be held within 30 days of the
3 filing of the motion or appeal and shall notify the parties of the time and place
4 of the hearing on the motion or appeal. Upon request, the Commission may
5 order expedited discovery. The record shall be closed within 60 days of the
6 filing of the motion, or in the case of an appeal pursuant to subdivisions (1) and
7 (3) of this subsection, within 60 days of the filing of the appeal, unless the
8 parties agree otherwise or the Commission so orders. Transcripts of depositions
9 shall be expedited if necessary and paid pursuant to rules promulgated by the
10 Commission related to depositions and shall be submitted electronically to the
11 Commission. The Commission shall decide the issue in dispute and make
12 findings of fact based upon the preponderance of the evidence in view of the
13 entire record. The award, together with a statement of the findings of fact,
14 rulings of law, and other matters pertinent to the questions at issue shall be filed
15 with the record of the proceedings within 15 days of the close of the hearing
16 record, and a copy of the award shall immediately be sent to the parties. Either
17 party may appeal the decision of the Deputy Commissioner pursuant to
18 G.S. 97-84 to the Full Commission pursuant to G.S. 97-85. The decision of the
19 Deputy Commissioner pursuant to G.S. 97-84 shall not be stayed during the
20 pendency of an appeal except under those circumstances set out in subdivision
21 (4) of this subsection. A motion to stay the decision of the Deputy
22 Commissioner pursuant to G.S. 97-84 shall be directed to the Chair of the
23 Commission. The Full Commission shall render a decision on the appeal of the
24 Deputy Commissioner's decision on the motion within 60 days of the filing of
25 the notice of appeal.

26 (3) An emergency medical motion filed by either party shall be filed with the
27 Office of the Chief Deputy Commissioner. The Chief Deputy or Chief Deputy's
28 designee shall rule on the motion within five days of receipt unless the Chief
29 Deputy or Chief Deputy's designee determines that the motion is not an
30 emergency, in which case the motion shall be referred to the Executive
31 Secretary for an administrative ruling pursuant to subdivision (1) of this
32 subsection. Motions requesting emergency medical relief shall contain all of the
33 following:

- 34 a. An explanation of the medical diagnosis and treatment recommendation
35 of the health care provider that requires emergency attention.
- 36 b. A specific statement detailing the time-sensitive nature of the request to
37 include relevant dates and the potential for adverse consequences to the
38 movant if the recommended relief is not provided emergently.
- 39 c. An explanation of opinions known and in the possession of the movant
40 of additional medical or other relevant experts, independent medical
41 examiners, and second opinion examiners.
- 42 d. Documentation known and in the possession of the movant in support of
43 the request, including relevant medical records.
- 44 e. A representation that informal means of resolving the issue have been
45 attempted.

46 Either party may appeal the decision of the Chief Deputy or the Chief Deputy's
47 designee on the emergency motion by requesting an expedited formal hearing
48 pursuant to G.S. 97-84 and subdivision (2) of this subsection to appeal the
49 administrative decision of the Chief Deputy or the Chief Deputy's designee on
50 the emergency motion. Within five days of the filing of a request for an
51 expedited formal hearing pursuant to G.S. 97-84 and subdivision (2) of this

1 subsection, the Commission shall assign a Deputy Commissioner to conduct the
 2 formal hearing. The decision of the Chief Deputy or the Chief Deputy's
 3 designee shall not be stayed during the pendency of an appeal of the
 4 administrative decision except under those circumstances set out in subdivision
 5 (4) of this subsection. Any motion to stay shall be filed with the Deputy
 6 Commissioner scheduled to conduct the expedited formal hearing pursuant to
 7 G.S. 97-84 and subdivision (2) of this subsection. Either party may appeal the
 8 decision of the Deputy Commissioner pursuant to G.S. 97-84 to the Full
 9 Commission pursuant to G.S. 97-85. If so, the decision of the Deputy
 10 Commissioner shall not be stayed during the pendency of an appeal except
 11 under those circumstances set out in subdivision (4) of this subsection. Any
 12 motion to stay the decision of the Deputy Commissioner pursuant to G.S. 97-84
 13 shall be directed to the Chair of the Commission. The Full Commission shall
 14 render a decision on the appeal of the Deputy Commissioner's decision on the
 15 motion within 60 days of the filing of the notice of appeal.

