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HOUSE BILL NO. 459

House Amendments in [] — January 17, 2014

A *BILL to amend and reenact § 65.2-705 of the Code of Virginia, relating to recalling retired members of the Virginia Workers' Compensation Commission.*

Patron Prior to Engrossment—Delegate Kilgore

Referred to Committee on Commerce and Labor**Be it enacted by the General Assembly of Virginia:****1. That § 65.2-705 of the Code of Virginia is amended and reenacted as follows:****§ 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 practicable, hear the parties at issue, their representatives, and witnesses. The Commission shall make an award which, together with a statement of the findings of fact, rulings of law, and other matters pertinent to the questions at issue, shall be filed with the record of the proceedings.

B. A rehearing convened under this section shall be a public proceeding and, upon proper request, 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.

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

D. When a vacancy on the Commission exists, or when a ~~member~~ *one or more members* of the Commission ~~is~~ *are* absent or ~~is~~ *are* prohibited from sitting with the full Commission to hear a review, the Chairman may appoint ~~a one or more deputy commissioner~~ *commissioners or recall one or more retired members of the Commission* to participate in the review. [*The retired member or members recalled shall be the member or members who occupied the seat for which such member or members are being recalled, unless the parties otherwise consent.*] *If retired members of the Commission are recalled as provided in this subsection, they shall be compensated as provided in § 17.1-327.*

ENGROSSED

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