

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 520
Commerce Committee Substitute Adopted 4/17/13

Short Title: WC/Record Full IC Hearings.

(Public)

Sponsors:

Referred to:

April 1, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE
3 RECORDED.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 97-85 reads as rewritten:

6 "**§ 97-85. Review of award.**

7 (a) If application is made to the Commission within 15 days from the date when notice
8 of the award shall have been given, the full Commission shall review the award, and, if good
9 ground be shown therefor, reconsider the evidence, receive further evidence, rehear the parties
10 or their representatives, and, if proper, amend the award: Provided, however, when application
11 is made for review of an award, and such an award has been heard and determined by a
12 commissioner of the North Carolina Industrial Commission, the commissioner who heard and
13 determined the dispute in the first instance, as specified by G.S. 97-84, shall be disqualified
14 from sitting with the full Commission on the review of such award, and the chairman of the
15 Industrial Commission shall designate a deputy commissioner to take such commissioner's
16 place in the review of the particular award. The deputy commissioner so designated, along with
17 the two other commissioners, shall compose the full Commission upon review. Provided
18 further, the chairman of the Industrial Commission shall have the authority to designate a
19 deputy commissioner to take the place of a commissioner on the review of any case, in which
20 event the deputy commissioner so designated shall have the same authority and duty as does
21 the commissioner whose place he occupies on such review.

22 (b) Unless waived by consent of the parties, all hearings of the full Commission shall be
23 recorded. Court reporters, transcription personnel, or electronic or other mechanical devices
24 may be utilized. If an electronic or other mechanical device is utilized, it shall be the duty of
25 some person designated by the Commission to operate the device while a hearing is in progress,
26 and the recording shall be preserved and may be transcribed, as required. If stenotype,
27 shorthand, or stenomask equipment is used, the original tapes, notes, discs, or other records are
28 the property of the State, and the Commission shall keep them in its custody. The compensation
29 and allowances of reporters shall be fixed by the Commission, in a manner that is consistent
30 with policies set by the Administrative Officer of the Courts for the General Court of Justice."

31 **SECTION 2.** This act is effective when it becomes law.

