

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**SENATE BILL 1004**

Short Title: Industrial Commission Confirmation/Conduct. (Public)

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Sponsors: Senators Rand; and Jones.

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Referred to: Commerce, Small Business and Entrepreneurship.

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March 21, 2007

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE GOVERNOR'S APPOINTMENTS TO THE  
2 INDUSTRIAL COMMISSION TO BE CONFIRMED BY THE GENERAL  
3 ASSEMBLY AND TO MAKE MEMBERS OF THE COMMISSION AND  
4 DEPUTY COMMISSIONERS SUBJECT TO THE JUDICIAL CONDUCT  
5 STANDARDS OF THE JUDICIAL STANDARDS COMMISSION.  
6

7 The General Assembly of North Carolina enacts:

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

9 **"§ 97-77. North Carolina Industrial Commission created; members appointed by  
10 Governor; terms of office; chairman.**

11 (a) There is hereby created a commission to be known as the North Carolina  
12 Industrial Commission, consisting of seven commissioners who shall devote their entire  
13 time to the duties of the Commission. The Governor shall appoint the members of the  
14 Commission, one for a term of two years, one for a term of four years, and one for a  
15 term of six years. Of the additional appointments made in 1994, one shall be for a term  
16 expiring June 30, 1996, one for a term expiring June 30, 1998, and two for terms  
17 expiring June 30, 2000. Upon the expiration of each term as above mentioned, the  
18 Governor shall appoint a successor for a term of six years, and thereafter the term of  
19 office of each commissioner shall be six years. Each appointment made by the Governor  
20 shall be subject to confirmation by the General Assembly by joint resolution. The name  
21 of each commissioner to be appointed by the Governor shall be submitted by the  
22 Governor to the General Assembly for confirmation by the General Assembly on or  
23 before May 1 of the year in which the term for which the appointment to be made  
24 expires. Upon failure of the Governor to submit names as herein provided, the  
25 Lieutenant Governor and Speaker of the House of Representatives jointly shall submit  
26 the names of a like number of commissioners to the General Assembly for confirmation  
27 by the General Assembly. Regardless of the way in which the names of commissioners  
28 are submitted, confirmation of commissioners shall be accomplished prior to  
29 adjournment of the session of the General Assembly in which the names were

1 submitted. Not more than three appointees shall be persons who, on account of their  
2 previous vocations, employment or affiliations, can be classed as representatives of  
3 employers, and 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 employees.

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

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

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