H 1074 (2011-2012) STOP WASTE, FRAUD, AND ABUSE IN GOVT. ACT. Filed May 22 2012, TO MAKE CHANGES TO THE STATUTES GOVERNING THE TEACHERS’ AND STATE EMPLOYEES’ RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO ENHANCE THE OPERATION OF THE MEDICAL BOARD; TO ESTABLISH GUIDELINES FOR FRAUD INVESTIGATIONS THAT WILL ENHANCE THE DEPARTMENT OF STATE TREASURER’S CAPABILITY TO PREVENT AND DETECT FRAUD, WASTE, AND ABUSE; TO CREATE A REBUTTABLE PRESUMPTION OF FRAUD IN THE AVERAGE FINAL COMPENSATION CALCULATION; AND TO MAKE IT A CLASS 1 MISDEMEANOR TO FRAUDULENTLY RECEIVE THE RETIREMENT BENEFIT OF A DECEASED DISABILITY RETIREE AT LEAST TWO MONTHS AFTER THE RETIREE’S DEATH.

House amendment makes the following changes to 2nd edition.
Amends GS 128-28 and GS 135-6 to limit the authority to conduct a fraud investigation and have access to persons and records to the Retirement Systems Division (was, the Retirement Systems Division and the Division’s authorized representatives). Provides that the effective date of amended GS 135-18.11 (improper receipt of decedent’s retirement allowance or disability benefit) is December 1, 2012, and applies to acts committed on or after that date (was, July 1, 2012).

Intro. by Moffitt.

View summary

H 1084 (2011-2012) HOAS/PLANNED COMMUNITY ACT AMENDS. Filed May 23 2012, TO: (1) REQUIRE ASSOCIATIONS TO RELEASE LIENS UPON PAYMENT IN FULL; (2) REQUIRE ALL ASSOCIATIONS TO CONDUCT FINANCIAL REVIEWS OR FINANCIAL AUDITS; (3) ALLOW USE OF ALTERNATIVE DISPUTE RESOLUTION FOR CONFLICTS ARISING UNDER THE PLANNED COMMUNITY ACT OR CONDOMINIUM ACT; AND (4) SIMPLIFY THE COLLECTION OF PROPERTY TAXES THAT ARE DUE ON PROPERTY OWNED BY CERTAIN NONPROFIT HOMEOWNERS’ ASSOCIATIONS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HOMEOWNERS ASSOCIATIONS.

House amendments make the following changes to 3rd edition.
Amendment #1 makes the act effective October 1, 2012 (was, July 1, 2012).
Amendment #2 amends proposed GS 47F-3-118A and GS 47F-C-103A, which concern audit requirements, to require an annual independent audit of the association by a Certified Public Accountant unless (1) two-thirds of the association members vote not to require an annual audit or (2) the association has annual revenues or expenditures of less than $100,000 (previously called for a financial review and required an audit under certain conditions). Amendment #3 makes a perfecting change to Amendment #2.

Intro. by Jordan, Justice, R. Moore, Spear.

View summary
H 1052 (2011-2012) MECHANICS LIENS/PAYMENT BOND REFORMS. Filed May 22 2012, TO MAKE VARIOUS AMENDMENTS TO NORTH CAROLINA'S MECHANICS LIEN, TAX LIEN, AND PAYMENT BOND LAWS.

House committee substitute makes the following changes to 2nd edition.
Deletes amendment to GS 105-362(b)(2), which concerned a part of real property, listed as one parcel and then divided into a separate parcel, being released from the tax lien.

Intro. by Stevens.

View summary Banking and Finance, Business and Commerce, Tax


Conference report recommends the following changes to 4th edition to reconcile matters in controversy.
Adds a section, amending GS 105-134.6, to allow an eligible educator an individual income tax deduction of up to $250 for books and other specified educational items. Effective for tax years beginning on or after January 1, 2012. Makes a conforming change to the bill title.
Adds a section to allow interstate passenger air carriers, as described, a refund on sales tax paid on fuel in excess of $1.25 million from January 1, 2011, through June 30, 2011, provided the request is made before October 1, 2012; makes this provision effective on January 1, 2011, and applicable to purchases made on or after that date. Clarifies the refund applicable to certain interstate passenger air carriers for 2010.
Deletes amendment to GS 143B-437.52, which removed the cap on the number of grants awarded under the Job Development Investment Grant Program.

Intro. by Howard, Starnes.

View summary Business and Commerce, Tax, Public Enterprises and Utilities


Conference report recommends numerous changes to 5th edition to reconcile matters in controversy. We will not be including a summary of the conference report of the Appropriations Act. For the content of the bill, please follow the link included in the bill’s short title above. Further information on the budget can also be found on the “News” section of the General Assembly’s website at: http://www.ncleg.net/gascripts/News/NewsArchive.pl.

Intro. by Brubaker.

View summary Budget/ Appropriations
H 853 (2011-2012) END CT. ORDERS/ESTABLISH LOCAL INTAKE PROCEDURES. Filed Apr 6 2011, NO LONGER REQUIRING A COURT ORDER TO ESTABLISH LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES AND AUTHORIZING THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO MONITOR COUNTY DETENTION CENTERS.

Senate committee substitute makes the following changes to 1st edition. Clarifies, in GS 153A-221.1, that the Secretary of Health and Human Services and the Chief Deputy Secretary of Juvenile Justice in the Department of Public Safety must develop standards allowing a local jail to be approved as a holdover facility for a juvenile pending placement in a juvenile detention home (previously removed Secretary of Health and Human Services). Adds a section, amending GS 7B-1903(b)(7) and (8), to modify two circumstances under which the court may order secure custody of a juvenile to remove provision allowing holding a juvenile for up to 72 hours. Effective October 1, 2012. Adds a section, amending GS 7B-1905(b), to require juvenile detention facilities to meet Department of Public Safety (rather than Department of Health and Human Services) standards. Effective January 1, 2013. Adds a section, amending GS 7B-2505, to delete the current provision, which concerns juveniles held in contempt, and replaces it with a procedure to review a juvenile on protective supervision or who violated conditions of protective supervision. Effective October 1, 2012. Makes conforming changes to the bill title.

