

ECNC Bi-Weekly, March 23, 2007

Prepared by Connie Wilson

The Employers Coalition of North Carolina has been waiting since the beginning of session in anticipation of bills regarding collective bargaining for public employees and liberalized workers' compensation. This week the bills were finally filed and ECNC has been working for three months researching, pulling together like minded organizations with us and meeting with key policymakers.

Sen. Cowell has introduced SB970 Public Safety Employer/Employee Cooperation Act. The bill would give rights similar to union collective bargaining rights to public safety employees. We are anticipating that a similar bill will be filed in the House in the next two weeks, plus a broader bill giving collective bargaining rights to all public employees. Timing is everything in politics and we will send out an action alert closer to the time that the bills will be heard.

Sen. Doug Berger has again introduced workers' comp legislation as he attempts to liberalize the laws. These bills have gone to the same Judiciary I Committee as the collective bargaining bill. Our lobbyist, Connie Wilson, will be meeting with key members of the committee to determine how best to lobby the bills. She believes that the workers' comp bills are more likely to get support of legislators than the collective bargaining bills.

A workers' comp issue that ECNC has been promoting for several years has been filed by the powerful Rules Chairman, Sen. Tony Rand. SB1004 Industrial Commission Confirmation/ Conduct would require the legislature to confirm Industrial Commission appointments. It would also require that if the Governor does not make appointments in a timely fashion, then the leadership in the legislature would. Over half the Industrial Commission appointments have expired. This bill would help to bring a more efficient process to the Commission. SB1004 would also place Commissioners and Deputy Commissioners under the standards of judicial conduct of the Judicial Standards Commission provided for judges under N.C law.

Bills Filed

S 882. INDUSTRIAL COMM. INVESTIGATORS/SWORN LEOS. Filed 3/15/07. *TO AUTHORIZE THE INDUSTRIAL COMMISSION TO EMPLOY SWORN LAW ENFORCEMENT OFFICERS TO PERFORM FRAUD INVESTIGATIONS.* Amends GS 97-88.2 as title indicates. Effective July 1, 2007. **Intro. by Rand are referred to Judiciary II.**

S1081. EXPUNGE NONVIOLENT CRIMES. Filed 3/20/07. *TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES, 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 RECORD . **Intro. by Weinstein and referred to Judiciary I.**

S 1338. AMEND WORKERS' COMPENSATION ACT. Filed 3/21/07. *TO AMEND THE WORKERS' COMPENSATION ACT.* Amends GS 97-80 to authorize the NC Industrial Commission (NCIC) to adopt rules and standards regarding the providing of representation for individuals determined by the NCIC to be (1) not competent for self-representation before the NCIC, or (2) indigent. Provides that the NCIC may apportion fees to resolve disputes regarding attorneys' fees between two or more attorneys representing the same party in a claim under the act. Amends GS 97-84 providing that the award and all pertinent matters to the question at issue are to be filed with the record of the proceedings within 180 days of the close of the hearing (was, close of the hearing record) unless it 97-88.2 to give persons performing investigations regarding possible fraud or criminal violations relating to workers compensation claims with the authority to make arrests and obtain and serve warrants under the rules of the NCIC. **Intro. by Berger of Franklin and referred to Judiciary I.**

S 990. WORKERS' COMP/FIREFIGHTER OCCUPAT'AL DISEASE. Filed 3/19/07. *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 Berger of Franklin and referred to Judiciary I.**

S 1145. WORK OPPORTUNITY TAX CREDIT. Filed 3/20/07. *TO CREATE AN INCOME TAX CREDIT FOR HIRING CERTAIN DISADVANTAGED WORKERS.* Adds new GS 105-130.49 (to corporation income tax provisions) and new GS 105-151.31 (to individual income tax provisions) to allow a tax credit for taxpayers who hire a disadvantaged worker to fill a full-time position in the state and who keep that person as an employee for at least nine months. Defines the credit to equal the wages paid during the taxable year up to a maximum of \$2,000 per disadvantaged worker per year and provides that the taxpayer is to claim the credit in the year in which the nine-month period ends and in the following year **Intro. by Hoyle and referred to Finance.**

S 1189. SECURITY AND IMMIGRATION COMPLIANCE . Filed 3/20/07. *TO ESTABLISH THE NORTH CAROLINA SECURITY AND IMMIGRATION COMPLIANCE ACT TO PROVIDE FOR THE COMPREHENSIVE REGULATION OF PERSONS IN THIS STATE WHO ARE NOT LAWFULLY PRESENT IN THE UNITED STATES.* **Intro. by Allran and referred to Judiciary I.**

