

ECNC Weekly Update, February 23, 2007

Prepared by Connie Wilson

After getting off to a slow start, the legislature is beginning to schedule committee meetings and there is a daily increase in the number of bills being filed. The two big events taking place have been the State of the State Address by Governor Easley and the guilty pleas of former Speaker Black.

The Governor's speech outlined his agenda which will take him to the end of his term. The \$20.1 billion budget concentrates on several education programs, including his Learn to Earn program for high school students. The planned sales tax cut and income tax cuts to compensate for increases in the same taxes are not in his budget.

A shock wave flowed through the halls of the General Assembly as former Speaker Black plead guilty to two counts of fraud and committed to working with federal prosecutors. Rumors are rampant that there will be more legislators looking at legal problems.

Union political activity has increased both in Congress and the General Assembly. ECNC has activated an e-mail campaign to congress opposing the "Employee Free Choice Act" proposed in Washington. Over 200 e-mails have been sent from ECNC members. Please refer to www.ecnc.us for instructions on how you can contact your congressman on this issue critical to employers.

The North Carolina NAACP has a 14 point legislative agenda they have committed to put into legislation this year. Agenda item 11 is collective bargaining for public employees. No bills have yet been filed, but we have heard there will be at least two filed this year on collective bargaining. ECNC is working hard on sharing our members concerns on this issue with legislators. We will keep you posted as this issue progresses.

Bills Filed

H 176. EXPUNGE NONVIOLENT CRIMES. Filed 2/13/07. *TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES, TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, AND TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING RECORDS.* **Intro. by Daughtry**

H 245. MEDICAL MALPRACTICE INSURANCE COVERAGE. Filed 2/15/07. *TO ESTABLISH A COMPREHENSIVE CLASSIFICATION RATING PLAN FOR PROFESSIONAL LIABILITY INSURANCE FOR PHYSICIANS.* As title indicates, enacts new GS 58-40-26 requiring that the Commissioner of Insurance establish

a classification plan for professional liability insurance. Provides that the plan will not be based on the specialty or type of medicine practiced by physicians and prohibits insurers from basing standard or rating plans for professional liability insurance for physicians on this information. Requires that in establishing rates for insurance, the risk pool be based on the pool of all physicians licensed and practicing medicine in NC. **Intro. by Faison, Coleman and referred to Insurance.**

H 265. ESTABLISH HIGH-RISK POOL. Filed 2/19/07. *TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL.* Enacts new Part 7 of Article 50 of GS Chapter 58, establishing the NC Health Insurance Risk Pool, subject to oversight of the Board of Directors of the Pool (Board), to consist of the Commissioner of Insurance (Commissioner) and eleven members appointed as specified in the act. **Intro. by Insko and referred to insurance.**

H 284. GARNISH WAGES TO SATISFY JUDGMENTS. Filed 2/20/07. *TO AUTHORIZE GARNISHMENT OF THE JUDGMENT DEBTOR'S WAGES AS AN ADDITIONAL MEANS OF ENFORCING A JUDGMENT.* Amends GS 1-362 to allow a judgment creditor to reach the judgment debtor's wages through a supplemental proceeding, except that the amount of wages that is less than 30 times the federal minimum hourly wage per work week or 75% of debtor's net income, whichever is greater, cannot be reached (was, wages earned within 60 days next preceding the supplemental proceeding order cannot be reached if necessary for use of the debtor's family). Adds new Article 15 (Garnishment of Wages to Enforce Judgments) to GS Chapter 1C authorizing a judgment creditor to garnish wages of the judgment debtor to the extent they are not exempt under GS 1-362 (was, NC allows wage garnishment for taxes and child support only). Sets out procedure for the clerk to issue a garnishment order to an employer and provides for priorities among wage garnishment orders. Sets out procedure for a hearing to contest the garnishment and the order in which payments are applied to the judgment. Specifies that garnishment provisions apply to earnings paid by local or state governments. Amends GS 95-241 to prohibit an employer from retaliating against an employee because the employee has his or her wages garnished. Effective for civil actions filed on or after October 1, 2007. **Intro. by Moore, Daughtridge, McGee, Tillis.**

H 259. PROHIBIT SMOKING IN PUBLIC PLACES. Filed 2/19/07. *TO PROHIBIT SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.* Enacts a new Article 23 of GS Chapter 130A, to prohibit smoking in public places and places of employment, with the following exceptions: (1) a private residence, except when it is used for child or adult care services; (2) a retail tobacco shop; (3) a tobacco manufacturing or processing facility; (4) a designated smoking room in a lodging establishment; (5) a private club; (6) an age-restricted alcohol sales establishment; and (7) a facility conducting research on smoking. Requires owners, managers, and operators of public places or places of employment to

post *no smoking* signs. Amends GS 130A-22 to allow a local health director to take the following actions against owners, managers, and operators who fail to comply with the new article: (1) provide a written notice of the person's first violation and provide notification of action that will be taken if they have a subsequent violation; (2) provide a written notice of a person's second violation and provide notification of administrative penalties that will be imposed for any subsequent violations; and (3) impose a fine of no more than \$200 for the third and subsequent violations. Effective January 1, 2008. **Intro. by Holliman and referred to Judiciary I.**

H 316. AMEND CIVIL PROCEDURE RULE 45. Filed 2/21/07. *TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE: (1) TO ESTABLISH A TIME LIMIT FOR SERVING UPON EACH PARTY TO AN ACTION A COPY OF A SUBPOENA TO APPEAR OR TO PRODUCE RECORDS AND (2) TO AUTHORIZE A PARTY TO AN ACTION TO OBJECT TO A SUBPOENA.* **Intro. by Daughtry and referred to Judiciary III.**