Intro. by Mobley.

View summary

Delinquency

H 605 (2011-2012) EXPAND SETOFF DEBT COLLECTION ACT. Filed Apr 4 2011, TO EXPAND THE DEFINITION OF LOCAL AGENCY FOR PURPOSES OF THE DEBT SETOFF COLLECTION ACT.

Senate committee amendment makes the following change to 2nd edition. Makes the act apply to tax refunds determined by the Department of Revenue on or after January 1, 2013 (was, January 1, 2011).

Intro. by McElraft.

View summary

Local Government, Tax

H 153 (2011-2012) NO PUBLIC RETIREMENT FOR CONVICTED FELONS (NEW). Filed Feb 21 2011, TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF A FELONY FROM RECEIVING RETIREMENT FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

Senate committee substitute makes the following changes to 3rd edition. Changes the act’s effective date to July 1, 2012 (was, 2011) and makes conforming changes throughout to update all activating dates to July 1, 2012. Makes technical changes to modify the proposed statutory numbers. Clarifies that a present member of the General Assembly who has not vested in the Legislative Retirement System on July 1, 2012, and is convicted of a felony for acts committed after July 1, 2012, forfeits retirement benefits. Enacts new subsection (h) to GS 135-5.1 to require the Optional Retirement Program for the University of North Carolina to include corresponding benefit forfeiture provisions applicable to University personnel convicted of a felony. Makes a similar change applicable to the Optional Retirement Program for community colleges in GS 135-5.4. Amends GS 143-166.30 to specify that participants in the Supplemental Retirement Income Plan for state law enforcement officers who forfeit their benefits under proposed GS 135-18.10A (forfeiture provision) also forfeit contributions
paid on or after July 1, 2012, by the state on the participant’s behalf. Makes conforming changes. Makes a similar change to GS 143-166.50, applicable to the Supplemental Retirement Income Plan for local governmental law enforcement officers. Makes conforming changes. Makes additional clarifying and technical changes, and makes conforming changes to the bill title.

**Intro. by Howard, Ross, T. Moore, H. Warren.**

**Court System, Criminal Justice, Education, Employment and Retirement, Local Government, State Personnel, General Assembly, Department of State Treasurer**

H 180 (2011-2012) **WILMINGTON VOLUNTARY ANNEXATIONS (NEW).** Filed Feb 24 2011, **TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE, BY SUSPENDING THE DELEGATION OF AUTHORITY TO THE CITY OF WILMINGTON TO MAKE A CERTAIN ANNEXATION.**

Senate amendment makes the following changes to 2nd edition. Adds a new section extending Wilmington’s corporate limits to include the described Magnolia Trace Tract. Makes conforming changes.

**Intro. by McComas, Justice.**

**New Hanover**

**View summary**

H 1105 (2011-2012) **MODIFY TAXATION OF HOA PROPERTY (NEW).** Filed May 23 2012, **AMENDING THE ELECTROLYSIS PRACTICE ACT TO AUTHORIZE THE BOARD OF ELECTROLYSIS EXAMINERS TO HOLD AND USE FUNDS, TO CLARIFY CONTINUING EDUCATION REQUIREMENTS, AND TO AFFECT CERTAIN FEES.**

House amendments make the following changes to 2nd edition. Amendment #1 adds a new subsection (e) to GS 47C-1-105 (from the NC Condominium Act) to declare, except as provided in GS 47C-1-105(c), that extraterritorial common property, as defined in GS 105-277.8(b), is to be taxed and assessed pro rata among the unit owners based on the number of units in the association. Enacts new GS 47F-1-105 (in the NC Planned Community Act) to also declare that extraterritorial common property as defined in GS 105-277.8(b) is to be taxed and assessed pro rata among the lot owners based on the number of the lots in the association. Effective July 1, 2012, and applies to extraterritorial common property acquired on or after that date.

Amendment #2 amends GS 105-277.8(a1) to direct the governing board of a nonprofit homeowners’ association with taxable property under this subsection to annually inform each association member as to the amount of tax due on the property, the property value, and where applicable, to identify the means by which the association will collect the tax due on the property from the members.

**Intro. by Justice.**

**Property and Housing, Tax**

H 1173 (2011-2012) **ABSCONDING PROB. VIOLATORS FORFEIT BENEFITS.** Filed May 29 2012, **TO PROVIDE THAT A PROBATION VIOLATOR WHO ABSconds OR OTHERWISE WILLFULLY AVOIDS ARREST AFTER THE ISSUANCE OF A**
WARRANT SHALL FORFEIT ANY PUBLIC ASSISTANCE BENEFITS UNTIL SURRENDERING TO THE COURT.

House amendments make the following changes to 1st edition.
Amendment #1 clarifies that the amendment to GS 15A-1345 becomes effective October 1, 2012; the directives to specified entities to adopt rules remains effective when the act becomes law.
Amendment #2 clarifies that suspension of benefits continues until the probationer surrenders to or is otherwise brought under the court’s jurisdiction.
Amendment #3 specifies that the provision does not affect a violater’s family member’s eligibility for public assistance benefits.

Intro. by LaRoque.

PUBLIC/SENATE BILLS

S 803 (2011-2012) RETIREMENT ADMINISTRATIVE CHANGES. Filed May 16 2012, TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS.

