WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 71

(By Mr.)

PASSED March 8, 1951

In Effect 

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
the governor by and with the advice and consent of the
senate. The compensation commissioner in office on the
date this code takes effect shall, unless sooner removed,
continue to serve until his term expires and his suc-
cessor has been appointed and has qualified. On or be-
fore the first day of June, one thousand nine hundred
thirty-five, and on or before the first day of June of each
sixth year thereafter, the governor shall appoint a com-
pensation commissioner to serve for a term of six years
commencing on the first day of June. An appointment
may be made to fill a vacancy or otherwise when the
senate is not in session, but shall be acted upon at the
next session thereof. The person so appointed shall take
the oath or affirmation prescribed by section five of article
four of the constitution, and such oath shall be certified
by the person who administers the same and shall be
filed in the office of the secretary of state. He shall give
bond in the penalty of twenty-five thousand dollars con-
ditioned for the faithful performance of duties of his
office, which bond shall be approved by the attorney
general as to form, and by the governor as to sufficiency.
The surety of such bond may be a bonding or surety company, in which case the premiums shall be paid out of the appropriation made for the administration of this chapter. The commissioner shall hold no position of trust or profit, or engage in any occupation or business, interfering or inconsistent with his duties as such commissioner. The commissioner shall receive an annual salary of seven thousand dollars, payable in the same manner as the salaries of other state officers are paid and charged to the appropriations which shall be made from time to time hereafter by the state for the administration of this chapter. The commissioner shall have an official seal for the authentication of his orders and proceedings, upon which seal shall be engraved the words, "West Virginia Compensation Commissioner," and such other design as the commissioner may prescribe. The courts in this state shall take judicial notice of the seal of the commissioner, and in all cases copies of orders, proceedings or records in the office of the West Virginia compensation commissioner, certified by the secretary of the commissioner under his seal, shall be equal to the
The attorney general shall perform all legal services required by the commissioner under the provisions of this chapter: Provided, however, That in any case in which an application for review is prosecuted from any final decision of the workmen's compensation appeal board to the supreme court of appeals, as provided by section four, article five of this chapter, or in any court proceeding, including a proceeding before the workmen's compensation appeal board, in which such representation shall appear to the commissioner to be desirable, he may designate a regular employee of his office, qualified to practice before such court, to represent him upon such appeal or proceeding, and in no case shall the person so appearing for the commissioner before the court receive remuneration therefor other than his regular salary.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 17th
day of March, 1951.

[Signature]
Governor.

[Stamp]
In the office of the Secretary of State
of West Virginia

MAR 15 1951
D. PITT O'BRIEN,
SECRETARY OF STATE