

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 952
Committee Substitute Favorable 5/13/91

Short Title: Workers' Comp. for Farm Workers.

(Public)

Sponsors:

Referred to:

April 19, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A COMMISSION TO STUDY THE EFFECT OF THE
2 EXCLUSION OF AGRICULTURE FROM WORKERS' COMPENSATION
3 COVERAGE.
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5 The General Assembly of North Carolina enacts:

6 Section 1. There is created the Study Commission on Workers'
7 Compensation Coverage in Agriculture, an independent Commission, to make
8 recommendations on what the State and non-State entities can do to meet the needs of
9 farmers and farmworkers regarding on-the-job injuries in agriculture.

10 The Commission will consist of 15 members as follows: the Chairman of the
11 Industrial Commission or his designee, the Commissioner of Labor or his designee, and
12 the Secretary of the Department of Environment, Health, and Natural Resources or his
13 designee shall serve ex officio. The President Pro Tempore of the Senate shall appoint
14 six members as follows: three members of the Senate and three public members, of
15 whom one shall be an agricultural employer or representative of the interests of
16 agricultural employers, one shall be an expert in agricultural economics in the State, and
17 one shall be an administrator or a licensed health care professional employed by a
18 hospital in an area of the State with a significant migrant and seasonal farmworker
19 population. The Speaker of the House of Representatives shall appoint six members as
20 follows: three members of the House of Representatives and three public members, of
21 whom one shall be a representative of an organization that advocates for migrant and
22 seasonal farmworkers, one shall be an employee or representative of an entity which

1 receives funding under 42 U.S.C. section 329, the Federal Migrant Health Act, and one
2 shall be an expert in rural sociology and/or anthropology in the State.

3 Sec. 2. The President Pro Tempore of the Senate shall designate one Senator
4 as cochair and the Speaker of the House of Representatives shall designate one
5 Representative as cochair of the Commission.

6 Sec. 3. The Commission shall obtain information, study and make findings
7 and recommendations on the following issues:

8 (1) The impact on the State of the current scope of coverage of
9 farmworkers under the Workers' Compensation Act, including, but not
10 limited to:

11 a. The impact on State-funded health care services and systems,

12 b. The impact on private or quasi-private health care providers;

13 (2) The impact of the current scope of coverage on access to health care
14 and the quality and continuity of such care for agricultural workers
15 injured on the job;

16 (3) The economic impact of work-related injuries on agricultural
17 employers in terms of lost production and other related costs;

18 (4) The scope of coverage in other states and the economic and health-
19 related impact of the inclusion of agriculture in the workers'
20 compensation systems in states such as Florida, Texas, California, and
21 Washington which have an agricultural work force comparable in
22 numbers to that of North Carolina;

23 (5) The cost of different types of coverage to agricultural employers;

24 (6) The cost to the State of administering the claims that would be brought
25 under any proposed expansion of coverage for agricultural workers;

26 (7) The impact of voluntary coverage on those agricultural employers in
27 the State who have opted to purchase coverage; and

28 (8) To study any other issues pertinent to the costs, benefits, and
29 desirability of extending the current scope of workers' compensation
30 coverage in agriculture.

31 Sec. 4. The Commission shall submit a final report of its findings and
32 recommendations to the General Assembly on or before the first day of the 1993
33 Session of the General Assembly by filing the report with the President Pro Tempore of
34 the Senate and the Speaker of the House of Representatives. Upon filing its final report,
35 the Commission shall terminate.

36 Sec. 5. The Commission, while in the discharge of official duties, may
37 exercise all the powers provided for under the provisions of G.S. 120-19 and G.S. 120-
38 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call
39 of the cochairs. The Commission may meet in the Legislative Office Building.

40 Sec. 6. Members of the Commission shall receive subsistence and travel
41 expenses at the rate set forth in G.S. 120-3.1, 138-5, and 138-6, as applicable.

42 Sec. 7. The Commission may contract for professional, clerical, or consultant
43 services as provided by G.S. 120-32.02. The Legislative Services Commission, through
44 the Legislative Administrative Officer, shall assign professional staff to assist in the

1 work of the Commission. The expenses relating to clerical employees shall be borne by
2 the Commission.

3 Sec. 8. When a vacancy occurs in the membership of the Commission, the
4 vacancy shall be filled by the same appointing officer who made the initial appointment.

5 Sec. 9. All State departments and agencies and local governments and their
6 subdivisions shall furnish the Commission with any information in their possession or
7 available to them.

8 Sec. 10. There is appropriated from the General Fund to the General
9 Assembly the sum of \$15,000 for the 1991-92 fiscal year and the sum of \$15,000 for the
10 1992-93 fiscal year for the expenses of the Commission.

11 Sec. 11. This act becomes effective July 1, 1991.