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## HOUSE JOINT RESOLUTION NO. 120

Offered January 11, 2006

Prefiled January 11, 2006

*Directing the Joint Legislative Audit and Review Commission to study the deputy commissioners of the Workers' Compensation Commission. Report.*

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Referred to Committee on Rules

WHEREAS, the Workers' Compensation Commission is charged, pursuant to Title 65.2 of the Code of Virginia, with both administering the Commonwealth's laws relating to workers' compensation and adjudicating issues and controversies relating thereto; and

WHEREAS, the three Commissioners of the Commission are selected by the General Assembly to serve for six-year terms; and

WHEREAS, in all matters within its jurisdiction, the Commission has the power of a court of record to administer oaths, to compel the attendance of witnesses and the production of documents, to punish for contempt, to appoint guardians, and to enforce compliance with its lawful orders and awards; and

WHEREAS, deputy commissioners have the power to subpoena witnesses, administer oaths, take testimony and hear the parties at issue and their representatives and witnesses, decide the issues in a summary manner, and make an award carrying out the decision, as well as such other powers of the Commission that are delegated to them by the Commission; and

WHEREAS, the Commissioners are authorized to appoint deputies for the purpose of carrying out the provisions of this title, and such appointments are neither subject to the approval of the General Assembly nor are for specified terms; and

WHEREAS, the powers of deputy commissioners, in some respects, including the power to decide issues in cases without regard to a monetary limit, exceed those of general district court judges; and

WHEREAS, concerns regarding the lack of oversight and accountability of deputy commissioners may undermine support for the Commonwealth's workers' compensation system; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the deputy commissioners of the Workers' Compensation Commission.

In conducting its study, the Joint Legislative Audit and Review Commission shall address the appropriateness of the current procedure by which deputy commissioners are appointed, whether appointments of deputy commissioners should be subject to General Assembly approval, the breadth of the powers of deputy commissioners, and whether cost-effective alternatives are being used in other states.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Workers' Compensation Commission. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings by November 30, 2006, and the Director of the Commission shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2007 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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