

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH80213-LB-223 (4/7)

Short Title: Workers' Comp./Agricultural Employment. (Public)

Sponsors: Representative Luebke.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO LOWER THE NUMBER OF AGRICULTURAL WORKERS THAT
MUST BE EMPLOYED BY AN EMPLOYER IN ORDER FOR
AGRICULTURAL EMPLOYMENT TO BE WITHIN THE PURVIEW OF THE
WORKERS' COMPENSATION ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 97-2(1) reads as rewritten:

"(1) Employment. – The term 'employment' includes employment by the State and all political subdivisions thereof, and all public and quasi-public corporations therein and all private employments in which three or more employees are regularly employed in the same business or establishment or in which one or more employees are employed in activities which involve the use or presence of radiation, except ~~agriculture and domestic services, unless 10 or more full time nonseasonal agricultural workers are regularly employed by the employer~~ services and an individual sawmill and logging operator with less than 10 employees, who saws and logs less than 60 days in any six consecutive months and whose principal business is unrelated to saw milling or logging."

SECTION 2. G.S. 97-13(b) reads as rewritten:

"(b) Casual Employment, Domestic Servants, ~~Farm Laborers~~, Federal Government, Employer of Less than Three Employees. – This Article shall not apply to casual employees, ~~farm laborers when fewer than 10 full time nonseasonal farm laborers are regularly employed by the same employer~~, federal government employees in North Carolina, and domestic servants, nor to employees of such persons, nor to any person, firm or private corporation that has regularly in service less than three employees in the same business within this State, except that any employer without

1 regard to number of employees, including an employer of domestic ~~servants, farm~~
2 ~~laborers, servants~~ or one who previously had exempted himself, who has purchased
3 workers' compensation insurance to cover his compensation liability shall be
4 conclusively presumed during life of the policy to have accepted the provisions of this
5 Article from the effective date of said policy and his employees shall be so bound unless
6 waived as provided in this Article; provided however, that this Article shall apply to all
7 employers of one or more employees who are employed in activities which involve the
8 use or presence of radiation."

9 **SECTION 3.** This act is effective when it becomes law and applies to all
10 claims for workers' compensation that the Industrial Commission determines on or after
11 that date and to all claims for workers' compensation that result in a settlement
12 agreement entered into on or after that date.