S 970. PUBLIC SAFETY EMPLOYER/EMPLOYEE COOP. ACT. Filed 3/19/ 07. *TO ESTABLISH A PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT.* Adds 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 the non-supervisory public safety officers, the organization may advocate for their members, be present at interrogations of members, meet with the employer's leadership, reduce agreements to a memorandum of understanding, and enforce the memorandum in a civil action. Allows an officer whose rights under GS Chapter 17F have been violated to sue in civil court to obtain injunctive relief and monetary damages, and if injury is caused by reprisals for joining the association, treble damages. Allows attorneys fees to an officer who prevails, in the court's discretion, and to the employer if the suit is frivolous. **Intro. by Cowell and referred to Judiciary I.**

S 995. WORKERS' COMP/ADD TO SCHEDULE OF INJURIES. Filed 3/19/07. *TO AMEND THE SCHEDULE OF INJURIES FOR AWARDS OF WORKERS' COMPENSATION FOR INJURIES AFFECTING SPECIFIC PARTS OF THE BODY TO ADD A MAXIMUM AWARD FOR SERIOUS*

INJURIES TO THE BRAIN, HEART, OR REPRODUCTIVE ORGANS. Amends GS 97-31(23a) as title indicates; maximum compensation is \$100,000. Effective when it becomes law for agreements approved by or orders and awards made by North Carolina Industrial Commission on or after that date. **Intro. by Berger of Franklin and referred to Judiciary I.**

H 928. INSURANCE/COMMISSIONER RATE-MAKING FACTORS. Filed 3/20/07. *TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO CLARIFY RATE-MAKING FACTORS TO BE CONSIDERED UNDER ARTICLE 65 OF CHAPTER 58 OF THE GENERAL STATUTES.* Amends GS 58-65-40, which deals with Commissioner of Insurance approval of rates in hospital service contracts, to direct the Commissioner, in determining whether proposed rates are excessive, inadequate, or unfairly discriminatory, to consider current and projected surplus levels, underwriting margins, expenses, investment income, and other supporting data the Commissioner considers appropriate. **Intro. by Faison and referred to and referred to Insurance.**

S 1004. INDUSTRIAL COMMISSION CONFIRMATION/CONDUCT. Filed 3/20/07. *TO REQUIRE THE GOVERNOR'S APPOINTMENTS TO THE INDUSTRIAL COMMISSION TO BE CONFIRMED BY THE GENERAL ASSEMBLY AND TO MAKE MEMBERS OF THE COMMISSION AND DEPUTY COMMISSIONERS SUBJECT TO THE JUDICIAL CONDUCT STANDARDS OF THE JUDICIAL STANDARDS COMMISSION.* Amends GS 97-77 to require that the Governor submit names of commissioners to be appointed to the Industrial Commission (Commission) to the General Assembly for confirmation no later than May 1 of the year in which the term for the appointment to be made expires. Provides that if the Governor does not submit names of appointees, the Lieutenant Governor and the Speaker of the House of Representatives are to submit names jointly to the General Assembly for confirmation. Requires that the General Assembly confirm the commissioners before the session in which the names were submitted adjourns. Directs that the standards of judicial conduct provided for judges under GS Chapter 7A apply to members of the Commission, including all deputy commissioners. Provides that members of the Commission are subject to impeachment for the causes and in the manner provide for judges under GS Chapter 123. Directs that members of the Commission may not have any other employment, business, profession, or vocation while in office. Applies to appointments for terms expiring after June 30, 2009. **Intro. by Rand and referred to the Committee On Commerce, Small Business and Entrepreneurship.**

S 996. WORKERS COMP ANNUAL COLA. Filed 3/19/07. *TO PROVIDE FOR COST OF LIVING ADJUSTMENTS IN WORKERS' COMPENSATION FOR EMPLOYEES WHO ARE PERMANENTLY AND TOTALLY DISABLED.* Amends GS 97-29 as title indicates; COLA is 3% if the Consumer Price Index for previous year equals or exceeds that amount. Effective Dec. 1, 2007. **Intro. by Berger of Franklin and referred to Judiciary I.**

S 997. INCREASE CAP FOR LOSS OF WORKERS' ORGANS. Filed 3/19/07. *TO INCREASE THE MAXIMUM AWARD UNDER THE WORKERS' COMPENSATION ACT FOR THE LOSS OR PERMANENT INJURY TO AN IMPORTANT ORGAN OR PART OF THE BODY NOT OTHERWISE ADDRESSED IN THE SCHEDULE OF INJURIES.* Amends GS 97-31(24) as title, indicates, increasing the maximum from \$20,000 to \$50,000. Effective when it becomes law and applies to agreements approved or orders or awards entered by NC Industrial Commission on or after that date. **Intro. by Berger of Franklin and referred to Judiciary I.**