- 16 (4) The Commission shall consider, among other factors, all of the following when
 17 determining whether to grant a motion to stay filed pursuant to this subsection:
 18 a. Whether there would be immediate and irreparable injury, harm, loss, or
 19 damage to either party.
 20 b. The nature and cost of the medical relief sought.
 21 c. The risk for further injury or disability to the employee inherent in the
 22 treatment or its delay.
 23 d. Whether it has been recommended by an authorized physician.
 24 e. Whether alternative therapeutic modalities are available and reasonable.
 25 (5) If the Commission determines that any party has acted unreasonably by
 26 initiating or objecting to a motion filed pursuant to this section, the Commission
 27 may assess costs associated with any proceeding, including any reasonable
 28 attorneys' fees and deposition costs, against the offending party."

29 **SECTION 16.** The catch line of G.S. 108A-70.21 reads as rewritten:

30 "**§ 108A-70.21. Program eligibility; benefits; enrollment fee and other cost-sharing;**
 31 **coverage from private plans; ~~purchase of extended coverage plans.~~**"

32 **SECTION 17.** G.S. 115C-112.6(b1)(2)d. reads as rewritten:

33 "d. Carryforward of funds for reimbursements. – Any unexpended
 34 scholarship funds at the end of each fiscal year shall revert to the
 35 General Fund, except that the Authority may carry forward for the next
 36 fiscal year an amount necessary to ensure that any outstanding,
 37 allowable reimbursements can be disbursed in accordance with this
 38 section. Any funds carried forward for the purpose of meeting
 39 anticipated reimbursement obligations from the prior fiscal year that are
 40 not expended shall not be used to award additional scholarships to
 41 eligible students but shall revert to the General Fund at the end of ~~the~~
 42 that fiscal year."

43 **SECTION 18.** G.S. 120-4.16(b) reads as rewritten:

44 "(b) Purchase of Service Credits Through Rollover Contributions From Certain Other Plans.
 45 – Notwithstanding any other provision of this Article, and without regard to any limitations on
 46 contributions otherwise set forth in this Article, a member, who is eligible to restore or purchase
 47 membership or creditable service pursuant to the provisions of this Article, may purchase such
 48 service credits through rollover contributions to the Annuity Savings Fund from (i) an annuity
 49 contract described in Section 403(b) of the Internal Revenue Code, (ii) an eligible plan under
 50 Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision
 51 of a state, or any agency or instrumentality of a state or political subdivision of a state, (iii) an

1 individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal
2 Revenue Code that is eligible to be rolled over and would otherwise be includible in gross income,
3 or (iv) a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code.
4 Notwithstanding the foregoing, the Retirement System shall not accept any amount as a rollover
5 contribution unless such amount is eligible to be rolled over to a qualified trust in accordance with
6 applicable law and the member provides evidence satisfactory to the Retirement System that such
7 amount qualifies for rollover treatment. Unless received by the Retirement System in the form of a
8 direct rollover, the rollover contribution must be paid to the Retirement System on or before the
9 60th day after the date it was received by the member.

10 (b1) Purchase of Service Credits Through Plan-to-Plan Transfers. – Notwithstanding any
11 other provision of this Article, and without regard to any limitations on contributions otherwise set
12 forth in this Article, a member, who is eligible to restore or purchase membership or creditable
13 service pursuant to the provisions of this Article, may purchase such service credits through a
14 direct transfer to the Annuity Savings Fund of funds from (i) an annuity contract described in
15 Section 403(b) of the Internal Revenue Code or (ii) an eligible plan under Section 457(b) of the
16 Code which is maintained by a state, political subdivision of a state, or any agency or
17 instrumentality of a state or political subdivision of a state."

18 **SECTION 19.** G.S. 120-57 is repealed.

