

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 71

(By Mr. Love)

PASSED March 8 1951

In Effect June Passage



ENROLLED

Senate Bill No. 71

(By MR. LOVE)

[Passed March 8, 1951; in effect 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 the workmen's compensation commissioner, appointment, compensation and legal services by attorney general.

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:

Section 1. *Compensation Commissioner; Appointment; Legal Services by Attorney General.*—There shall be a state compensation commissioner who shall be a citizen of this state entitled to vote and shall be appointed by

5 the governor by and with the advice and consent of the
6 senate. The compensation commissioner in office on the
7 date this code takes effect shall, unless sooner removed,
8 continue to serve until his term expires and his suc-
9 cessor has been appointed and has qualified. On or be-
10 fore the first day of June, one thousand nine hundred
11 thirty-five, and on or before the first day of June of each
12 sixth year thereafter, the governor shall appoint a com-
13 pensation commissioner to serve for a term of six years
14 commencing on the first day of June. An appointment
15 may be made to fill a vacancy or otherwise when the
16 senate is not in session, but shall be acted upon at the
17 next session thereof. The person so appointed shall take
18 the oath or affirmation prescribed by section five of article
19 four of the constitution, and such oath shall be certified
20 by the person who administers the same and shall be
21 filed in the office of the secretary of state. He shall give
22 bond in the penalty of twenty-five thousand dollars con-
23 ditioned for the faithful performance of duties of his
24 office, which bond shall be approved by the attorney
25 general as to form, and by the governor as to sufficiency.

26 The surety of such bond may be a bonding or surety
27 company, in which case the premiums shall be paid out of
28 the appropriation made for the administration of this
29 chapter. The commissioner shall hold no position of trust
30 or profit, or engage in any occupation or business, inter-
31 fering or inconsistent with his duties as such commis-
32 sioner. The commissioner shall receive an annual sal-
33 ary of seven thousand dollars, payable in the same
34 manner as the salaries of other state officers are
35 paid and charged to the appropriations which shall be
36 made from time to time hereafter by the state for the
37 administration of this chapter. The commissioner shall
38 have an official seal for the authentication of his orders
39 and proceedings, upon which seal shall be engraved the
40 words, "West Virginia Compensation Commissioner," and
41 such other design as the commissioner may prescribe.
42 The courts in this state shall take judicial notice of the
43 seal of the commissioner, and in all cases copies of orders,
44 proceedings or records in the office of the West Virginia
45 compensation commissioner, certified by the secretary of
46 the commissioner under his seal, shall be equal to the

47 original in evidence.

48 The attorney general shall perform all legal services
49 required by the commissioner under the provisions of
50 this chapter: *Provided, however,* That in any case in
51 which an application for review is prosecuted from any
52 final decision of the workmen's compensation appeal
53 board to the supreme court of appeals, as provided by sec-
54 tion four, article five of this chapter, or in any court pro-
55 ceeding, including a proceeding before the workmen's
56 compensation appeal board, in which such representa-
57 tion shall appear to the commissioner to be desirable, he
58 may designate a regular employee of his office, qualified
59 to practice before such court, to represent him upon such
60 appeal or proceeding, and in no case shall the person so
61 appearing for the commissioner before the court receive
62 remuneration therefor other than his regular salary.

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

Robert C. Boyd
Chairman Senate Committee

James M. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *from* passage.

Stonewall Jackson
Clerk of the Senate

R. Allen
Clerk of the House of Delegates

Washington Preston
President of the Senate

W. E. Flamm
Speaker House of Delegates

The within *approved* this the *14th*
day of *March*, 1951.

Clay L. Patton
Governor.



FILED IN THE OFFICE OF THE COMMISSIONER OF STATE
of West Virginia **MAR 15 1951**

D. PITT O'BRIEN,
SECRETARY OF STATE