

# Daily Bulletin

## ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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### School of Government

The University of North Carolina at Chapel Hill

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House Legislative Day 5

Vol. 2011, No. 5

Senate Legislative Day 5

*Wednesday, February 2, 2011*

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## SUMMARIES OF BILLS FILED

### *Public Bills*

#### **HOUSE BILLS**

**H 28. [DHHS TO PROVIDE LAW ENFORCEMENT INFORMATION](#).** Filed 2/2/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE LAW ENFORCEMENT OFFICERS AND AGENCIES WITH ANY INFORMATION REQUESTED FOR THE PURPOSE OF LOCATING INDIVIDUALS THAT ARE RECEIVING ANY SERVICES FROM THE DEPARTMENT AND FOR WHOM LAW ENFORCEMENT HAS AN ACTIVE INVESTIGATION OR ANY OUTSTANDING CRIMINAL PROCESS ISSUED BY A JUDICIAL OFFICIAL.*

Enacts new GS 15A-306 as the title indicates. Requires the information request to the Department of Health and Human Services (DHHS) to be in writing. Limits the personal identification information to be released to a law enforcement agency or officer about an individual to the following: (1) the full name; (2) date of birth; (3) Social Security number; (4) addresses on file including past and present; (5) phone numbers on file, past and present; (6) name of any family members; and (7) immediate family members' addresses and phone numbers, including past and present. Excludes from disclosure information that is prohibited from being released under federal law. Defines *immediate family* for the purposes of the proposed statute.

Makes it a Class 3 misdemeanor for any employee of the DHHS or its divisions to fail to comply with an information request from a law enforcement agency or officer under subsection (a) of proposed GS 15A-306.

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Imposes a fine of not less than \$200 for the violation. Declares that it is an affirmative defense to assert that federal law prohibits releasing the requested information.

Declares that any law enforcement officer who (1) requests information on an individual who is not the subject of a documented investigation or (2) misuses or maliciously uses the information received for personal gain is guilty of a Class I felony.

Provides that the information obtained under the proposed statute is not a public record, but is admissible as evidence in a court of competent jurisdiction under Chapter 8 of the General Statutes.

**Intro. by Burr, Guice, Ingle, Randleman.** GS 15A Health, Social Services, and Aging; Criminal Law, Procedure, and Sentencing

**H 29. RETRIEVAL OF DEER.** Filed 2/2/11. *TO AUTHORIZE THE RETRIEVAL OF KILLED OR WOUNDED DEER USING A SINGLE DOG ON A LEASH.*

Adds new subsection (k) to GS 113-291.1 as the title indicates. Additionally provides that if a hunter kills or wounds a deer during authorized hunting hours then the hunter may use only a .22-caliber rimfire pistol or weapon that is otherwise legal for that hunting season to engage in the quick and humane killing of a wounded deer. Makes an exception to allow pursuit and retrieval of the deer after the hunting hours authorized under subsection (a) of GS 113-291.1, if necessary, but prohibits using a motor vehicle to accomplish the pursuit and retrieval. Effective October 1, 2011.

**Intro. by Moore.** GS 113 Agriculture, Environment, and Natural Resources; Animal Law

**H 30. ALLOW WAGE GARNISHMENT TO SATISFY JUDGMENTS.** Filed 2/2/11. *TO AUTHORIZE THE GARNISHMENT OF WAGES AS AN ADDITIONAL MEANS OF SATISFYING JUDGMENTS IN CIVIL ACTIONS.*

Amends GS 1-362 to provide that a debtor's earnings for the debtor's personal services that are less than or equal to 30 times the federal minimum hourly wage per work week or 75% of the debtor's net income, whichever is greater, are not subject to attachment or garnishment (was, exempted the debtor's earnings for personal services received at any time within 60 days next preceding the order, from being applied to satisfy the judgment against the debtor when, by affidavit or otherwise, it appears that the earnings are necessary for the use of a family supported wholly or partly by the debtor's labor).