19 **SECTION 20.** G.S. 136-41.2(c) reads as rewritten:

20 "(c) No municipality shall be eligible to receive funds under G.S. 136-41.1 unless it has
21 formally adopted a budget ordinance in substantial compliance with ~~G.S. 160-410.3~~, G.S. 159-8
22 and G.S. 159-13, showing revenue received from all sources, and showing that funds have been
23 appropriated for at least two of the following municipal services if the municipality was
24 incorporated with an effective date prior to January 1, 2000, water distribution; sewage collection
25 or disposal; garbage and refuse collection or disposal; fire protection; police protection; street
26 maintenance, construction, or right-of-way acquisition; or street lighting, or at least four of the
27 following municipal services if the municipality was incorporated with an effective date of on or
28 after January 1, 2000: (i) police protection; (ii) fire protection; (iii) solid waste collection or
29 disposal; (iv) water distribution; (v) street maintenance; (vi) street construction or right-of-way
30 acquisition; (vii) street lighting; and (viii) zoning."

31 **SECTION 21.** G.S. 143-215.31(a1) reads as rewritten:

32 "(a1) The owner of a dam classified by the Department as a high-hazard dam or an
33 intermediate-hazard dam shall develop an Emergency Action Plan for the dam as provided in this
34 ~~subsection;~~subsection:

35 (1) The owner of the dam shall submit a proposed Emergency Action Plan for the
36 dam within 90 days after the dam is classified as a high-hazard dam or an
37 intermediate-hazard dam to the Department and the Department of Public
38 Safety for their review and approval. The Department and the Department of
39 Public Safety shall approve the Emergency Action Plan if they determine that it
40 complies with the requirements of this subsection and will protect public health,
41 safety, and welfare; the environment; and natural resources.

42 (2) The Emergency Action Plan shall include, at a minimum, all of the following:

- 43 a. A description of potential emergency conditions that could occur at the
44 dam, including security risks.
- 45 b. A description of actions to be taken in response to an emergency
46 condition at the dam.
- 47 c. Emergency notification procedures to aid in warning and evacuations
48 during an emergency condition at the dam.
- 49 d. A downstream inundation map depicting areas affected by a dam failure
50 and sudden release of the impoundment. A downstream inundation map
51 prepared pursuant to this section does not require preparation by a

1 licensed professional engineer or a person under the responsible charge
 2 of a licensed professional engineer unless the dam is associated with a
 3 coal combustion residuals surface impoundment, as defined by
 4 G.S. 130A-309.201.

- 5 (3) The owner of the dam shall update the Emergency Action Plan annually and
 6 shall submit it to the Department and the Department of Public Safety for their
 7 review and approval within one year of the prior approval.
 8 (4) The Department shall provide a copy of the Emergency Action Plan to the
 9 regional offices of the Department that might respond to an emergency
 10 condition at the dam.
 11 (5) The Department of Public Safety shall provide a copy of the Emergency Action
 12 Plan to all local emergency management agencies that might respond to an
 13 emergency condition at the dam.
 14 (6) Information included in an Emergency Action Plan that constitutes sensitive
 15 public security information, as provided in G.S. 132-1.7, shall be maintained as
 16 confidential information and shall not be subject to disclosure under the Public
 17 Records Act. For purposes of this section, "sensitive public security
 18 information" shall include Critical Energy Infrastructure Information protected
 19 from disclosure under rules adopted by the Federal Energy Regulatory
 20 Commission in ~~18 C.F.R. § 333.112, 18 C.F.R. § 388.112.~~"

21 **SECTION 22.** G.S. 143-341.2(b)(3) reads as rewritten:

- 22 "(3) Auditor may audit submissions. – The State Auditor may audit submissions
 23 made to the Department of Administration pursuant to subdivision (1) of this
 24 subsection and may recover any costs incurred in ~~performing~~ performing such
 25 an audit from the State Land Fund, in accordance with G.S. 146-72."

26 **SECTION 23.** G.S. 143B-168.5 reads as rewritten:

27 **"§ 143B-168.5. Child Care – special unit.**

28 There is established within the Department of Health and Human ~~Services~~ Services, Division
 29 of Child Development and Early Education, a special unit to deal primarily with violations
 30 involving child abuse and neglect in child care arrangements. The Child Care Commission shall
 31 make rules for the investigation of reports of child abuse or neglect and for administrative action
 32 when child abuse or neglect is substantiated, pursuant to G.S. 110-88(6a), 110-105, ~~and~~
 33 ~~110-105.2, 110-105.3, 110-105.4, 110-105.5, and 110-105.6.~~"

34 **SECTION 24.** G.S. 143B-394.15(c) reads as rewritten:

