

ECNC Bi-Weekly Update

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Hundreds of bills were filed in the House this past week as the bill filing deadline looms for that Chamber. In an unusual move, the House leadership is rereferring bills to two committees. Although debate will be increased on bills, it will also slow their process and make it very difficult for many to pass the House floor by the May 17th crossover deadline.

The two most critical bills to employers filed this week were those dealing with public employee collective bargaining, HB1583 Restore Contract Rights to State/Local and HB1584 Public Safety Employer/Employee Coop. Act, sponsored by former Speaker of the House Rep. Dan Blue,. The union lobbyists were in the hallways this past week asking legislators to co-sponsor the bills. The bills have been serially rereferred to two committees, which should slow down their passage somewhat. The employers' community, both public and private, will be actively involved in opposing these bills and ECNC will help lead the charge.

Collective bargaining bills have now been filed in both the House and Senate. Look for an action alert on the House and Senate bills in the next few days. Your assistance in contacting legislators about these damaging bills is critical to North Carolina's economy.

Bills Filed

H 1485. NC ILLEGAL IMMIGRATION PREVENTION ACT. Filed 4/12/07. *TO ESTABLISH THE NORTH CAROLINA ILLEGAL IMMIGRATION PREVENTION ACT TO PROVIDE FOR THE COMPREHENSIVE REGULATION OF PERSONS IN THIS STATE WHO ARE NOT LAWFULLY PRESENT IN THE UNITED STATES.* The act is divided into seven substantive parts, addressing: public and private employer participation in the federal work authorization program; facilitation of enforcement of federal immigration laws; determination of the immigration status of persons who are jailed for felony or driving offenses; establishment of an immigration assistance registration act; elimination of income tax deductions for wages paid to illegal immigrants; ensuring tax withholding on wages paid to illegal immigrants; and verification of a person's lawful presence in the United States as a prerequisite to receiving public benefits. Some of the effective dates for the individual sections are inconsistent with the bill's effective date of January 1, 2008.

Intro. by Holloway, Blust, Cleveland and referred to Homeland Security and if favorable to Judiciary I.

H 1583. RESTORE CONTRACT RIGHTS TO STATE/LOCAL. Filed 4/18/07. *TO RESTORE CONTRACT RIGHTS TO STATE AND LOCAL ENTITIES.* Repeals

GS 95-98 (which prohibits collective bargaining between state or local governments and employee associations or unions). Amends GS 135-18.8 and 143B-426.40A to delete provisions in those statute that make authority to use payroll deductions for specified association membership contingent on the association's not engaging in collective bargaining. Amendment to GS Chapter 135 effective July 1, 2007. **Intro. by Blue and referred to Judiciary II, if favorable to Appropriations.**

H 1584. PUBLIC SAFETY EMPLOYER/EMPLOYEE COOP. ACT. Filed 4/18/07. *TO ESTABLISH A PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT.*

Enacts new GS Chapter 17F, which allows public safety officers employed by local governments to form an association or labor organization. When an organization demonstrates it represents more than half of the non-supervisory public safety officers, the organization may advocate for its members, be present at interrogations of members, meet with the employer's leadership, reduce agreements to a memorandum of understanding, and caused by reprisals for joining the association, treble damages. Allows reasonable costs and expenses, less attorneys' fees, to an officer who prevails, in the court's discretion, and to the employer if the suit is frivolous.

Intro. by Blue and referred to Ways and Mean and if favorable to Judiciary II.

H 1613 GOVERNMENTS TO ADOPT ORDINANCES TO REGULATE TRADE AND LABOR AND TO ESTABLISH OR REESTABLISH PROGRAMS TO PROHIBIT DISCRIMINATION IN EMPLOYMENT. Amends GS 160A-201 and GS 153A -455 to authorize a city or county to adopt ordinances to establish programs to prohibit discrimination in employment or otherwise regulate trade and labor. Amends GS 160A-209(c) and GS 153A -149(c) to authorize a city or county to levy property taxes for the purpose of supporting programs to prohibit discrimination in employment or regulate trade and labor, up to a maximum rate limitation of \$1.50 per \$100 valuation. **Intro. by Rep. Hall and referred to Commerce and if favorable, to Judiciary I.**

