

The three employers associations that comprise the Employers Coalition of North Carolina have been for decades in opposition of increased union membership in North Carolina. This year, we are seeing more union promoted legislation at the state legislative level as the unions make their big push in the U.S. Congress.

Two bills have been filed that are of great concern to us: 1) SB1543 Collective Bargaining for Government Workers was filed last week and 2) SB970 Public Safety Employer/Employee was filed earlier in the session. The first bill was sent to Senate Rules and would give collective bargaining rights to all public employees. The second bill was sent to the Judiciary I committee and would grant collective bargaining rights only to public safety employees.

Even though private sector employees currently have the right to collective bargaining after going through the proper unionizing process, we believe that both these bills if passed would dramatically increase the influence of unions in North Carolina.

We are asking our members to contact the senators on both committees to express their opposition to the bills. There are rumors similar bills will be filed in the House and we will ask you to send e-mails to the appropriate state representatives after they become active. Please go to the ECNC website at [www.ecnc.us](http://www.ecnc.us) and find out how to contact your legislators. If you have questions or comments contact Jennifer Edwards at 919-713-5272 or [jedwards@ecnc.us](mailto:jedwards@ecnc.us).

## **Bills Filed**

**S 1336. EXPUNGE NONVIOLENT CRIMES/YOUNG PERSON.** *TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES IF THE PERSON WAS SEVENTEEN TO TWENTY-ONE YEARS OF AGE AT THE TIME OF THE CONVICTION, TO ALLOW DISCLOSURE OF EXPUNGED INFORMATION TO LAW ENFORCEMENT AGENCIES AND FEDERALLY INSURED DEPOSITORY INSTITUTIONS FOR EMPLOYMENT PURPOSES ONLY AND TO REQUIRE THOSE AGENCIES AND INSTITUTIONS TO MAINTAIN THE CONFIDENTIALITY OF THE EXPUNGED INFORMATION, TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, TO INCREASE THE FEES FOR EXPUNCTIONS, AND TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING RECORDS.* **Intro. by Kinnaird and referred to Judiciary I.**

**S 1432. CHALLENGE TO ADMINISTRATIVE SUBPOENA.** *TO ALLOW FOR A MEANINGFUL CHALLENGE TO AN ADMINISTRATIVE SUBPOENA.* Amends GS 96-4 dealing with proceedings before the Employment Security Commission, GS 105-290 dealing with appeals to the Property Tax Commission, and GS 150B-39 of the Administrative Procedures Act, to

clarify the procedure for making a motion to quash a subpoena issued by a commission and to provide for review of a denial of a motion to quash by the Superior Court in Wake County or in the Superior Court in the county where the person subject to the subpoena resides. **Intro. by Atwater and referred to Judiciary II.**

**S 1512. HEALTH INSURANCE RISK POOL/HEALTHY NC.** Filed *TO ENACT THE "HEALTHY NC "PROGRAM TO FACILITATE THE AVAILABILITY OF AFFORDABLE ACCIDENT AND HEALTH INSURANCE COVERAGE TO SMALL EMPLOYERS, SELF-EMPLOYED INDIVIDUALS, AND UNINSURED WORKERS; TO CREATE THE NORTH CAROLINA HEALTH INSURANCE RISK POOL TO HELP MEET THE HEALTH INSURANCE COVERAGE NEEDS OF INDIVIDUALS WHO CANNOT OBTAIN AFFORDABLE HEALTH INSURANCE BECAUSE OF HIGH-RISK HEALTH CONDITIONS; AND TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF THIS ACT.* **Intro. by Dalton and referred to Appropriations.**

