WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 117

(By Mr. Potter and Mr. Turner)

PASSED March 13, 1971

In Effect July 1, 1971

11-47
AN ACT to amend and reenact sections one and three, 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 and the payment of salaries and expenses of the workmen's compensation fund.

Be it enacted by the Legislature of West Virginia:

That sections one and three, 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. Workmen's compensation commissioner; appointment; term; oath; bond; conflict of interest; compensation; official seal; legal services; references to director deemed to mean commissioner.

There shall be a state workmen's compensation commissioner who shall be appointed by the governor by and with the advice and consent of the Senate and who shall serve at the will and pleasure of the governor during the term for which the governor was elected and until the commissioner's successor has been appointed and qualified. 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 conditioned for the faithful performance of the 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 busi-
ness, interfering or inconsistent with his duties as such
commissioner. Notwithstanding the provisions of sec-
tion two-a, article seven, chapter six of the code of
West Virginia, one thousand nine hundred thirty-one,
as amended, the commissioner shall receive an annual
salary of twenty thousand dollars, payable out of the
workmen’s compensation fund. The commissioner shall
have an official seal for the authentication of his or-
ders and proceedings, upon which seal shall be en-
graved the words, “West Virginia Compensation Com-
missioner,” and such other design as the commissioner
may prescribe. The courts in this state shall take judi-
cial 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 shall be equal to the original in evidence.

The attorney general shall perform all legal services required by the commissioner under the provisions of this chapter: Provided, 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 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 therefore other than his regular salary.

Whenever in this chapter or elsewhere in law reference is made to "State Director of Workmen's Com-
§23-1-3. Payment of salaries and expenses—Manner; limitation.

All payments of salaries and expenses in the administration of this chapter shall be made by the state treasurer upon requisitions signed by the commissioner, directed to the auditor of the state, who shall draw his warrant therefor, and any such payment shall be charged to the workmen's compensation fund: Provided, That the total charges against such fund under this section for any one fiscal year shall not exceed the amount appropriated therefore.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect July 1, 1971.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 1st day of April, 1971.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/19/71
Time 11:00 a.m.