H 1620. CLARIFY ARREST AUTHORITY OVER ILLEGAL ALIENS. Filed 4/18/07. *TO CLARIFY THAT LAW ENFORCEMENT OFFICERS MAY ARREST WITHOUT A WARRANT PERSONS THAT HAVE BEEN IDENTIFIED BY LAW ENFORCEMENT AND AUTHENTICATED THROUGH NCIC AS SOMEONE WHO HAS CIVIL OR CRIMINAL IMMIGRATION CHARGES, WARRANTS, OR DETAINERS; OR AS SOMEONE AGAINST WHOM ANY OTHER CIVIL OR CRIMINAL CHARGE, ACTION, OR PROCEEDING ARISING OUT OF ACTION TAKEN BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY HAS BEEN FILED.* **Intro. by Samuelson and referred to Homeland and favorable, to Judiciary I.**

H 1622. WORKERS' COMP/REDUCE THRESHOLD TO ONE WORKER. Filed 4/18/07. *TO REDUCE FROM THREE TO ONE THE THRESHOLD NUMBER OF EMPLOYEES WHO'S EMPLOYMENT IS WITHIN THE PURVIEW OF THE WORKERS' COMPENSATION ACT.*

Amends GS 97-2(1), as title indicates. Effective October 1, 2007, and applies to claims filed on or after that date. **Intro. by Goodwin and referred to Commerce and if favorable to Judiciary I.**

H 1623. WORKERS' COMP/MEDICAL DIAGNOSTIC TESTING. Filed 4/18/07. *TO REQUIRE THE ATTENDING PHYSICIAN OF AN EMPLOYEE TO SELECT THE HEALTH CARE PROVIDER AND THE DIAGNOSTIC SERVICES CENTER TO ADMINISTER AND ANALYZE ANY DIAGNOSTIC TESTS AUTHORIZED BY A PHYSICIAN UNDER THE WORKERS' COMPENSATION ACT.* **Intro. by Goodwin and referred to Health and if favorable to Judiciary I.**

H 1664. STUDY AUTOMATIC 401(K)S. Filed 4/18/07. *TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WAYS TO ENCOURAGE BUSINESSES TO ESTABLISH AUTOMATIC 401(K) PROGRAMS.* **Intro. by Weiss and referred to Pensions, if favorable to Rules.**

H 1667. APPEAL BOND FOR MEDICAL MALPRACTICE. Filed 4/18/07. *TO MODIFY APPEAL BONDS IN MEDICAL MALPRACTICE ACTIONS.* **Intro. by England, Rapp, Goforth and referred to the Health, if favorable to Judiciary I.**

H 1668. BIFURCATION OF MEDICAL MALPRACTICE TRIALS. Filed 4/18/07. *TO ALLOW FOR BIFURCATION OF ISSUES OF LIABILITY AND DAMAGES IN MEDICAL MALPRACTICE ACTIONS.* Amends GS 1A-1, Rule 42, as title indicates; bifurcation required if more than \$100,000 in damages alleged. **Intro. by England, Rapp, Goforth and referred to Health and if favorable to Judiciary I.**

H 1669. MEDICAL MALPRACTICE SETTLEMENT REPORTS. Filed 4/18/07. *TO PROVIDE FOR THE REPORTING OF DETAILS OF SETTLEMENTS OF MEDICAL MALPRACTICE CLAIMS.* **Intro. by England, Rapp, Goforth and referred to Health and if favorable, to Judiciary I. I**

H 1670. PERIODIC PAYMENTS FOR MEDICAL MALPRACTICE. Filed 4/18/07. *TO ALLOW FOR PAYMENT OF FUTURE EXPENSES ARISING FROM MEDICAL MALPRACTICE ACTIONS TO BE BY PERIODIC PAYMENTS.* **Intro. by England, Rapp, Goforth and referred to Health and, if favorable to Judiciary I.**

Ref to the Com on Health and, if favorable, to the Com on Judiciary I

H 1671. ARBITRATION/NEGLIGENT HEALTH CARE ACTIONS. Filed 4/18/07. *TO PROVIDE FOR THE ARBITRATION FOR CAUSES OF ACTION FOR PERSONAL INJURY OR WRONGFUL DEATH BASED ON ALLEGED PROFESSIONAL NEGLIGENCE IN THE PROVISION OF HEALTH CARE, UPON THE AGREEMENT OF ALL PARTIES TO AN ACTION.*

Intro. by England, Glazier, Rapp and referred to Health and if favorable, to Judiciary I.