**S 1543. COLLECTIVE BARGAINING FOR GOVERNMENT WORKERS.** Filed 3/27/07. *PROVIDING FOR CONTRACTS BETWEEN PUBLIC EMPLOYERS AND LABOR ORGANIZATIONS REPRESENTING PUBLIC EMPLOYEES FOR THE PURPOSE OF COLLECTIVE BARGAINING AND ESTABLISHING THE PUBLIC EMPLOYEE LABOR RELATIONS COMMISSION TO ENSURE FAIR DEALINGS BETWEEN PUBLIC EMPLOYERS AND LABOR ORGANIZATIONS.* Enacts new GS Chapter 95A to authorize public employees to organize for the purpose of collective bargaining and to create the Public Employee Labor Relations Commission. Commission is made up of five members appointed by the Governor and four members appointed by the General Assembly. Requires that public employers meet and contract with a public employee organization that has been elected by a majority of the employees of the public employer. Contracts required to cover wages, hours, and other conditions or employment. Disputes between the employer and the employee organization, or failure to reach agreement as to wages, hours, or other working conditions, must be submitted to arbitration. Strikes are prohibited. Complaints about actions of either employers or employee organizations and appeals from arbitrations are heard by the Commission. Appeals from Commission decisions are to the Superior Court in Wake County. Repeals GS 95-98, which made illegal contracts between government units and labor unions. Makes conforming change to GS 120-123. **Intro. by Shaw and referred to Rules.**

**S 1546. CLARIFY PUBLIC ACCESS TO PERSONNEL RECORDS.** Filed 3/27/07. *TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS.* Amends the statutory provisions governing the privacy of personnel records of employees of local school administrative units (GS 115C-320), community colleges (GS 115D-28), area authorities (GS 122C-158), state employees (GS

126-23), public health departments (GS 130A -45.9), public hospitals (GS 131E-257.2), counties (GS 153A-98), municipalities (GS 160A -168), and water and sewer authorities (GS 162A-6.1) to provide that the public has a right of access to any contract an employee is employed under, whether written or oral, to the extent that the employing agency has the contract or a record of the oral contract in its possession. Clarifies that *salary*, which is a public record, includes pay, benefits, incentives, bonuses, and deferred and other forms of compensation. **Intro. by Hoyle and referred to Judiciary I.**

**S 1547. INCOME TAX MODERNIZATION.** Filed 3/27/07. *TO IMPLEMENT A RECOMMENDATION OF THE STATE AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION TO LOWER INDIVIDUAL INCOME TAX RATES BY USING ADJUSTED GROSS INCOME RATHER THAN FEDERAL TAXABLE INCOME AS THE STARTING POINT FOR CALCULATING STATE INCOME TAX LIABILITY.* Amends GS 105-134.2(a) to reduce individual income taxes by (1) reducing the tax rates that apply to the three income brackets from 6%, 7%, and 7.75% to 4.5%, 5.5%, and 7%, respectively, and (2) changing the threshold for the middle income bracket from \$21,250 to \$40,000 (married filing jointly) and for the top income bracket from \$100,000 to \$80,000 (married filing jointly). For single taxpayers and married taxpayers filing separately, the middle bracket threshold is changed to \$20,000 and the top bracket threshold is changed to \$40,000. For heads of households, the middle bracket threshold is changed to \$30,000 and the top bracket threshold is changed to \$60,000.

Amends GS 105-134.5 to provide that adjusted gross income is the starting point for calculating North Carolina taxable income. Enacts new GS 105-134.5A to provide a \$2,000 personal exemption for taxpayers in the lowest income bracket, \$1,200 for the middle income bracket, and \$500 for the top income bracket. Makes conforming changes to GS 105-134.1 (definitions) and GS 105-159 (federal corrections). Directs the Revenue Laws Study Committee to study issues relating to changing the starting point for calculating NC taxable income from federal taxable income to adjusted gross income and report to the 2008 session of the General Assembly. The tax changes become effective beginning with the 2009 tax year. **Intro. by Hoyle and referred to Finance.**

### **Bills With Action**

**H 265. ESTABLISH HIGH-RISK POOL.** Passed House Finance and has been re-referred to House Appropriations.

**H0446 LRC Study Contributory Negligence.** Received a favorable report from Judiciary III and has been referred to House Rules.

**S 882 Industrial Comm. Investigators/Sworn.** Passed 2<sup>nd</sup> and 3<sup>rd</sup> readings in the Senate and has now been referred to House Judiciary I.