House committee substitute makes the following changes to 2nd edition. Deletes proposed changes to the definition of retirement in GS 135-1.

Intro. by Stevens.


Senate amendments make the following changes to 2nd edition.
Amendment #1 requires the Executive Director of the Wildlife Resources Commission, the Director of the Division of Marine Fisheries of the Department of Environment and Natural Resources, and the Commissioner of Agriculture to study the organization of the state’s fish and wildlife management agencies and consider reorganizing the agencies (was, stated intent and deadlines concerning abolishing Marine Fisheries Commission and transferring its powers and duties to the Wildlife Resources Commission and merging the powers, duties, functions, and personnel of the Division of Marine Fisheries and Wildlife Resources Commission into a new Fish and Wildlife Resources Commission). Amends items to be studied and makes conforming changes. Amendment #2 makes the changes to GS 113-187 and the repeal of SL 2007-320 effective January 1, 2013 (was, December 1, 2012).

Intro. by Brown, Goolsby, Rabon.
S 810 (2011-2012) REGULATORY REFORM ACT OF 2012. Filed May 17 2012, TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) REQUIRE AGENCIES TO GIVE WRITTEN NOTICE BEFORE AUDITING OR EXAMINING A BUSINESS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; AND (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE.

House amendments make the following changes to 4th edition.
Amendment #1 makes the provision postponing to January 1, 2013, the date for public swimming pool owners and operators to comply with wading pool fence requirements effective July 1, 2012.
Amendment #3 directs the Commission for Public Health to adopt rules related to permits for transfer stations by July 1, 2013.
Makes conforming changes to include transfer stations.
Amendment #4 modifies appointments to the NC Mining and Energy Commission effective August 1, 2012, if Senate Bill 820 (Clean Energy and Economic Security Act) becomes law and makes a conforming change to the bill title.

Intro. by Rouzer, Brown, Davis.

S 521 (2011-2012) RULE IN DUMPOR’S CASE/BROKER PRICE OPINIONS (NEW). Filed Apr 5 2011, PROVIDING THAT A RESTRICTION ON THE TRANSFER OF REAL PROPERTY OR A TENANT’S INTEREST IN A LEASE APPLIES TO A SUBSEQUENT TRANSFER OF THE REAL PROPERTY OR INTEREST IN THE LEASE UNLESS THE GRANTOR OR LANDLORD EXPRESSLY PROVIDES OTHERWISE.

House committee substitute makes the following changes to 2nd edition.
Amends new GS 41-6.4, which abolishes the property rule known as the Rule in Dumpor’s Case, to change the effective date to October 1, 2012 (was, October 1, 2011).
Adds new Article 6, Broker Price Opinions and Comparative Market Analyses, to GS Chapter 93A, the Real Estate License Law. Defines a broker price opinion and a comparative market analysis to mean an estimate prepared by a licensed real estate broker that details the probable selling price or leasing price of a particular parcel or interest in property and provides varying levels of detail about the property’s condition, market, neighborhood, and comparable properties but does not include an automated valuation model.
Proposed Article 6 does the following: (1) authorizes a licensed real estate broker to prepare and charge a fee for a broker price opinion or comparative market analysis, (2) sets out for whom the broker price opinion or comparative market analysis may be made, (3) requires the NC Real Estate Commission to promulgate rules consistent with the provisions of the bill, (4) sets out the required contents of a broker price opinion or comparative market analysis, and (5) prohibits a licensed real estate broker from...
preparing a broker price opinion or comparative market analysis for any purpose in place of an appraisal.
Makes conforming changes to the North Carolina Appraisers Act. Amends GS 93E-1-12 to provide that an appraiser who completes an appraisal that includes a reduced scope of work or reporting level that is appropriate for the intended use and performed in accordance with the Uniform Standards of Professional Appraisal Practice is not to be subject to discipline. Provisions of this act become effective October 1, 2012, except the rulemaking authority granted to the NC Real Estate Commission becomes effective July 1, 2012.

Intro. by Clodfelter.

S 661 (2011-2012) AUDIT ROANOKE ISLAND COMMISSION AND FRIENDS (NEW). Filed Apr 19 2011, AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

House committee substitute deletes the provisions of the 2nd edition and replaces it with AN ACT TO DIRECT THE STATE AUDITOR TO AUDIT THE ROANOKE ISLAND COMMISSION, INCLUDING FUNDS RECEIVED BY FRIENDS OF ELIZABETH II, INC. Requires the State Auditor to conduct an investigative audit of the Roanoke Island Commission, including examining funds received by Friends of Elizabeth II, Inc. (Friends), to determine six specified issues including the expenditure of funds and whether funds have been used by the Friends for the purposes for which they were transferred. Also requires the Auditor to review any memorandums of agreement between the Roanoke Island Commission and the Friends and make recommendations as to what should be included in an agreement between the two.

Intro. by Bingham.


House committee substitute makes the following changes to 3rd edition. Deletes amendment to GS 18B-1006(a), which allowed colleges with specified NASCAR-sanctioned tracks to sell beer and wine. Also deletes a special provision applicable to the South Campus project at Winston-Salem State University.

Intro. by Hartsell.

S 42 (2011-2012) MECH. LIENS/PVT LIEN AGENT (NEW). Filed Feb 8 2011, RELATING TO THE REMOTE TESTIMONY OF CHILD WITNESSES IN CRIMINAL PROCEEDINGS RELATING TO SEXUAL OFFENSES.

