

The House Special Committee on Access to the Civil Justice System offers the following substitute to HB 474:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 workers' compensation, so as to require certain procedures prior to the adoption, amendment,  
3 or repeal of any rules of the State Board of Workers' Compensation; to provide for a  
4 definition; to provide for related matters; to provide for an effective date and applicability;  
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers'  
9 compensation, is amended by revising Code Section 34-9-60, relating to rule-making and  
10 subpoena powers and service and enforcement of subpoenas, as follows:

11 "34-9-60.

12 (a) The board may make rules, not inconsistent with this chapter, in compliance with the  
13 provisions of Code Section 34-9-60.1 for carrying out this chapter. Processes and  
14 procedure under this chapter shall be as summary and simple as reasonably possible;  
15 provided, however, that, in any proceeding under this chapter where the parties are  
16 represented by counsel, the board may require, by rule or regulation, on forms provided by  
17 the board, the filing of statements of contentions and points of agreement. The board may  
18 promulgate policies, rules, and regulations concerning the electronic submission to and  
19 transmission from the board of documents and filings. The board, any member of the  
20 board, or any administrative law judge shall have the power for the purposes of this chapter  
21 to issue and enforce subpoenas, to administer or cause to have administered oaths, and to  
22 examine or cause to be examined such parts of the books and records of the parties to a  
23 proceeding as relate to questions in dispute. Article 2 of Chapter 13 of Title 24 shall  
24 govern the issuance and enforcement of subpoenas pursuant to this Code section, except  
25 that the board, any member of the board, or any administrative law judge shall carry out  
26 the functions of the court and the executive director shall carry out the functions of the

27 clerk of the court. The board shall not, however, have the power to order imprisonment as  
 28 a means of enforcing a subpoena. The board shall have the power to issue writs of fieri  
 29 facias in order to collect fines imposed pursuant to this Code section and such writs may  
 30 be enforced in the same manner as a similar writ issued by a superior court.

31 (b) In addition to the enforcement procedures provided in subsection (a) of this Code  
 32 section, the superior court of the county in which the hearing is held shall, on application  
 33 of the board, any member of the board, or an administrative law judge, enforce by proper  
 34 proceedings the attendance and testimony of witnesses and the production and examination  
 35 of books, papers, and records."

## 36 SECTION 2.

37 Said chapter is further amended by adding a new Code section to read as follows:

38 "34-9-60.1.

39 (a) As used in this Code section, the term 'notice to the General Assembly' means written  
 40 notification to the chairperson of the Senate Insurance and Labor Committee and the  
 41 chairperson of the House Committee on Industry and Labor delivered to the legislative  
 42 counsel electronically and by either United States mail or by hand delivery.

43 (b) The rules of the board shall be subject to adoption, amendment, or repeal at any time.  
 44 The board may adopt, amend, repeal, or make any other change to a rule, whenever such  
 45 action is deemed necessary; provided, however, that in order for any such action taken to  
 46 a rule to become effective, the board shall:

47 (1) Send a copy of the proposed rule change to the advisory council of the board, if such  
 48 a council has been appointed;

49 (2) At least 30 days prior to the desired effective date of any rule change, provide notice  
 50 to the General Assembly of such proposed action;

51 (3) Hold a hearing on such rule change if a hearing is called by the chairperson of the  
 52 board or if a hearing is requested by the chairperson of the Senate Insurance and Labor  
 53 Committee or the chairperson of the House Committee on Industry and Labor. Either  
 54 committee chairperson may request a hearing within 30 days of the legislative counsel  
 55 receiving notice to the General Assembly electronically. The hearing shall provide an  
 56 opportunity for public comment giving interested persons reasonable opportunity to  
 57 submit data, views, and arguments, orally or in writing. Notice of the date, time, and  
 58 place of such hearing shall be posted on the board's website, and the board shall provide  
 59 notice to the General Assembly of such hearing;

60 (4) Produce a report and give notice to the General Assembly of such report within five  
 61 days of any hearing held pursuant to paragraph (3) of this subsection. Such report shall

62 include a concise statement of the principal reasons for and against the proposed rule  
 63 change and the action taken by the board as a result of such hearing; and  
 64 (5) If a report is required to be produced pursuant to paragraph (4) of this subsection  
 65 because a hearing was held on the rule change, wait ten days after the date of delivery of  
 66 notice to the General Assembly of the report before implementing the rule change so as  
 67 to give the Senate Insurance and Labor Committee and the House Committee on Industry  
 68 and Labor opportunity to review the report and notify the board of any objection. If  
 69 either committee objects to the rule change, the change shall be stayed until the next  
 70 regular session of the General Assembly and shall not be implemented or become  
 71 effective except as provided in subsection (c) of this Code section.

72 (c) A rule change that is objected to by either the Senate Insurance and Labor Committee  
 73 or the House Committee on Industry and Labor under subsection (b) of this Code section  
 74 may be considered by the General Assembly at the next regular session of the General  
 75 Assembly by the introduction of a resolution in either branch of the General Assembly for  
 76 the purpose of overriding the rule change at any time within the first 30 days of such  
 77 session. In the event the resolution is adopted by the branch of the General Assembly in  
 78 which it was introduced, it shall be immediately transmitted to the other branch of the  
 79 General Assembly. It shall be the duty of the presiding officer of the other branch of the  
 80 General Assembly to have such branch, within five days after the receipt of the resolution,  
 81 consider the resolution for the purpose of overriding the rule change. In the event the  
 82 resolution is adopted by two-thirds of the votes of each branch of the General Assembly,  
 83 the change to the rule shall be void on the day after the adoption of the resolution by the  
 84 second branch of the General Assembly and such rule change shall not be implemented or  
 85 become effective. In the event the resolution is ratified by less than two-thirds of the votes  
 86 of either branch, the resolution shall be submitted to the Governor for his or her approval  
 87 or veto. In the event of the Governor's veto, the rule change shall become effective on the  
 88 day after his or her veto. In the event of the Governor's approval, the rule change shall be  
 89 void on the day after the date of his or her approval and shall not be implemented or  
 90 become effective. If after the thirtieth legislative day of the legislative session during  
 91 which the rule change that was objected to was to be considered by the General Assembly,  
 92 a resolution to consider an override of the rule change that was objected to has not been  
 93 introduced pursuant to this subsection, such rule change shall become effective on the  
 94 following day."

### 95 SECTION 3.

96 This Act shall become effective on July 1, 2020, and shall apply to any rules adopted,  
 97 amended, or repealed by the State Board of Workers' Compensation on or after such date.

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**SECTION 4.**

99 All laws and parts of laws in conflict with this Act are repealed.