

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS85220-LD-115 (03/09)

Short Title: Industrial Commission Confirmation/Conduct.

(Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT 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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 97-77 reads as rewritten:

"§ 97-77. North Carolina Industrial Commission created; members appointed by Governor; terms of office; chairman.

(a) There is hereby created a commission to be known as the North Carolina Industrial Commission, consisting of seven commissioners who shall devote their entire time to the duties of the Commission. The Governor shall appoint the members of the Commission, one for a term of two years, one for a term of four years, and one for a term of six years. Of the additional appointments made in 1994, one shall be for a term expiring June 30, 1996, one for a term expiring June 30, 1998, and two for terms expiring June 30, 2000. Upon the expiration of each term as above mentioned, the Governor shall appoint a successor for a term of six years, and thereafter the term of office of each commissioner shall be six years. Each appointment made by the Governor shall be subject to confirmation by the General Assembly by joint resolution. The name of each commissioner to be appointed by the Governor shall be submitted by the Governor to the General Assembly for confirmation by the General Assembly on or before May 1 of the year in which the term for which the appointment to be made expires. Upon failure of the Governor to submit names as herein provided, the Lieutenant Governor and Speaker of the House of Representatives jointly shall submit the names of a like number of commissioners to the General Assembly for confirmation by the General Assembly. Regardless of the way in which the names of commissioners

1 are submitted, confirmation of commissioners shall be accomplished prior to
2 adjournment of the session of the General Assembly in which the names were
3 submitted. Not more than three appointees shall be persons who, on account of their
4 previous vocations, employment or affiliations, can be classed as representatives of
5 employers, and not more than three appointees shall be persons who, on account of their
6 previous vocations, employment or affiliations, can be classed as representatives of
7 employees.

8 (b) One member, to be designated by the Governor, shall act as chairman. The
9 chairman shall be the chief judicial officer and the chief executive officer of the
10 Industrial Commission; such authority shall be exercised pursuant to the provisions of
11 Chapter 126 of the General Statutes and the rules and policies of the State Personnel
12 Commission. Notwithstanding the provisions of this Chapter, the chairman shall have
13 such authority as is necessary to direct and oversee the Commission. The chairman may
14 delegate any duties and responsibilities as may be necessary to ensure the proper
15 management of the Industrial Commission. Notwithstanding the provisions of this
16 Chapter, Chapter 143A, and Chapter 143B of the General Statutes, the chairman may
17 hire or fire personnel and transfer personnel within the Industrial Commission.

18 The Governor may designate one vice-chairman from the remaining commissioners.
19 The vice-chairman shall assume the powers of the chairman upon request of the
20 chairman or when the chairman is absent for 24 hours or more. The authority delegated
21 to the vice-chairman shall be relinquished immediately upon the return of the chairman
22 or at the request of the chairman. The standards of judicial conduct of the Judicial
23 Standards Commission provided for judges under Article 30 of Chapter 7A of the
24 General Statutes shall apply to members of the Commission, including all deputy
25 commissioners. Members of the Commission shall be liable to impeachment for the
26 causes and in the manner provided for judges of the General Court of Justice under
27 Chapter 123 of the General Statutes. Members of the Commission shall not engage in
28 any other employment, business, profession, or vocation while serving in this office."

29 **SECTION 2.** This act is effective when it becomes law and applies to
30 appointments for terms expiring after June 30, 2009.