House committee substitute makes the following changes to 2nd edition.
Deletes all provisions of previous edition and replaces them with **AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS.**

Enacts two provisions to Article 2 (statutory liens on real property) in GS Chapter 44A to require designation of a lien agent when an owner makes certain improvements to real property and to set out the procedure to notify a lien agent. Requires an owner to designate a lien agent, defined as a title insurance company or title insurance agency, before contracting with any person for an improvement to real property costing $30,000 or more. Directs the owner to notify the lien agent of this designation. Requires the lien agent to be selected from a list of registered agents maintained by the Department of Insurance. Directs the owner to meet certain listed conditions to designate a successor lien agent if the lien agent becomes unable or unwilling to serve. Specifies that a closing attorney fulfills his or her duty by contacting the lien agent and requesting copies of the notices received by the agent no more than five business days before the deed is recorded. Adds definitions for lien agent, inspection department, and potential lien claimant to GS 44A-7.

Requires the posting of any building permit and a sign displaying the lien agent’s contact information on any property where the owner is required to designate a lien agent. Directs an owner to provide the lien agent’s contact information to a potential lien claimant within seven days of a request from the claimant. Details the requirement for a contractor or subcontractor to provide certain lower-tier subcontractors with the lien agent’s information. Specifies the delivery methods to satisfy the written notice requirement and sets out the form language to provide notice to lien agent under the provision. Specifies that service of such notice to lien agent does not satisfy the requirements for a notice of claim of lien upon funds. Lists the alternate conditions a potential lien claimant must meet to perfect a claim of lien on real property. Makes a claim of lien on real property that is not filed before the mortgage or deed of trust is recorded subordinate to the previously recorded mortgage or deed of trust unless (1) the designated lien agent received notice from the claimant within 15 days after the first furnishing of labor or materials or (2) the designated lien agent received notice from the claimant before the mortgage or deed of trust was recorded to benefit a person not affiliated or related to the owner. States that a potential lien claimant is not required to comply with these provisions if the lien agent’s contact information is not included in the building permit or posted on the property and not otherwise provided to the claimant in response to a request.

Enacts new GS 58-26-41 to require title insurance companies and title insurance agencies serving as lien agents to register with the Department of Insurance, as specified. Directs the lien agent to perform listed duties after an owner’s designation. Provides for removal from the registration list, and sets fees imposed by lien agents.

Makes conforming changes to GS 87-14 (concerning the issuance of building permits), GS 160A-417 (issuance of permits by cities), and GS 153A-357 (issuance of permits by counties).

Applies to improvements to real property for which the first furnishing of labor or materials is on or after April 1, 2013.

**Intro. by Mansfield.**

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**S 94 (2011-2012)** **PSAPS TECH STANDARDS/HABITUAL MISD LARCENY (NEW).** Filed Feb 21 2011, **TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE.**

House committee substitute makes the following changes to 3rd edition.

Deletes all provisions of the previous edition and replaces them with **AN ACT DELAYING THE EFFECTIVE DATE OF OPERATING STANDARDS SET BY THE 911 BOARD FOR PSAPS.**

As title indicates, delays the effective date for operating standards set by the 911 Board until January 1, 2014.

**Intro. by Hartsell, Tillman, Newton.**
S 434 (2011-2012) JUVENILE AGE TO 18 (NEW). Filed Mar 28 2011, GOVERNING THE LIABILITY OF DIRECTED TRUSTEES.

House committee substitute makes the following changes to 2nd edition. Deletes all provisions of the 2nd edition and replaces it with AN ACT TO AMEND THE DEFINITION OF DELINQUENT JUVENILE TO RAISE THE AGE FROM SIXTEEN TO EIGHTEEN YEARS IN SIX-MONTH INCREMENTS OF AGE OVER A FOUR-YEAR PERIOD FOR SIXTEEN- AND SEVENTEEN-YEAR-OLDS ALLEGED TO HAVE COMMITTED A MISDEMEANOR, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR OLD WHO HAVE BEEN PREVIOUSLY CONVICTED OF A FELONY IN ADULT COURT SHALL REMAIN IN ADULT COURT, TO MAKE CONFORMING CHANGES TO OTHER STATUTES RELEVANT TO CHANGING THE DEFINITION OF DELINQUENT JUVENILE, AND TO EXTEND THE YOUTH ACCOUNTABILITY TASK FORCE. Current law identifies as a delinquent juvenile an individual who commits a crime or infraction under state law or local ordinance and is less than 16 years of age but at least 6 years of age. Rewrites GS 7B-1501(7) to amend the definition of delinquent juvenile to incrementally increase the upper age limit for identification as a juvenile from age 16 to 18 over a four-year period for those committing a misdemeanor, infraction or in direct contempt. Makes incremental increases in the age limit for identification as a juvenile effective as follows: (1) 16 years and six months of age effective July 1, 2016; (2) 17 years of age effective July 1, 2017; (3) 17 years and six months of age effective July 1, 2018; and (4) 18 years of age effective July 1, 2019.

Makes clarifying changes to GS 7B-1501(11) to provide that a holdover facility for a juvenile may be a place located in a jail (was, defined holdover facility as a place in a jail) that meets the state standards for the operation of local confinement facilities as required in GS 153A-221 (was, meeting the state standards for detention). Effective July 1, 2016.

Amends GS 7B-1601 regarding jurisdiction over delinquent juveniles to make incremental conforming changes regarding the court’s jurisdiction over delinquent juveniles. Amends GS 7B-1604 (limitations on juvenile court jurisdiction) to provide that a juvenile who commits a criminal offense on or after the juvenile attains the age of 16 years and six months is subject to prosecution as an adult. Also provides that a juvenile who is transferred to and convicted in superior court or has been previously convicted of a felony in superior or district court, including a violation of state motor vehicle laws, is to be prosecuted as an adult for any criminal offense that is committed after the district or superior court conviction. Effective July 1, 2016. Also makes further amendments at later dates to GS 7B-1604 to phase in the new age limitations for defining a delinquent juvenile who commits a misdemeanor.

