ADMINISTRATIVE LEGISLATION PASSED IN 2011 REGULAR SESSION

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Human Resources

Protect and Put NC Back to Work SL 2011-287 (H709)

Modifying Worker's Comp to define "suitable employment" as within employee's work restrictions or after reaching max medical improvement, then employment the employee is capable of performing considering the education, physical limitation, vocation skills and experience. Denies compensation if willful misrepresentation. Limits Commission's ability to change treatment or health care provider so that it must be based upon clear and convincing medical evidence and disregards any opinions of an unauthorized health care provider who evaluated, diagnosed, or treated the employee prior to the request for change in treatment or provider. Adds provisions for employer to obtain medical records related to worker's comp without employee's permission. Employee entitled to 2nd opinion on % disability. Temporary total disability limited to 500 weeks from date of injury and select more favorable remedy if two statutes overlap. Permanent total disability = lifetime (loss of both hands, both arms, both feet, both legs, or both eyes, spinal injury involving severe paralysis of both arms, both legs or the trunk, severe brain or closed-head injury as evidenced by severe and permanent sensory or motor disturbances, communication disturbances, complex integrated disturbances of cerebral function, or neurological disorders, or 2nd/3rd degree burns $\geq$ 33% of body. Burial expenses increased from $3,500 to $10,000.

Conforming Changes/Persons with Disabilities Act SL 2011-94 (S384)

This legislation modifies the provisions of the NC Persons with Disabilities Act to conform with changes to the federal Americans with Disabilities Act. The revisions define "covered governmental entity" to mean "any State department, institution, agency, or any political subdivision of the State or any person that contracts with a State department, institution, agency, or political subdivision of the State for the delivery of public services, including, but not limited to, education, health, social services, recreation, and rehabilitation." The revised act clarifies that an episodic illness may still qualify as a disabling condition if it would substantially limit a major life activity when active. The legislation also broadens the definition of major life activities to include "eating, sleeping, lifting, bending, standing, . . . reading, concentrating, thinking, (and) communicating . . . . A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. " The legislation also make clear that a determination of whether an impairment substantially limits a major life activity shall be made "without regard to the ameliorative effects of mitigating measures, such as (i) medication, medical supplies, equipment, or appliances, low-vision devices, which do not include ordinary eyeglasses or contact lenses, prosthetics, including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; (ii) use of assistive technology; (iii) reasonable accommodations or auxiliary aids or

services; or (iv) learned behavioral or adaptive neurological modifications." The legislation expands the anti-retaliation provisions of the statute by providing that "no entity or person covered under this Chapter shall retaliate against or coerce, intimidate, threaten, or interfere with a person who exercises rights under this Chapter or assists a person in exercising the person's rights under this Chapter."

Purchasing

Employers & Local Gov't Must Use e-Verify SL 2011-263 (H36)

Requires contractors to verify status of immigrants. Prohibits contracts with vendors using illegal immigrants; immediate termination unless health and safety or DOA approval. Debarment provision.

Dep't of Admin/Procurement Modernization SL 2011-338 (S404)

Increases methods of purchasing. Allows State agency to join with any federal, state or local agency or any nonprofit in cooperative purchasing plans, projects, arrangements or agreement if state interest served. Report on actual expenditures by each agency. Bids evaluated on additional criteria – best value. Referred to Senate Commerce.

Public Contracts/Multiple Award SL 2011-360 (H713)

Affects contracts for ground maintenance, construction and forestry equipment and allows a contract to be awarded to multiple vendors by providing their total catalogue for lines of equipment.

Finance

Spending Cuts in the Current Fiscal Year SL 2011-15 (S109)

This bill instructed the Director of the Budget to increase FY 2011-2012 General Fund availability by appx. $538 million. In order to achieve these increases, the director was to reduce expenditures from the General Fund in FY 2010-2011 and identify any excess funds to transfer from non-General Fund accounts.

Debt Reduction Act of 2011 SL 2011-66 (S464)

Eliminates authorized debt for horse park in Rockingham County for NC A&T. Reduces authorized debt from $25M to $10M for capital improvement costs of acquiring State land throughout the UNC System. Reduces authorized debt from $50M to $10M to finance the capital improvement costs of acquiring State park lands and conservation areas for the Land for Tomorrow in DENR and proceeds allocated to support conservation priorities of One NC Naturally.

Ethics

Clarify Use of Position SL 2011-393 (S620)

Legislators or Public Servants may be identified on the agenda of a meeting.