Enacts a new Article 15 to GS Chapter 1C entitled Garnishment of Wages to Enforce Judgments. Provides definitions for the terms (1) *disposable earnings* - compensation paid or payable for personal services after the deductions required by law are withheld and (2) *nonexempt earnings* - the portion of the disposable earnings owed to a judgment debtor that are not exempt under GS 1-362, as amended in this act.

Provides that final judgments awarding monetary damages may be enforced by garnishment of wages, except as provided in new GS 1C-1511 (provides that garnishment is not available to enforce deficiency judgments). Provides that there is no exception to garnishment of wages for earnings paid by a city, county, state, or local government authority.

Provides criteria for the issuance of the garnishment order, notice requirements, and service of the order. Presents guidelines for the judgment debtor's filing notice of objection to the garnishment order and for setting a hearing on the objection. Includes additional provisions pertaining to (1) payment to the judgment creditor and fee retention by the employer, (2) the duration of the garnishment order, (3) the priority of garnishment orders when there is more than a single order against a judgment debtor, (4) criteria for applying the payments received, and (5) procedures for handling improper garnishment.

Requires the judgment creditor to deliver a written notice to the employer within five days of satisfaction of the judgment and to notify the clerk of court in writing within 30 days after satisfaction of the judgment.

Makes a conforming change to GS 95-241(a).

Effective October 1, 2011, and applies to civil actions filed on or after that date.

**Intro. by Moore.** GS 1, 1C, 95 Civil Law and Procedure; Courts

**H 31. UNLAWFUL TO USE MOBILE PHONES WHILE DRIVING.** Filed 2/2/11. *TO MAKE USING A MOBILE PHONE UNLAWFUL WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.*

Deletes all provisions of GS 20-137.3 and replaces with the following new GS 20-137.3 provisions. Makes it unlawful to use a mobile phone or additional technology associated with a mobile phone while operating a motor vehicle or school bus on a public street or highway or public vehicular area. Defines additional technology, emergency situation, mobile telephone, school bus, and wireless telephone service. The prohibition does not apply if the mobile phone is used when the vehicle or school bus is stationary or if the phone is used for the sole

purpose of communicating in emergency situations with emergency response, ambulatory service, fire, or law enforcement agencies. Makes violations, when operating a motor vehicle other than a school bus, an infraction and imposes a \$100 fine. Makes violations, when operating a school bus, a Class 2 misdemeanor and imposes a fine of not less than \$100. Assesses no driver's license points or insurance surcharge for violations of the statute. Provides that failure to comply with the statute does not constitute negligence per se or contributory negligence. Repeals GS 20-137.4 (pertaining to unlawful use of a mobile phone). Repeals GS 20-137.4A (pertaining to unlawful use of mobile telephone for text messaging or electronic mail). Effective December 1, 2011, and applies to offenses committed on or after that date.

**Intro. by Pierce.**

GS 20

Transportation

**H 32. [ELECTORAL FREEDOM ACT OF 2011](#).** Filed 2/2/11. *TO AMEND THE STATUTORY REQUIREMENT FOR A POLITICAL PARTY TO MAINTAIN BALLOT ELIGIBILITY; TO PROVIDE THAT THE RESULTS OF PRIMARIES OF POLITICAL PARTIES WITH LESS THAN TEN PERCENT OF THE REGISTERED VOTERS ARE DETERMINED BY A PLURALITY UNLESS THE PARTY CHOOSES TO NOMINATE BY CONVENTION; TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY; TO REDUCE THE NUMBER OF SIGNATURES REQUIRED FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY; AND TO ELIMINATE THE NEED FOR PETITIONS FOR WRITE-IN CANDIDACY.*

Amends GS Chapter 163 to (1) expand the definition of political party, (2) reduce the number of signatures required for unaffiliated candidates to be included on various ballots, (3) exempt certain political parties from most primary election requirements and instead provide that those parties' candidates be selected by party convention or else by plurality, and (4) repeal the petition requirement for write-in candidates and instead require the filing of a declaration of intent by the candidate.