Amends GS 7B-2506, effective July 1, 2016, to permit a judge to excuse a juvenile less than 16 years of age from compliance with the compulsory school attendance laws providing that there are suitable alternative plans. Removes the 12-month limitation on ordering a juvenile to cooperate with a community-based program, an intensive substance abuse treatment program, or a residential or nonresidential treatment program.

Amends GS 7B-2507, effective July 1, 2016, regarding computing delinquency history records to provide for the assigning of points for prior convictions as well as adjudications. Specifies the number of points added for certain convictions. Makes conforming changes.

Makes various conforming changes to the following statutes to coincide with the incremental increases to raise the upper age limit for identification as a juvenile delinquent from age 16 to 18: GS 7B-2513, 7B-2515, 7B-2603(b), 5A-31, 5A-34, and 14-316.1 Includes effective dates corresponding with the effective dates for the incremental increases in the definition age for juvenile delinquent.

Amends GS 143B-805(6) to define delinquent juvenile to accurately reflect the phase-in of the increase in age limitations. Amends GS 143B-806(b), effective July 1, 2016, to add to the powers and duties of the Secretary of Public Safety the authority to provide for transportation of persons under the jurisdiction of the juvenile court to and from a state or local juvenile facility for any purpose required under GS Chapter 7B or on order of the court.

Provides that for the purposes of this act, the calculation of a juvenile’s age is to be from the date of birth in the month of birth to the same date in each calendar month.

Amends Section 18.9 of SL 2009-451, effective January 1, 2012, which established the Youth Accountability Planning Task Force,
to reflect the establishment of the Department of Public Safety and the creation of the Division of Juvenile Justice within the Department of Public Safety. Makes amendments to the Task Force membership. Provides that upon the enactment of legislation which expands the jurisdiction of the Division of Juvenile Justice of the Department of Public Safety to include 16- and 17-year-olds who commit crimes or infractions, the Task force is to monitor and review the expansion and make recommendations to the General Assembly as necessary. Effective January 14, 2011, extends the work of the Task Force to require its final report as of January 15, 2020 (was, January 15, 2011).

Intro. by Hartsell.


Senate committee substitute makes the following changes to 1st edition. Changes the adjournment date from June 19, to June 30, 2012.

Intro. by Apodaca, Hartsell.

LOCAL/SENATE BILLS

S 951 (2011-2012) TRANSFER CERTAIN CORRECTIONAL FACILITIES (NEW). Filed May 30 2012, TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COMMUNITY COLLEGE.

Senate amendment makes the following changes to 1st edition. Provides that the conveyance of the Cleveland County Correctional Facility is subject to a reversionary interest reserved by the state and that the property is to be conveyed for so long as it is used for education purposes consistent with the mission of the Community College System.

Intro. by Westmoreland.

ACTIONS ON BILLS

PUBLIC BILLS

H 149: TERRORISM/STATE OFFENSE.

Ch. SL 2012-38
Signed By Gov. 6/20/2012
H 153: NO PUBLIC RETIREMENT FOR CONVICTED FELONS (NEW).
  Senate: Reptd Fav Com Substitute
  Senate: Com Substitute Adopted

H 176: REVIEW DV PROGRAM PARTICIPATION.
  Signed By Gov. 6/20/2012
  Ch. SL 2012-39

H 180: WILMINGTON VOLUNTARY ANNEXATIONS (NEW).
  Engrossed
  Senate: Amend Adopted 1
  Senate: Amends Ruled Material

H 199: METAL THEFT PREVENTION ACT OF 2012 (NEW).
  Signed By Gov. 6/20/2012
  Ch. SL 2012-46

H 203: MORTGAGE SATISFACTION FORMS/NO FALSE LIENS (NEW).
  Senate: Withdrawn From Cal
  Senate: Placed On Cal For 6/21/2012

H 235: AMEND GROUNDS/TERMINATION OF PARENTAL RIGHTS (NEW).
  Signed By Gov. 6/20/2012
  Ch. SL 2012-40

H 237: 2012 WORKERS' COMPENSATION AMENDMENTS (NEW).
  House: Reptd Fav To Concur
  House: Cal Pursuant Rule 36(b)
  House: Placed On Cal For 6/21/2012

H 261: INTRASTATE MOTOR CARRIER MARKINGS.
  Signed By Gov. 6/20/2012
  Ch. SL 2012-41

H 391: RTP DISTRICT AMENDMENTS (NEW).
  House: Concurred On 2nd Reading

H 438: ACCOUNTABLE CO. COMMS./EXPAND LOC. BD. AUTH.
  House: Cal Pursuant Rule 36(b)
  House: Placed On Cal For 6/20/2012
  House: Rec From Senate
  House: Rec To Concur S Com Sub
  House: Ref To Com On Health and Human Services
  House: Withdrawn From Com

H 462: CONTINGENCY CONTRACTS FOR AUDITS/ASSESSMENTS (NEW).
  House: Rec From Senate
  House: Rec To Concur S Com Sub

https://lrs.sog.unc.edu/lrs-subscr-view/dailybulletin/2012-06-20#
House: Ref To Com On Commerce and Job Development

H 476: PROTECT GALAX & VENUS FLYTRAP/WRC RULE FINES.

Senate: Withdrawn From Com
Senate: Re-ref Com On Agriculture/Environment/Natural Resources

H 490: RENAME YADKIN RIVER BRIDGE.

Signed By Gov. 6/20/2012
Ch. SL 2012-42

H 512: RENDERING ACT AMENDMENTS.

House: Conf Report Adopted
Senate: Conf Report Adopted

H 586: ENHANCE WATER SUPPLY FUNDING.

Senate: Withdrawn From Com
Senate: Re-ref Com On Agriculture/Environment/Natural Resources

H 605: EXPAND SETOFF DEBT COLLECTION ACT.

