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## SENATE BILL NO. 577

Offered January 18, 2012

A BILL to amend and reenact §§ 65.2-201, 65.2-704, and 65.2-705 of the Code of Virginia, relating to vacancies on the Workers' Compensation Commission.

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Patron—Wagner

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Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 65.2-201, 65.2-704, and 65.2-705 of the Code of Virginia are amended and reenacted as follows:**

§ 65.2-201. General duties and powers of the Commission.

A. It shall be the duty of the Commission to administer this title and adjudicate issues and controversies relating thereto. In all matters within the jurisdiction of the Commission, it shall have the power of a court of record to administer oath, to compel the attendance of witnesses and the production of documents, to punish for contempt, to appoint guardians pursuant to Title 31, and to enforce compliance with its lawful orders and awards. The Commission shall make rules and regulations for carrying out the provisions of this title.

B. The Commission may appoint deputies, bailiffs, and such other personnel as it may deem necessary for the purpose of carrying out the provisions of this title.

C. The Commission or any member thereof or any person deputized by it may for the purposes of this title subpoena witnesses, administer or cause to be administered oaths, and examine or cause to be examined such parts of the books and records of the parties to a proceeding as relate to questions in dispute arising in instances in which the Commission has power to award compensation. This authority shall extend to requests from like agencies of other states who honor similar requests from the Commission.

D. The Commission shall publish and, upon request, furnish free of charge, such blank forms and literature as it shall deem requisite to facilitate or promote the efficient administration of this title. The Commission shall publish a workers' compensation guide for employees which informs an injured employee of his rights under this title. If the Commission receives notice of an accident, it shall provide a workers' compensation guide to the employee.

E. A majority of the commissioners shall constitute a quorum for the exercise of judicial, legislative, and discretionary functions of the Commission, whether there is a vacancy in the Commission or not, but a quorum shall not be necessary for the exercise of its administrative functions.

F. The Commission shall tabulate the accident reports received from employers in accordance with § 65.2-900 and shall publish the same in the annual report of the Commission and as often as it may deem advisable, in such detailed or aggregate form as it may deem best. The name of the employer or employee shall not appear in such publications, and the employers' reports shall be private records of the Commission and shall not be open for public inspection except for the inspection by the parties directly involved, and only to the extent of such interest. These reports shall not be used as evidence against any employer in any suit at law brought by any employee for the recovery of damages.

§ 65.2-704. Hearing; award or opinion by Commission.

A. The Commission or any of its members or deputies shall hear the parties at issue, their representatives, and witnesses; shall decide the issues in a summary manner; and shall make an award or opinion carrying out the decision.

B. Any member of the Commission who hears the parties at issue and makes an award under the provisions of subsection A of this section shall not participate in a rehearing and review of such award provided under § 65.2-705. When a member is absent or is prohibited by the provisions of this subsection from sitting with the full Commission to hear a review, the Chairman shall appoint one of the deputies to sit with the other Commission members.

C. Hearings convened by the Commission shall be public proceedings and, upon proper request to the Commission, may, in the discretion of the Commission, be video recorded for public broadcast at the expense of the requesting party, subject only to the same limitations and conditions as apply to court proceedings in the Commonwealth.

§ 65.2-705. Review of award; rehearing.

A. If an application for review is made to the Commission within 30 days after issuance of an award, the full Commission, except as provided in subsection B of § 65.2-704 and if the first hearing was not held before the full Commission, shall review the evidence or, if deemed advisable, as soon as

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59 practicable, hear the parties at issue, their representatives, and witnesses. The Commission shall make an  
60 award which, together with a statement of the findings of fact, rulings of law, and other matters  
61 pertinent to the questions at issue, shall be filed with the record of the proceedings.

62 B. A rehearing convened under this section shall be a public proceeding and, upon proper request,  
63 may, in the discretion of the Commission, be video recorded for public broadcast at the expense of the  
64 requesting party, subject only to the same limitations and conditions as apply to court proceedings in the  
65 Commonwealth.

66 C. Upon an application for review made pursuant to subsection A of this section, the opposing party  
67 at issue shall have 14 days thereafter to make an independent application for review.

68 *D. When a vacancy on the Commission exists, or when a member of the Commission is absent or is*  
69 *prohibited from sitting with the full Commission to hear a review, the Chairman may appoint a deputy*  
70 *commissioner to participate in the review.*