*Definition of a Political Party.* Amends the definition of a political party for purposes of state elections under GS 163-96(a) by changing the threshold for qualification as a political party to (1) at least 10,000 votes of any group of voters polled in the last preceding general state election for certain offices or (2) 10,000 registered and qualified voters if qualifying by petition filed with the State Board of Elections (current threshold for latter method of qualification is 2% of the entire votes cast in the most recent election for Governor, or for Governor or presidential electors in the former). Expands eligibility for qualification by voters polled in the last preceding general state election to include not only those voters polled for that group of voters' candidate for Governor or presidential electors, but also for any other candidate for Council of State for a full term. For qualification as a political party by petition, reduces the number of congressional districts from which registered voters who sign the petition must come from four to three, and adjusts the deadline for filing the petition to the third Friday in July (currently the first day of June).

*Unaffiliated Candidate Ballot Eligibility.* Rewrites GS 163-122 by repealing subsection (a) and adding three new subsections (a1), (a2), and (a3) that provide specific requirements (namely petition requirements) for a qualified voter to be included as an unaffiliated candidate on a general election ballot, including general elections to a partisan office. Prohibits an individual whose name appears on a primary election ballot from having his name placed on the general election ballot as an unaffiliated candidate for the same office in that year. Details filing procedures and the number of required signatures (according to the office sought) for unaffiliated candidates.

*Unaffiliated Candidate Ballot Eligibility in Partisan Municipal Elections.* Amends GS 163-296 to change the number of signatures required for an unaffiliated candidate to be placed on a regular municipal ballot to 150 signatures if the municipality has more than 25,000 registered voters or 50 signatures if the municipality has 25,000 or fewer registered voters (current signature requirement is at least 4% of the total number of voters qualified to vote in the municipal election).

*Participation in Elections by and Determining Primary Results of Certain Political Parties.* Amends GS 163-98 to authorize political parties with less than 10% of the registered voters in the state to become exempt from most of the requirements of the Primary Act (Article 10 of GS Chapter 163). To become exempt, an eligible political party must notify the State Board of Elections by July 1 of an odd-numbered year that the party's state convention or state executive committee has approved its exemption from the Primary Act. Eligible political parties that choose exemption must select its candidates by party convention, and the political party and its candidates must comply with certain certification and filing requirements in order for the candidates to appear on the appropriate ballot. If an eligible political party does not choose exemption, the results of primary elections for that political party are to be determined by a plurality. Amends GS 163-111 to provide that candidates of political parties with less than 10% of the registered voters in the state are not eligible to participate in second primaries.

*Petitions for Write-In Candidates.* Amends GS 163-123 by repealing the petition requirement for write-in candidates, and instead requires an applicant for write-in candidacy to file a declaration of intent with the State Board of Elections or the appropriate county board of elections.

Makes other technical and conforming changes. Effective when the act becomes law with respect to all primaries and general elections held on or after that date. However, provides that application of the act to 2011 partisan municipal elections is contingent upon receiving preclearance under Section 5 of the Voting Rights Act of 1965 prior to July 1, 2011.

**Intro. by LaRoque, Bradley, Luebke, Farmer-Butterfield.** GS 163 Elections Law

**H 33. STATE LAW TO PROVIDE FOR ACCEPTABLE ID'S.** Filed 2/2/11. *TO PROVIDE THAT ONLY IDENTIFICATIONS APPROVED BY THE STATE MAY BE USED TO DETERMINE THE RELIABILITY OF A PERSON'S IDENTIFICATION FOR GOVERNMENTAL AND LAW ENFORCEMENT PURPOSES.*

Enacts new GS 15A-306 to list the following acceptable forms of identification for use in determining a person's actual identity by a justice, judge, clerk, magistrate, law enforcement officer, or other government official: (1) a driver's license issued by any state, with the term *state* defined in GS 20-4.01(45); (2) a special identification card issued under GS 20-37.7; (3) a military identification card issued by the United States Department of Defense; (4) a passport issued by a government with diplomatic ties to the U.S.; and (5) an official document issued by the U.S. government showing the person to be legally present in the United States.