Senate: Reptd Fav As Amended
Senate: Com Amend Adopted 1
Engrossed

H 737: STRENGTHEN CHILD SAFETY LAWS/CARE FACILITIES.

House: Rec From Senate
House: Rec To Concur S Com Sub
House: Ref To Com On Judiciary Subcommittee C

H 741: LAW ENFORCEMENT/EMERGENCY VEHICLE LENGTH (NEW).

Signed By Gov. 6/20/2012
Ch. SL 2012-33

H 813: BLDG. CODE INSPECTIONS/INDUSTRIAL MACHINERY (NEW).

Signed By Gov. 6/20/2012
Ch. SL 2012-34

H 819: COASTAL MANAGEMENT POLICIES (NEW).

Senate: Conf Com Appointed

H 837: COMPLETION OF CPR BY STUDENTS REQUIRED.

Senate: Withdrawn From Com
Senate: Re-ref Com On Rules and Operations of the Senate

H 853: END CT. ORDERS/ESTABLISH LOCAL INTAKE PROCEDURES.

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted

H 914: AEDS IN STATE BUILDINGS.
Senate: Withdrawn From Com
Senate: Re-ref Com On Rules and Operations of the Senate

H 932: HONOR NC USO.
House: Passed 2nd & 3rd Reading
Senate: Rec From House
Senate: Placed On Cal For 6/20/2012
Senate: Passed 2nd & 3rd Reading

H 941: PSEUDOEPHEDRINE AMOUNT CLARIFICATIONS.
Ch. SL 2012-35
Signed By Gov. 6/20/2012

H 950: MODIFY 2011 APPROPRIATIONS ACT.
Senate: Conf Com Reported
Senate: Placed On Cal For 6/21/2012
House: Conf Com Reported
House: Placed On Cal For 6/21/2012

H 971: ACTIVE DUTY DEATH/LEASE TERMINATION.
Senate: Passed 2nd & 3rd Reading

H 1015: ECONOMIC DEVPT. & FINANCE CHANGES (NEW).
Senate: Conf Com Reported
Senate: Placed On Cal For 6/21/2012

H 1021: JUSTICE REINVESTMENT CLARIFICATIONS.
Senate: Reptd Fav

H 1022: HONOR RICK RHYNE.
House: Adopted

H 1023: EXPUNCTION/NONVIOLENT OFFENSES.
Senate: Rec From House
Senate: Passed 1st Reading
Senate: Ref To Com On Judiciary II

H 1025: EXTEND TAX PROVISIONS.
Signed By Gov. 6/20/2012
Ch. SL 2012-36

H 1028: APPRAISAL MGMT CO REPORTED TO DEPT OF REVENUE.
Senate: Reptd Fav

H 1044: MOTORCYCLE INSURANCE DISCOUNT/MILITARY.
House: Passed 2nd & 3rd Reading

H 1052: MECHANICS LIENS/PAYMENT BOND REFORMS.
H 1055: ELIMINATE LME PROVIDER ENDORSEMENT.
Ratified
Pres. To Gov. 6/20/2012

H 1056: PARTNERSHIP FOR CHILDREN PARTICIPANT RECORDS.
Ratified
Pres. To Gov. 6/20/2012

H 1066: PASSING TITLE BY WILL.
Ratified
Pres. To Gov. 6/20/2012

H 1076: CO-OWNERS/UNEQUAL SHARES/SIMULTANEOUS DEATH.
Ratified
Pres. To Gov. 6/20/2012

H 1068: AMEND UCC ARTICLE 9/SECURED TRANSACTIONS.
Senate: Passed 2nd & 3rd Reading

H 1069: INTESTATE PROPERTY/CHILD'S YEAR'S ALLOWANCE.
Ratified
Pres. To Gov. 6/20/2012

H 1074: STOP WASTE, FRAUD, AND ABUSE IN GOVT. ACT.
House: Passed 2nd & 3rd Reading
House: Amend Adopted 1

H 1081: PROVISIONAL LICENSURE CHANGES MEDICAID.
Ratified
Pres. To Gov. 6/20/2012

H 1084: HOAS/PLANNED COMMUNITY ACT AMENDS.
House: Amend Adopted 1
House: Amend Adopted 3
House: Amend Adopted 2
House: Passed 2nd Reading

H 1098: CONTINUE THE SUSTAINABLE LOCAL FOOD ADVISORY.
House: Withdrawn From Cal
House: Re-ref Com On Rules, Calendar, and Operations of the House

H 1105: MODIFY TAXATION OF HOA PROPERTY (NEW).
House: Amend Adopted 1
House: Amend Adopted 2
House: Passed 2nd Reading

H 1173: ABSCONGING PROB. VIOLATORS FORFEIT BENEFITS.
House: Amend Adopted 1
House: Amend Adopted 2
House: Amend Adopted 3
House: Passed 2nd Reading

H 1180: VIDEO SWEEPSTAKES ENTERTAINMENT TAX.
House: Re-ref Com On Finance
House: Withdrawn From Com
House: Ref to the Com on Commerce and Job Development, if favorable, Finance
House: Withdrawn From Com

H 1191: RESOLUTION OF DISAPPROVAL OF REORGANIZATION.
House: Withdrawn From Cal
House: Re-ref Com On Rules, Calendar, and Operations of the House

H 1223: HONOR STATE LIBRARY'S 200TH ANNIVERSARY.
Senate: Withdrawn From Com
Senate: Placed On Cal For 6/21/2012

H 1224: HONOR BILL IVES.
House: Postponed To 6/25/2012

H 1226: RALEIGH FIRE DEPARTMENT'S 100TH ANNIVERSARY.
House: Passed 2nd & 3rd Reading

