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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4774

(By Delegates Douglas, Butcher, Caputo,
Prunty, Flanigan, H. White and Willison)



Passed March 11, 2000

In Effect Ninety Days from Passage

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H. B. 4774

(BY DELEGATES DOUGLAS, BUTCHER, CAPUTO,
PRUNTY, FLANIGAN, H. WHITE AND WILLISON)

[Passed march 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article one, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing the authority of the commissioner of the bureau of employment programs.

Be it enacted by the Legislature of West Virginia:

That section one, article one, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. GENERAL ADMINISTRATIVE PROVISIONS.

§23-1-1. Commissioner of the bureau of employment programs; compensation programs performance council; official seal; continuation of authority of commissioner; legal services; rules.

- 1 (a) The commissioner of the bureau of employment
- 2 programs appointed under the provisions of section one, article

3 two, chapter twenty-one-a of this code, has the sole responsibil-
4 ity for the administration of this chapter except for such matters
5 as are entrusted to the compensation programs performance
6 council created pursuant to section one, article three, chapter
7 twenty-one-a of this code. In the administration of this chapter,
8 the commissioner shall exercise all the powers and duties
9 described in this chapter and in article two, chapter twenty-one-
10 a of this code.

11 (b) The commissioner is authorized to promulgate rules and
12 regulations to implement the provisions of this chapter.

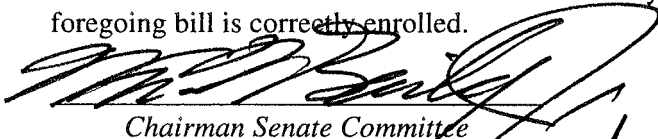
13 (c) The commissioner shall have an official seal for the
14 authentication of orders and proceedings, upon which seal shall
15 be engraved the words "West Virginia Commissioner of
16 Employment Programs" and such other design as the commis-
17 sioner may prescribe. The courts in this state shall take judicial
18 notice of the seal of the commissioner and in all cases copies of
19 orders, proceedings or records in the office of the West Virginia
20 commissioner of employment programs shall be equal to the
21 original in evidence.

22 (d) Pursuant to the provisions of article ten, chapter four of
23 this code, the commissioner of the bureau of employment
24 programs shall continue to administer this chapter until the first
25 day of July, two thousand four.

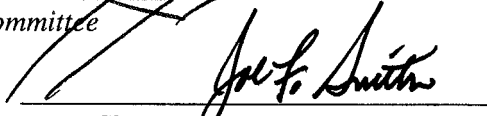
26 (e) The attorney general shall perform all legal services
27 required by the commissioner under the provisions of this
28 chapter: *Provided*, That in any case in which an application for
29 review is prosecuted from any final decision of the workers'
30 compensation appeal board to the supreme court of appeals, as
31 provided by section four, article five of this chapter, or in any
32 court proceeding before the workers' compensation appeal
33 board, or in any proceedings before the office of judges, or in
34 any case in which a petition for an extraordinary writ is filed in

35 the supreme court of appeals or in any circuit court, in which
36 such representation shall appear to the commissioner to be
37 desirable, the commissioner may designate a regular employee
38 of this office, qualified to practice before such court to repre-
39 sent the commissioner upon such appeal or proceeding, and in
40 no case shall the person so appearing for the commissioner
41 before the court receive remuneration therefor other than such
42 person's regular salary.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



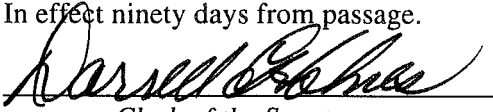
Chairman Senate Committee



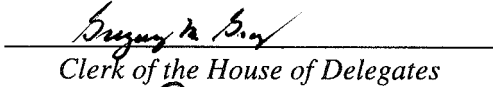
Chairman House Committee

Originating in the House.

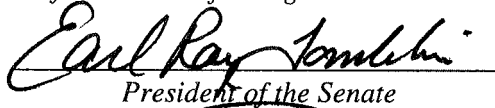
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Clerk of the Senate



Clerk of the House of Delegates

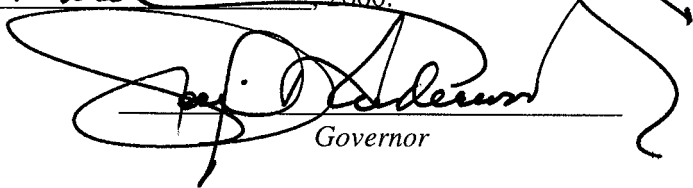


President of the Senate



Speaker of the House of Delegates

The within approved this the 28th
day of March 2000.



Governor

PRESENTED TO THE

GOVERNOR

Date

3/27/00

Time

3:20 pm