Prohibits any local government from establishing, by policy or ordinance, the acceptable use of any form of identification other than those forms listed in the statute. Repeals any contradicting local government policy or ordinance.

**Intro. by Cleveland.** GS 15A Local Government; Criminal Law, Procedure, and Sentencing

## SENATE BILLS

**S 27. INVOLUNTARY ANNEXATION MORATORIUM.** Filed 2/2/11. *TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS.*

Prohibits adoption of involuntary annexation resolutions or ordinances, as provided in Parts 2 and 3 of Article 4A of GS Chapter 160A, until July 1, 2012. Tolls the effective date of any annexation ordinance already adopted but not in effect as of the date the legislation is enacted. Provides that any annexation litigation under Part 2 or 3 of Article 4A of GS Chapter 160A pending in any state court is stayed upon enactment of the legislation. Authorizes municipalities to amend previously adopted 2010-11 budget ordinances if the effect of this legislation is to reduce the total amount of assessed valuation estimated in that ordinance. Includes a severability clause. Expires on June 30, 2012.

**Intro. by Brock, Newton, Goolsby.** UNCODIFIED Local Government

**S 28. FUNDS TO PREVENT INFANT MORTALITY.** Filed 2/2/11. *TO APPROPRIATE FUNDS TO PREVENT INFANT MORTALITY IN NORTH CAROLINA.*

Appropriates \$870,000 for the 2011-13 biennium from the General Fund to the Department of Health and Human Services, Division of Health Services, with the following amounts allocated for specified uses: (1) \$350,000 for the March of Dimes, (2) \$325,000 for the East Carolina School of Medicine, (3) \$150,000 for the Healthy Start Foundation, and (4) \$45,000 to the UNC School of Medicine. Includes whereas clauses. Effective July 1, 2011.

**Intro. by Bingham.** APPROP Budget and Appropriations; Health, Social Services, and Aging

**S 30. DEFENSE & SECURITY TECHN. ACCELERATOR FUNDS.** Filed 2/2/11. *TO APPROPRIATE FUNDS TO SUPPORT THE DEFENSE AND SECURITY TECHNOLOGY ACCELERATOR.*

Appropriates \$1 million for 2011-12 from the General Fund to the Department of Commerce to be allocated to the Partnership for Defense Innovation to support the Defense and Security Technology Accelerator. Effective July 1, 2011.

**Intro. by Mansfield.** APPROP Budget and Appropriations; Community and Economic Development

**S 31. CONFORM PENALTY UNAUTH. PRACTICE OF MEDICINE.** Filed 2/2/11. *TO CONFORM THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE.*

Amends GS 90-18(a) to increase the penalty for practicing medicine or surgery without a license from a Class 1 misdemeanor to a Class I felony (was, a Class I felony only if the person practicing without a license is an out-of-state practitioner who has not been licensed and registered to practice medicine or surgery in this state). Effective December 1, 2011, and applies to offenses committed on or after that date.

**Intro. by Mansfield.**

GS 90

Employment and Retirement

**S 32. HOSPITAL MEDICAID ASSESSMENT/ PAYMENT PROGRAM.** Filed 2/2/11. *TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE OF NORTH CAROLINA.*

As the title indicates. Directs the Secretary of Health and Human Services (Secretary) to implement a hospital assessment program for eligible hospitals to improve funding for payments for hospital services provided to Medicaid and uninsured patients.