S 42: MECH. LIENS/PVT LIEN AGENT (NEW).
House: Reptd Fav Com Substitute
House: Re-ref Com On Finance
House: Withdrawn From Com
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 6/21/2012

S 77: RENTAL PROPERTY/LITHIUM BATTERY SMOKE ALARMS (NEW).
Senate: Concurred In H/com Sub

S 94: PSAPS TECH STANDARDS/HABITUAL MISD LARCENY (NEW).
House: Reptd Fav Com Substitute
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 6/21/2012

S 229: AMEND ENVIRONMENTAL LAWS 2012 (NEW).
Senate: Failed Concur In Com Sub
Senate: Conf Com Appointed

S 231: INCORPORATION/ETJ STUDY (NEW).
House: Withdrawn From Cal
House: Re-ref Com On Finance

S 347: MENTAL HEALTH CRISIS MANAGEMENT (NEW).
House: Passed 2nd & 3rd Reading

S 399: ECOSYSTEM ENHANCEMENT PROGRAM (NEW).
House: Re-ref Com On Finance
House: Withdrawn From Com

S 416: AMEND DEATH PENALTY PROCEDURES (NEW).
Senate: Reptd Fav To Concur
Senate: Placed On Cal For 6/20/2012
Senate: Concurred In H/com Sub

S 423: EDUC. OVERSIGHT COMM. STUDY OF TEACHER TENURE.
House: Withdrawn From Com
House: Re-ref Com On Government

S 426: PUBLIC FINANCE LAWS/MUNICIPAL SERVICE DISTS (NEW).
House: Re-ref Com On Rules, Calendar, and Operations of the House
House: Withdrawn From Cal

S 434: JUVENILE AGE TO 18 (NEW).
House: Reptd Fav Com Substitute
House: Re-ref Com On Appropriations

S 443: NC MUSEUM OF ART/CEMETERY COMM. CHANGES (NEW).
Senate: Placed On Cal For 6/20/2012
Senate: Concurred In H/com Sub
Senate: Rec To Concur H Com Sub

S 444: NONAPPROPRIATED CAPITAL PROJECTS (NEW).
House: Reptd Fav Com Substitute
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 6/21/2012

S 491: CONTINUE LOCAL FOOD ADVISORY COUNCIL (NEW).
Senate: Concurred In H/com Sub

S 518: LANDLORD/STATE BAR NOTICE OF LEASE DEFAULT (NEW).
Ratified
Pres. To Gov. 6/20/2012

S 521: RULE IN DUMPOR'S CASE/BROKER PRICE OPINIONS (NEW).
House: Reptd Fav Com Substitute
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 6/21/2012
S 525: CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES (NEW).
   Senate: Failed Concur In Com Sub

S 572: COUNTY BROADBAND GRANTS (NEW).
   House: Passed 2nd & 3rd Reading

S 647: MUTUAL INSURANCE HOLDING COMPANIES.
   House: Reptd Fav
   House: Cal Pursuant Rule 36(b)
   House: Placed On Cal For 6/21/2012

S 656: RIGHT TO CHOOSE PHYSICAL THERAPIST.
   House: Passed 2nd & 3rd Reading

S 661: AUDIT ROANOKE ISLAND COMMISSION AND FRIENDS (NEW).
   House: Reptd Fav Com Substitute
   House: Cal Pursuant Rule 36(b)
   House: Placed On Cal For 6/21/2012

S 707: SCHOOL VIOLENCE PREVENTION ACT.
   Senate: Rec To Concur H Com Sub
   Senate: Placed On Cal For 6/21/2012

S 724: AN ACT TO IMPROVE PUBLIC EDUCATION.
   Pres. To Gov. 6/20/2012

S 749: VARIOUS MOTOR VEHICLE LAW CHANGES (NEW).
   Senate: Placed On Cal For 6/21/2012
   Senate: Rec To Concur H Com Sub

S 798: VARIOUS EMERGENCY MANAGEMENT CHANGES.
   Pres. To Gov. 6/20/2012

S 803: RETIREMENT ADMINISTRATIVE CHANGES.
   House: Reptd Fav Com Substitute
   House: Cal Pursuant Rule 36(b)

S 804: RETIREMENT TECHNICAL CHANGES.
   House: Reptd Fav
   House: Cal Pursuant Rule 36(b)

S 806: MODIFY MORTGAGE REGULATION FUNDING.
   Signed By Gov. 6/20/2012
   Ch. SL 2012-37

S 810: REGULATORY REFORM ACT OF 2012.
   House: Amend Adopted 1
   House: Amend Temporarily Displaced 2
House: Amend Adopted 3
House: Amend Adopted 4
House: Amendment Withdrawn 5
House: Passed 2nd Reading

S 813: DCR AND DENR/STUDY STATE ATTRACTIONS SAVINGS.
House: Passed 2nd & 3rd Reading

S 820: CLEAN ENERGY AND ECONOMIC SECURITY ACT.
Senate: Withdrawn From Cal
Senate: Placed On Cal For 6/21/2012

S 821: STUDY AND AMEND FISHERIES LAWS (NEW).
Senate: Amend Adopted 2
Senate: Passed 2nd & 3rd Reading
Engrossed
Senate: Amend Adopted 1

S 824: EXPEDITED RULE MAKING FOR FORCED COMBINATIONS.
Signed By Gov. 6/20/2012
Ch. SL 2012-43

S 826: REVENUE LAWS TECH., CLARIFYING, & ADMIN CHANGES.
House: Passed 2nd Reading

S 828: UNEMPLOYMENT INSURANCE CHANGES.
Senate: Rec To Concur H Com Sub
Senate: Placed On Cal For 6/21/2012

