

SENATE BILL 216

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4r1307
CF HB 219

By: ~~Senator Klausmeier~~ Senators Klausmeier, Middleton, Kittleman,
Glassman, Kelley, Mathias, Pugh, and Ramirez

Introduced and read first time: January 16, 2014

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2014

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Workers' Compensation Commission – Issuance of**
3 **Subpoenas**

4 FOR the purpose of requiring the Workers' Compensation Commission to ~~authorize~~
5 ~~the issuance of~~ issue certain subpoenas under certain circumstances;
6 authorizing the Commission to assess certain costs and fees against a certain
7 party under certain circumstances; making a stylistic change; and generally
8 relating to the Workers' Compensation Commission and subpoenas.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 9–311
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2013 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Labor and Employment**

17 9–311.

18 (a) To carry out this title, a member of the Commission, the Secretary of the
19 Commission, a special examiner, or an inspector may issue a subpoena for the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 attendance of a witness to testify or the production of a ~~pertinent~~ RELEVANT
2 document or record.

3 (b) On request of a party to a ~~[proceeding before the Commission]~~ CLAIM ON
4 ~~WHICH ISSUES ARE CURRENTLY PENDING~~, the Commission shall ~~[issue a subpoena~~
5 ~~for a hearing before the Commission]~~ AUTHORIZE THE ISSUANCE OF A SUBPOENA
6 FOR:

7 ~~(1) DOCUMENTATION;~~

8 ~~(2)~~ (1) PERSONAL APPEARANCE OF A WITNESS; or [for]

9 ~~(3)~~ (2) a deposition by the party, AS AUTHORIZED UNDER § 9-719
10 OF THIS TITLE.

11 (C) ON A REQUEST OF A PARTY TO A CLAIM ON WHICH ISSUES ARE
12 CURRENTLY PENDING, THE COMMISSION SHALL ISSUE A SUBPOENA FOR
13 RELEVANT DOCUMENTATION TO BE PRODUCED AT THE OFFICE OF THE
14 REQUESTING PARTY AND DISTRIBUTED TO ALL PARTIES TO THE CLAIM IN
15 ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION.

16 (D) IF THE COMMISSION, AFTER AN EVIDENTIARY HEARING,
17 DETERMINES THAT A SUBPOENA WAS REQUESTED IN BAD FAITH, THE
18 COMMISSION MAY ASSESS AGAINST THE REQUESTING PARTY THE WHOLE COST
19 OF THE PROCEEDING, INCLUDING REASONABLE ATTORNEY’S FEES.

20 ~~(E)~~ (E) An officer who serves a subpoena issued under this section is
21 entitled to the same fee as the sheriff in the county where the witness is subpoenaed
22 would be entitled.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 ~~October~~ July 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.