Requires that the hospital assessment program consist of two different assessments: (1) Equity Assessments and (2) Upper Payment Limit (UPL) Assessments. Details how each assessment is to be levied and calculated. Requires that the assessments be levied on all licensed North Carolina Hospitals; however, exempts the following from all assessments: (1) state-owned and state-operated hospitals, (2) the primary affiliated teaching hospital for each University of North Carolina medical school, (3) Critical Access Hospitals as defined in 42 CFR Section 400.202, (4) long-term care hospitals, (5) freestanding psychiatric hospitals, and (6) freestanding rehabilitation hospitals. Provides additional details regarding assessments and exemptions from those assessments, timelines, and appeal procedures. Allows for a hospital to appeal an assessment determination through a reconsideration review; however, such an appeal does not relieve the hospital from its obligation to pay any assessment due while the appeal is pending.

Provides for quarterly assessments and directs the Secretary to make payments to qualifying hospitals and transfer to the State Controller the quarterly share of \$43 million. Provides additional criteria regarding the assessment process, collection of the assessment, and disbursement of the collected funds to qualifying hospitals.

Directs the Department of Health and Human Services (DHHS) to file with the Centers for Medicare and Medicaid Services (CMS) a state plan amendment with the proposed legislation's provisions for approval, no later than March 31, 2011. Allows the Secretary to levy the initial assessment, as specified, after CMS approval. Details procedures in the event that CMS revokes or modifies approval.

Allows assessments paid under the proposed legislation to be included as allowable hospital costs for a Medicaid reimbursement formula, but they may not be added as a surtax or assessment to a patient's bill. Prohibits any political subdivision of the state from licensing a hospital or imposing a tax or assessment on a hospital.

**Intro. by Brunstetter, Clodfelter.**

UNCODIFIED

Health, Social Services, and Aging

**S 33. MEDICAL LIABILITY REFORMS.** Filed 2/2/11. *TO REFORM THE LAWS RELATING TO MEDICAL LIABILITY BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE PROVIDING EMERGENCY MEDICAL CARE, BY AUTHORIZING THE BIFURCATION OF TRIALS ON ISSUES OF LIABILITY AND DAMAGES IN CERTAIN ACTIONS, BY LIMITING THE AMOUNT OF NONECONOMIC DAMAGES THAT MAY BE AWARDED, BY AUTHORIZING THE PERIODIC PAYMENT OF FUTURE ECONOMIC DAMAGES IN LIEU OF A LUMP-SUM PAYMENT, AND BY MODIFYING APPEAL BONDS IN MEDICAL MALPRACTICE ACTIONS.*

This act is effective October 1, 2011.

Amends GS 90-21.12(a) to clarify that in any medical malpractice action, the defendant health care provider is not liable for the payment of damages unless the trier of fact finds (was, is satisfied) by the greater weight of the evidence that the care provided by the health care provider was not in accordance with the standard of practice among members of the same health care profession with similar training and experience situated in the same or similar communities at the time of the alleged act giving rise to the cause of action. Adds new subsection (b) to provide an exception to any medical malpractice action that arises from providing emergency services as defined in GS 58-3-190(g)(2). Provides that in such an action regarding provision of emergency services, all of the criteria set out in subsection (a) for any medical malpractice action apply and in addition, the trier of fact must find by the greater weight of the evidence that the failure to meet the applicable standards of practice constituted gross negligence, wanton conduct, or intentional wrongdoing by the health care provider. Provides that nothing in

subsection (b) is to be construed to change, alter, override, or otherwise affect the provisions of GS 90-21.14, 90-21.15, 90-21.16, or 20-166. Applies to causes of action arising on or after the effective date.

Amends GS 1A-1, Rule 42(b) to authorize the separation of trials on issues of liability and issues of damages when the medical malpractice action is begun under Article 1B of GS Chapter 90 and the plaintiff seeks \$75,000 or more in damages. Requires the same trier of fact to try both the issues relating to liability and the issues relating to damages. Applies to actions commenced on or after the effective date.

