

House Bill 474

By: Representatives Kirby of the 114<sup>th</sup>, Kelley of the 16<sup>th</sup>, Carpenter of the 4<sup>th</sup>, McClain of the 100<sup>th</sup>, and Jones of the 91<sup>st</sup>

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  
4 exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

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

10 "34-9-60.

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

27 a means of enforcing a subpoena. The board shall have the power to issue writs of fieri  
 28 facias in order to collect fines imposed pursuant to this Code section and such writs may  
 29 be enforced in the same manner as a similar writ issued by a superior court.

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

## 35 SECTION 2.

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

37 "34-9-60.1.

38 (a) Prior to the adoption, amendment, or repeal of any rule, other than interpretive rules  
 39 or general statements of policy, the board shall:

40 (1) Give at least 30 days' notice of its intended action. The notice shall include an exact  
 41 copy of the proposed rule and a synopsis of the proposed rule. The synopsis shall be  
 42 distributed with and in the same manner as the proposed rule. The synopsis shall contain  
 43 a statement of the purpose and the main features of the proposed rule, and, in the case of  
 44 a proposed amendatory rule, the synopsis also shall indicate the differences between the  
 45 existing rule and the proposed rule. The notice shall also include the exact date on which  
 46 the board shall consider the adoption, amendment, or repeal of the rule and shall include  
 47 the time and place in order that interested persons may present their views thereon. The  
 48 notice shall also contain a citation of the authority pursuant to which the rule is proposed  
 49 for adoption and, if the proposal is an amendment or repeal of an existing rule, the rule  
 50 shall be clearly identified. The notice shall be mailed to all persons who have requested  
 51 in writing that they be placed upon a mailing list which shall be maintained by the board  
 52 for advance notice of its rule-making proceedings and who have tendered the actual cost  
 53 of such mailing as from time to time estimated by the board;

54 (2) Afford to all interested persons reasonable opportunity to submit data, views, or  
 55 arguments, orally or in writing. The board shall consider fully all written and oral  
 56 submissions respecting the proposed rule; and

57 (3) In the formulation and adoption of any rule, the board shall choose an alternative that  
 58 does not impose excessive regulatory costs on any regulated person or entity, which costs  
 59 could be reduced by a less expensive alternative that fully accomplishes the stated  
 60 objectives of the statutes which are the basis of the proposed rule.

61 (b) It is the intent of this Code section to establish basic minimum procedural requirements  
 62 for the adoption, amendment, or repeal of administrative rules. The provisions of this Code

63 section are applicable to the exercise of any rule-making authority conferred by any statute,  
64 but nothing in this Code section repeals or diminishes additional requirements imposed by  
65 law or diminishes or repeals any summary power granted by law to the state or any board  
66 thereof.

67 (c) No rule adopted on or after July 1, 2019, shall be valid unless adopted in exact  
68 compliance with subsections (a) and (d) of this Code section and in substantial compliance  
69 with the remainder of this Code section. A proceeding to contest any rule on the ground  
70 of noncompliance with the procedural requirements of this Code section must be  
71 commenced within two years from the effective date of the rule.

72 (d) The board shall transmit the notice provided for in paragraph (1) of subsection (a) of  
73 this Code section to the legislative counsel. The notice shall be transmitted at least 30 days  
74 prior to the date of the board's intended action. Within three days after receipt of the  
75 notice, if possible, the legislative counsel shall furnish a copy of the notice to the  
76 chairperson of the appropriate standing committee in each branch for review and any  
77 member thereof who makes a standing written request.

78 (e) In the event a standing committee to which a notice is assigned as provided in  
79 subsection (d) of this Code section files an objection to a proposed rule prior to its  
80 adoption, the proposed rule shall not be adopted."

81

### SECTION 3.

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