35 "(c) Membership. – The Commission shall consist of ~~39~~ 38 members, who reflect the
 36 geographic and cultural regions of the State, as follows:

- 37 ...
 38 (4) The following persons or their designees, ex officio:
 39 a. The Governor.
 40 b. The Lieutenant Governor.
 41 c. The Attorney General.
 42 d. The Secretary of ~~the Department of~~ Administration.
 43 e. ~~The Secretary of the Department of Public Safety.~~
 44 f. The Superintendent of Public Instruction.
 45 g. The Secretary of Public Safety.
 46 h. The Secretary of ~~the Department of~~ Health and Human Services.
 47 i. The Director of the Office of State Human Resources.
 48 j. The Chair of the North Carolina Council for Women.
 49 k. The Dean of the School of Government at the University of North
 50 Carolina at Chapel Hill.
 51 l. The Chairman of the Governor's Crime Commission."

1 **SECTION 25.** G.S. 143B-931(b) reads as rewritten:

2 "(b) The Department of Public Safety may provide a criminal history record check to the
3 board of directors of a regional school of a person who is employed at a regional school or of a
4 person who has applied for employment at a regional school if the employee or applicant consents
5 to the record check. The Department may also provide a criminal history record check of school
6 personnel as defined in ~~G.S. 115C-238.56N~~ G.S. 115C-238.73 by fingerprint card to the board of
7 directors of the regional school from the National Repositories of Criminal Histories, in
8 accordance with ~~G.S. 115C-238.56N~~ G.S. 115C-238.73. The information shall be kept
9 confidential by the board of directors of the regional school as provided in ~~G.S.~~
10 ~~115C-238.56N~~ G.S. 115C-238.73."

11 **SECTION 26.** G.S. 143C-6-4(b) reads as rewritten:

12 "(b) Budget Adjustments. – Notwithstanding the provisions of G.S. 143C-6-1, a State
13 agency may, with approval of the Director of the Budget, spend more than was appropriated in the
14 certified budget by adjusting the authorized budget for all of the following:

- 15 (1) Line items within programs. – An object or line item within a purpose or
16 program so long as the total amount expended for the purpose or program is no
17 more than was authorized in the certified budget for the purpose or program.
- 18 (2) Responses to extraordinary events. – A purpose or program if the
19 overexpenditure of the purpose or program is:
20 a. Required by a court or Industrial Commission order;
21 b. Authorized under ~~G.S. 166A-19.40(a)~~ G.S. 166A-19.40(a)(1) and (c)
22 of the North Carolina Emergency Management Act; or
23 c. Required to call out the North Carolina National Guard.
- 24 (3) Responses to unforeseen circumstances. – A purpose or program not subject to
25 the provisions of subdivision (b)(2) of this subsection, if each of the following
26 conditions is satisfied:
27 a. The overexpenditure is required to continue the purpose or programs
28 due to complications or changes in circumstances that could not have
29 been foreseen when the budget for the fiscal period was enacted.
30 b. The scope of the purpose or program is not increased.
31 c. The overexpenditure is authorized on a one-time nonrecurring basis for
32 one year only, unless the overexpenditure is the result of (i) salary
33 adjustments authorized by law or (ii) the establishment of time-limited
34 positions funded with agency receipts."

35 **SECTION 27.** G.S. 146-9(b) reads as rewritten:

36 "(b) Notwithstanding subsection (a) of this section, or any other provision of law, prior to
37 expiration of a lease of mineral deposits in State lands, the Department of Administration or other
38 entity designated by the Department shall solicit competitive bids for lease of such mineral
39 deposits, which shall include a process for upset bids as described in this subsection. An upset bid
40 is an increased or raised bid whereby a person offers to lease such mineral rights for an amount
41 exceeding the highest bid received in response to the initial solicitation for competitive bids, or the
42 last upset bid, as applicable, by a minimum of five percent (5%). The process shall provide that the
43 Department or other designated entity that issued the solicitation for competitive bids shall issue a
44 notice of high bid to the person submitting the highest bid in response to the initial solicitation for
45 competitive bids, or the person submitting the last upset bid, as applicable, and any other bidders
46 that have submitted a bid in an amount seventy-five percent (75%) or more of the highest bid
47 received in response to the initial solicitation for competitive bids, or the last upset bid, as
48 applicable, of the highest bid received at that point within 10 days of the closure of the bidding
49 period, as provided in the solicitation for competitive bids, through notice delivered by any means
50 authorized under G.S. 1A-1, Rule 4. Thereafter, an upset bid may be made by delivering to the
51 Department or other designated entity, subject to all of the following requirements and conditions:

