

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

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**ENROLLED**

SENATE BILL NO. 314

(By Mr. Tampa.....)

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PASSED March 11,.....1967

In Effect July 1, 1967.....~~Passage~~

FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 3-21-67

# 314

**ENROLLED**

**Senate Bill No. 314**

(By MR. TOMPOS)

[Passed March 11, 1967; in effect July 1, 1967.]

AN ACT to amend and reenact section two, article five, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the workmen's compensation appeal board.

*Be it enacted by the Legislature of West Virginia:*

That section two, article five, 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 5. REVIEW.**

**§23-5-2. Workmen's compensation appeal board.**

There shall be a board to be known as the "Workmen's

2 Compensation Appeal Board", which shall be referred to

3 in this article as the "board", to be composed of three  
4 members, none of whom shall be a contributor to the  
5 compensation fund or in any way connected with a con-  
6 tributor thereto and none of whom shall be a beneficiary  
7 of the compensation fund or in any way connected with  
8 a beneficiary thereof. Two members of such board shall  
9 be of opposite politics to the third, and all three shall be  
10 citizens of this state who have resided therein for a period  
11 of at least five years. All members of the board shall be  
12 appointed by the governor for a term of six years. The  
13 governor is hereby vested with power to remove any  
14 member of the board in accordance with the provisions of  
15 section four, article six, chapter six of this code. Notwith-  
16 standing the provisions of section two-a, article seven,  
17 chapter six of this code, they shall each receive an annual  
18 salary of six thousand dollars, payable in monthly in-  
19 stallments, and shall also be entitled to reasonable and  
20 necessary traveling and other expenses incurred while  
21 actually engaged in the performance of their duties. The  
22 governor shall designate one of the members of the board  
23 as chairman thereof, and the board shall meet at the

24 capitol or at such other places throughout the state as it  
25 may deem proper at regular sessions commencing on the  
26 first Tuesday in February, April, June, August, October  
27 and December, and continuing as long as may be neces-  
28 sary for the proper and expeditious transaction of the  
29 business before it. All clerical services required by the  
30 board shall be paid for by the compensation commissioner  
31 from any funds at his disposal. The board shall, from time  
32 to time, compile and promulgate such rules of practice and  
33 procedure as to it shall appear proper for the prompt  
34 and efficient discharge of its business and such rules shall  
35 be submitted to the supreme court of appeals for approval,  
36 and if approved by such court shall have the same force  
37 and effect as the approved rules of procedure of circuit  
38 courts. The board shall employ such clerical staff as may  
39 be necessary for the efficient conduct of its business but  
40 the number of such employees shall not exceed two.  
41 Salaries of the board, and its employees, and all of its  
42 necessary operating expense shall be paid from the work-  
43 men's compensation fund. The board shall submit its  
44 annual budget to the state compensation commissioner for

45 inclusion as a separate item in the budget estimates pre-  
46 pared by him annually, and within the limits of such  
47 budget, all expenses of the board shall be the requisition  
48 of the commissioner. Salaries of the employees of the  
49 board shall be fixed by the board.

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

*William Tompkins*  
 Chairman Senate Committee

*Clayton C. Davidson*  
 Chairman House Committee

Originated in the Senate.

To take effect July 1, 1967.

*William Tompkins*  
 Clerk of the Senate

*C. A. Blankenship*  
 Clerk of the House of Delegates

*Howard E. Carson*  
 President of the Senate

*H. Laban White*  
 Speaker House of Delegates

The within approved this the 17  
 day of March, 1967.

*Huey C. Smith*  
 Governor

PRESENTED TO THE  
GOVERNOR

Date 3/17/67

Time 2:50pm