H 1709. INCREASE/INDEX STATE MINIMUM WAGE. Filed 4/18/07. *INCREASING THE STATE MINIMUM WAGE TO SEVEN DOLLARS AND TWENTY-FIVE CENTS PER HOUR AND PROVIDING FOR AUTOMATIC ADJUSTMENTS BASED UPON INCREASES IN THE CONSUMER PRICE INDEX.* Amends GS 95-25.3 as title indicates. Provides that the required minimum wage increase be implemented as of January 1, 2008, and on January 1 of successive years by the increase in the cost of living as measured by the percentage increase of the consumer price index. Effective September 1, 2007.

Intro. by Adams and referred to Commerce.

H 1712. INDEX STATE MINIMUM WAGE TO CPI-U. Filed 4/18/07. *TO PROVIDE FOR AUTOMATIC ADJUSTMENT OF THE STATE'S MINIMUM WAGE BASED ON INCREASES IN THE CONSUMER PRICE INDEX.* Effective January 1, 2008, amends GS 95-25.3, as title indicates. Requires that the increase in the cost of living be measured by the percentage increase of the consumer price index, CPI-U, or its successor index, as calculated by the US Department of Labor for the 12 months preceding the previous September 1.

Intro. by Adams and referred to Commerce.

H 1719. HEALTH INSURANCE PILOT/PIEDMONT TRIAD. Filed 4/18/07. *TO ESTABLISH A PILOT PROGRAM THAT WILL ALLOW THE CHAMBERS OF COMMERCE IN PIEDMONT TRIAD COUNTIES TO PROVIDE GROUP HEALTH INSURANCE COVERING BUSINESS ENTITIES THAT ARE MEMBERS OF THE CHAMBER.* Allows chambers of commerce in the 12 counties in the Piedmont Triad to provide group health insurance to their members, on a pilot basis. Directs the Commissioner of Insurance to monitor the pilot and make any recommendations on its continuation or expansion to the legislature in a final report to the 2009 General Assembly and an interim report to the 2008 Regular Session. Exempts the pilot from actuarial certification, adjusted community rating, and health benefit plans under Part 5 of Article 50 of GS Chapter 58, for the duration of the pilot. Effective January 1, 2008, and expires on January 1, 2010 .

Intro. by Hurley and referred to Insurance and, if favorable to Judiciary II.

H 1741. WORKERS' COMP/FIREFIGHTER OCCUPAT'AL DISEASE (=S 990). Filed 4/18/07. *TO CREATE A PRESUMPTION THAT CERTAIN INFECTIOUS DISEASES, RESPIRATORY DISEASE, HYPERTENSION OR HEART DISEASE, AND CERTAIN CANCERS ARE OCCUPATIONAL DISEASES FOR*

FIREFIGHTERS EMPLOYED BY LOCAL GOVERNMENTS THAT ARE COVERED BY THE WORKERS' COMPENSATION ACT. Intro. by Glazier, Alexander, Adams, Setzer and referred to Health, if favorable then to Judiciary II.

H 1753. CLARIFYING CHANGES TO EXPUNCTION STATUTE. Filed 4/18/07. *TO MAKE TECHNICAL CHANGES TO CLARIFY THAT A FIRST OFFENDER WHO COMMITTED A MISDEMEANOR WHEN LESS THAN EIGHTEEN YEARS OF AGE MAY HAVE THE CONVICTION EXPUNGED ALTHOUGH THE PERSON MAY BE EIGHTEEN YEARS OF AGE OR OLDER AT THE TIME OF THE CONVICTION. Intro. by Moore and referred to Judiciary II.*