1 ...
 2 (4) When an upset bid is made as provided in this subsection, the Department or
 3 other designated entity shall notify ~~to~~ the highest prior bidder, and any other
 4 bidders that have submitted a bid in an amount seventy-five percent (75%) or
 5 more of the current high bid received in response to the initial solicitation for
 6 competitive bids, or the last upset bid, as applicable.

7 ..."
 8 **SECTION 28.** G.S. 147-12(a) reads as rewritten:

9 "(a) In addition to the powers and duties prescribed by the Constitution, the Governor has
 10 the powers and duties prescribed in this and the following sections:

11 (1) To supervise the official conduct of all executive and ministerial officers; and
 12 when the Governor deems it advisable to visit all State institutions for the
 13 purpose of inquiring into the management and needs of the same.

14 ...
 15 (12) To name and locate State government buildings, monuments, memorials, and
 16 improvements, as provided by ~~G.S. 143B-373(1)~~. G.S. 143B-373(a)(1).

17 ..."
 18 **SECTION 29.** G.S. 153A-340(h) reads as rewritten:

19 "(h) As provided in this subsection, counties may adopt temporary moratoria on any ~~county~~
 20 ~~development approval required by law~~. county development approval required by law, except for
 21 the purpose of developing and adopting new or amended plans or ordinances as to residential uses.
 22 The duration of any moratorium shall be reasonable in light of the specific conditions that warrant
 23 imposition of the moratorium and may not exceed the period of time necessary to correct, modify,
 24 or resolve such conditions. Except in cases of imminent and substantial threat to public health or
 25 safety, before adopting an ordinance imposing a development moratorium with a duration of 60
 26 days or any shorter period, the board of commissioners shall hold a public hearing and shall
 27 publish a notice of the hearing in a newspaper having general circulation in the area not less than
 28 seven days before the date set for the hearing. A development moratorium with a duration of 61
 29 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is
 30 subject to the notice and hearing requirements of G.S. 153A-323. Absent an imminent threat to
 31 public health or safety, a development moratorium adopted pursuant to this section shall not apply
 32 to any project for which a valid building permit issued pursuant to G.S. 153A-357 is outstanding,
 33 to any project for which a conditional use permit application or special use permit application has
 34 been accepted, to development set forth in a site-specific or phased development plan approved
 35 pursuant to G.S. 153A-344.1, to development for which substantial expenditures have already
 36 been made in good faith reliance on a prior valid administrative or quasi-judicial permit or
 37 approval, or to preliminary or final subdivision plats that have been accepted for review by the
 38 county prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision
 39 plat accepted for review by the county prior to the call for public hearing, if subsequently
 40 approved, shall be allowed to proceed to final plat approval without being subject to the
 41 moratorium.

42 Any ordinance establishing a development moratorium must expressly include at the time of
 43 adoption each of the following:

- 44 (1) A clear statement of the problems or conditions necessitating the moratorium
 45 and what courses of action, alternative to a moratorium, were considered by the
 46 county and why those alternative courses of action were not deemed adequate.
- 47 (2) A clear statement of the development approvals subject to the moratorium and
 48 how a moratorium on those approvals will address the problems or conditions
 49 leading to imposition of the moratorium.

1 (3) An express date for termination of the moratorium and a statement setting forth
2 why that duration is reasonably necessary to address the problems or conditions
3 leading to imposition of the moratorium.

4 (4) A clear statement of the actions, and the schedule for those actions, proposed to
5 be taken by the county during the duration of the moratorium to address the
6 problems or conditions leading to imposition of the moratorium.

7 No moratorium may be subsequently renewed or extended for any additional period unless the
8 city shall have taken all reasonable and feasible steps proposed to be taken by the county in its
9 ordinance establishing the moratorium to address the problems or conditions leading to imposition
10 of the moratorium and unless new facts and conditions warrant an extension. Any ordinance
11 renewing or extending a development moratorium must expressly include, at the time of adoption,
12 the findings set forth in subdivisions (1) through (4) of this subsection, including what new facts
13 or conditions warrant the extension.