S 841: EFFECTIVE UTILIZATION OF PED.
House: Passed 2nd & 3rd Reading

S 849: AMEND OFFICER SALARY CONTINUATION.
House: Withdrawn From Com
House: Re-ref Com On Judiciary Subcommittee B

S 865: HONOR SENATOR BOB CARPENTER.
House: Passed 2nd & 3rd Reading

S 868: WILDLIFE LICENSES/ELIMINATE PENALTY.
House: Passed 2nd & 3rd Reading

S 869: REMOVE RESTRICTION/FIREFIGHTER DISABILITY.
Senate: Reptd Fav To Concur

S 881: TRANSFER EVIDENCE WAREHOUSE TO DPS.
Senate: Concurred In H Amend
Engrossed
S 889: **RPO AREA DEFINITION.**
Signed By Gov. 6/20/2012
Ch. SL 2012-44

S 890: **TRANSPORTATION REFORM/CODIFY EXECUTIVE ORDER (NEW).**
Pres. To Gov. 6/20/2012

S 895: **DOT DIVISION OF MOTOR VEHICLES LEG. REQUESTS.**
Ratified
Pres. To Gov. 6/20/2012

S 899: **FIREMEN'S RELIEF FUND/BORAD MEMBERSHIP (NEW).**
Signed By Gov. 6/20/2012
Ch. SL 2012-45

S 955: **ADJOURNMENT SINE DIE.**
Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted

S 958: **HONOR JIM FORRESTER.**
House: Reptd Fav
House: Cal Pursuant Rule 36(b)

**LOCAL BILLS**

H 224: **FOXFIRE VILLAGE ASSESSMENT VALIDATED.**
Senate: Reptd Fav

H 552: **ASHEVILLE AIRPORT/WNC AG CENTER (NEW).**
Senate: Reptd Fav

H 943: **DAVIDSON COUNTY ANNEXATIONS.**
Senate: Reptd Fav

H 987: **WAKE TECH BOARD OF TRUSTEES.**
Senate: Withdrawn From Com
Senate: Re-ref Com On Rules and Operations of the Senate
Senate: Passed 2nd & 3rd Reading
House: Rec From Senate
House: Passed 1st Reading
House: Ref To Com On Education

H 988: **AVERASBORO TOWNSHIP TDA CHANGES.**
House: Passed 2nd & 3rd Reading

H 1018: **YADKIN VALLEY CAREER ACADEMY.**
Senate: Passed 2nd & 3rd Reading

H 1032: **MORGANTON DEANNEXATION.**
Senate: Reptd Fav

H 1050: ELIZABETHTOWN INDUSTRIAL PARK DEANNEXATION.
House: Passed 3rd Reading

H 1051: ELIZABETHTOWN HAYFIELDS DEANNEXATION.
House: Passed 3rd Reading

H 1088: GRAHAM/SWAIN TVA ALLOCATION/BORDER.
Senate: Reptd Fav

H 1106: APEX ANNEXATION.
House: Passed 2nd Reading

H 1107: GRANVILLE COUNTY ABC PROFITS DISTRIBUTION MOD.
Senate: Passed 2nd & 3rd Reading

H 1108: BUTNER PUBLIC SAFETY AUTHORITY CHANGES.
Senate: Passed 2nd & 3rd Reading

H 1133: REVISE PENDER COUNTY COMMISSIONER DISTRICTS.
Senate: Passed 2nd & 3rd Reading

H 1138: DAVIDSON COUNTY DESIGN-BUILD.
Senate: Passed 2nd & 3rd Reading
House: Rec From Senate

H 1205: AMEND TRESPASS/GRANVILLE COUNTY.
Senate: Passed 2nd & 3rd Reading

H 1207: GRANVILLE/PERSON LOCAL STORMWATER FEES.
Senate: Reptd Fav

H 1216: TOWN OF WALLACE/SATELLITE ANNEXATIONS.
House: Passed 3rd Reading

H 1217: ASHEVILLE/WOODFIN BOUNDARY ADJUSTMENTS.
Senate: Rec From House
Senate: Passed 1st Reading
Senate: Ref To Com On State and Local Government

S 149: LENOIR & GREENE VOTER ID/SUNDAY VOTING (NEW).
House: Withdrawn From Com
House: Re-ref Com On Government

S 848: DURHAM CITY ASSESSMENTS.
Senate: Passed 2nd & 3rd Reading
House: Rec From Senate
House: Passed 1st Reading
House: Ref To Com On Finance

S 857: ADD STOKES CTY TO TAX CERT BEFORE RECORDATION.
Senate: Passed 2nd & 3rd Reading
House: Rec From Senate
House: Passed 1st Reading
House: Ref To Com On Finance

S 859: PILOT MOUNTAIN/DOBSON EVEN-YEAR ELECTIONS (NEW).
Senate: Concurred In H/com Sub

S 876: MOORESVILLE DEANNEXATION.
Senate: Reptd Fav

S 900: SURF CITY DEANNEXATION.
Senate: Passed 2nd Reading

S 901: OCEAN ISLE BEACH SATELLITE ANNEXATION.
Senate: Passed 2nd Reading

S 918: AMEND DURHAM COUNTY OCCUPANCY TAX USES.
House: Rec From Senate
House: Passed 1st Reading
House: Ref To Com On Finance
Senate: Passed 2nd & 3rd Reading

S 935: ABOLISH AVERY COUNTY CORONER.
Senate: Passed 2nd & 3rd Reading
House: Rec From Senate
House: Passed 1st Reading
House: Ref To Com On Government

S 949: TOWN OF BOONE/ETJ.
Senate: Passed 2nd Reading

S 951: TRANSFER CERTAIN CORRECTIONAL FACILITIES (NEW).
Senate: Amend Adopted 1
Senate: Passed 2nd & 3rd Reading
Engrossed