Enacts new GS 90-21.19 to define and set liability limits for noneconomic damages. Enacts new GS 90-21.19A to allow the payment of *future economic damages*, defined as damages for future medical expenses, to be made periodically at regular intervals to the plaintiff. Provides additional governing criteria regarding a judgment authorizing periodic payments. Enacts GS 90-21.19B to require that any verdict or award of damages in any malpractice action is to specifically indicate the amount awarded for (1) noneconomic damages, (2) present economic damages, and (3) future economic damages. Applies to causes of action arising on or after the effective date.

Amends GS 1-289 to modify appeal bonds in a malpractice action, as defined in GS 90-21.11, to require that the appellant provide the lesser of the amount of the judgment or the amount of the appellant's medical malpractice insurance coverage that is applicable to the action in order to stay execution of the judgment. Makes additional conforming changes. Applies to judgments entered on or after the effective date.

**Intro. by Apodaca, Brown,  
Rucho.**

GS 1, 1A, 90

Civil Law and Procedure; Courts;  
Employment and Retirement;  
Health, Social Services, and Aging

### Local Bills

## SENATE BILLS

**S 29. TAX CERTIFICATION - ALAMANCE COUNTY.** Filed 2/2/11. TO AUTHORIZE ALAMANCE COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Amends GS 161-31(b) to add Alamance County to the list of counties authorized to require payment of delinquent property taxes before recording deeds conveying property.

**Intro. by Gunn.**

ALAMANCE

Alamance

## ACTION ON BILLS

### February 2, 2011

- NOTES**
1. Amendments and committee substitutes adopted today are summarized following the chamber action.
  2. Subscribers can find the digest of every version of each bill online at [www.dailybulletin.unc.edu](http://www.dailybulletin.unc.edu).
  3. The dates on which previous amendments or committee substitutes were adopted are listed below bill numbers.
  4. The action "Cal Pursuant Rule 36b" indicates that the bill has been reported by committee and is awaiting calendaring.
  5. Enacted bills are indicated by #, failed bills by \*. Actions that change a bill are indicated by HA or SA.

## PUBLIC BILLS

H0002 Protect Health Care Freedom.

HA Amend Adopted 1

H Amend Failed 2

H Amend Failed 3

HA Amend Adopted 4

H Passed 2nd Reading

H Passed 3rd Reading

H Ordered Engrossed

01-31-11, 02-02-11

H0006 House Pensions Committee Duties.

H Reptd Fav

H Cal Pursuant Rule 36(b)

H Placed On Cal For 2/3/2011

H0020 Texfi Cleanup Funds.

H Passed 1st Reading

	H	Ref To Com On Appropriations Subcommittee on Natural and Economic Resources
H0021 County Administration of Municipal Elections.	H	Passed 1st Reading
Government,	H	Ref to the Com on
		if favorable, Elections
H0022 Vance-Granville Comm. Coll. Bond Funds.	H	Passed 1st Reading
	H	Ref to the Com on Education, if favorable, Finance
H0023 Create Global Engagement Study Committee.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0024 Expand Duties of Economic Dev. Oversight Comm.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0025 Lymphedema Awareness Day.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0027 Forensic Sciences Act.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee B
H0028 DHHS to provide Law Enforcement Information	H	Filed
H0029 Retrieval of Deer.	H	Filed
H0030 Allow Wage Garnishment to Satisfy Judgments.	H	Filed
H0031 Unlawful to Use Mobile Phones While Driving.	H	Filed
H0032 Electoral Freedom Act of 2011.	H	Filed
H0033 State Law to Provide for Acceptable ID's.	H	Filed
S0013 Balanced Budget Act of 2011.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
02-02-11		
S0017 Joint Regulatory Reform Committee.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0018 Clarify Definition/Jud. District/State Bar.	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
S0020 Student Refunds by Proprietary Schools.	S	Passed 1st Reading
	S	Ref To Com On Education/Higher Education
S0021 Add Program Evaluation Committee.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0022 APA Rules: Increasing Costs Prohibition.	S	Passed 1st Reading
	S	Ref To Com On Agriculture/Environment/Natural
Resources		
S0023 Protect Health Care Freedom.	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
S0024 U.S. Navy Specialty Plate Changes.	S	Passed 1st Reading