14 Any person aggrieved by the imposition of a moratorium on development approvals required
15 by law may apply to the appropriate division of the General Court of Justice for an order enjoining
16 the enforcement of the moratorium, and the court shall have jurisdiction to issue that order.
17 Actions brought pursuant to this section shall be set down for immediate hearing, and subsequent
18 proceedings in those actions shall be accorded priority by the trial and appellate courts. In any
19 such action, the county shall have the burden of showing compliance with the procedural
20 requirements of this subsection."

21 **SECTION 30.** G.S. 160A-332(a) reads as rewritten:

22 "(a) The suppliers of electric service inside the corporate limits of any city in which a
23 secondary supplier was furnishing electric service on the determination ~~date (as defined in G.S.~~
24 ~~160A-331(1))~~ date, as defined in G.S. 160A-331(1b), shall have rights and be subject to
25 restrictions as follows:

26"

27 **SECTION 31.(a)** G.S. 160A-372(e) reads as rewritten:

28 "(e) The ordinance may provide that a developer may provide funds to the city whereby the
29 city may acquire recreational land or areas to serve the development or subdivision, including the
30 purchase of land that may be used to serve more than one subdivision or development within the
31 immediate area. All funds received by the city pursuant to this ~~paragraph~~ ~~subsection~~ subsection
32 shall be used only for the acquisition or development of recreation, park, or open space sites. Any
33 formula enacted to determine the amount of funds that are to be provided under this ~~paragraph~~
34 ~~subsection~~ subsection shall be based on the value of the development or subdivision for property
35 tax purposes. The ordinance may allow a combination or partial payment of funds and partial
36 dedication of land when the governing body of the city determines that this combination is in the
37 best interests of the citizens of the area to be served."

38 **SECTION 31.(b)** G.S. 160A-372(f) reads as rewritten:

39 "(f) The ordinance may provide that in lieu of required street construction, a developer may
40 be required to provide funds that the city may use for the construction of roads to serve the
41 occupants, residents, or invitees of the subdivision or development and these funds may be used
42 for roads which serve more than one subdivision or development within the area. All funds
43 received by the city pursuant to this ~~paragraph~~ ~~subsection~~ subsection shall be used only for
44 development of roads, including design, land acquisition, and construction. However, a city may
45 undertake these activities in conjunction with the Department of Transportation under an
46 agreement between the city and the Department of Transportation. Any formula adopted to
47 determine the amount of funds the developer is to pay in lieu of required street construction shall
48 be based on the trips generated from the subdivision or development. The ordinance may require a
49 combination of partial payment of funds and partial dedication of constructed streets when the
50 governing body of the city determines that a combination is in the best interests of the citizens of
51 the area to be served."

1 **SECTION 32.(a)** Section 7.1 of S.L. 2014-107 reads as rewritten:
2 **"SECTION 7.1.** Section 5.1 of this act applies to all trusts created before, on, or after the
3 effective date of this act. Except as otherwise provided, this act is effective when it becomes law."
4 **SECTION 32.(b)** This section becomes retroactively effective August 6, 2014.
5 **SECTION 33.** The introductory language of Section 54.5(b) of S.L. 2015-264 reads
6 as rewritten:
7 **"SECTION 54.5.(b)** ~~Section 32.2(e)~~ Section 32.3(c) of S.L. 2015-241 reads as rewritten:"
8 **SECTION 34.(a)** The Revisor of Statutes shall cause to be printed an explanatory
9 comment to G.S. 36C-1-112, prepared by the Estate Planning and Fiduciary Law Section of the
10 North Carolina Bar Association, that Section having originally prepared Chapter 36C of the
11 General Statutes for introduction in 2005, as the Revisor may deem appropriate.
12 **SECTION 34.(b)** The Revisor of Statutes shall cause to be printed all explanatory
13 comments of the drafters of Sections 12 and 13(b) and (c), as the Revisor may deem appropriate.
14 **SECTION 35.** Section 5 of this act becomes effective December 1, 2015. Except as
15 otherwise provided in this act, this act is effective when it becomes law.