S0025 Only Barbers to Use Barber Pole/ Advertisemnt.	S Ref To Com On Finance S Passed 1st Reading S Ref To Com On Commerce
S0026 North Carolina Benefit Corporation Act.	S Passed 1st Reading S Ref To Com On Judiciary I
S0027 Involuntary Annexation Moratorium.	S Filed
S0028 Funds to Prevent Infant Mortality.	S Filed
S0030 Defense & Security Techn. Accelerator Funds.	S Filed
S0031 Conform Penalty Unauth. Practice of Medicine.	S Filed
S0032 Hospital Medicaid Assessment/Payment Program.	S Filed
S0033 Medical Liability Reforms.	S Filed

### LOCAL BILLS

H0010 Honor Transylvania County's 150th.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 2/3/2011
02-02-11	
H0026 Henderson County Fire Districts.	H Passed 1st Reading H Ref To Com On Government
S0019 Union Fire Fee Sunset Repealed.	S Passed 1st Reading S Ref to State and Local Government. If fav, re-ref to Finance
S0029 Tax Certification - Alamance County.	S Filed

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 2. [PROTECT HEALTH CARE FREEDOM](#).** Filed 1/26/11. House amendments make the following changes to 2nd edition.

Amendment # 1 amends proposed GS 58-49A-1(b) to add to or modify the list of items that will not be expanded, limited, or modified by the statute as follows: (1) any law regarding newborn screenings for metabolic or other hereditary and congenital disorders *and examination and testing of a child for lead poisoning under GS 130A-131.9*; (2) any law relating to the taking of DNA or *any other biological evidence in accordance with GS Chapter 15A* (was, other bodily fluid upon arrest); and (3) any law regarding the examination and testing of persons to determine possible exposure to nuclear, biological, or chemical agents caused by a terrorist incident as provided in Article 22 of GS Chapter 130A.

Amendment # 4 additionally rewrites GS 58-49A-1(b) to add any law regarding health assessments required under GS 130A-440 for children entering kindergarten in the public schools to the items that will not be expanded, limited, or modified by the proposed statute.

Health, Social Services, and Aging

**H 10. [HONOR TRANSYLVANIA COUNTY'S 150TH](#).** Filed 1/27/11. House committee substitute makes the following changes to 1st edition. Changes bill from a joint resolution to a House resolution and makes conforming changes. Makes technical changes.

General Assembly; Transylvania

**SENATE BILLS**

**S 13. [BALANCED BUDGET ACT OF 2011](#).** Filed 1/31/11. Senate committee substitute makes the following changes to 1st edition.

Clarifies that the Governor is authorized to reduce General Fund expenditures for the remainder of the 2010-11 fiscal year with a goal of reducing *recurring* spending by at least \$400 million.

Adds a section, amending Section 2.2(a) of SL 2010-31 (Appropriations Act of 2010), to make various adjustments to General Fund availability. Adds a list of various budget fund transfers to the General Fund, and revises the General Fund availability and remaining balance accordingly.

Transfers specified funds from Golden Leaf, Inc., the Health and Wellness Trust Fund, and the Tobacco Trust Fund to support General Fund appropriations for the 2010-11 fiscal year. Establishes a General Fund account in the Settlement Reserve Fund. Directs the Controller to transfer all funds in the General Account Fund to the General Fund.

Budget and Appropriations;  
State Government

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**Notes**

None

**NEXT SESSIONS**

**February 3, 2011**

**HOUSE convenes at 11:00 a.m.**

**SENATE convenes at 11:00 a.m.**