

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 1147

(By Mr. Patterson and Mr. H. F. Finner)



PASSED March 13 1971

In Effect July 1 1971 Passage



FILED IN THE OFFICE
JOHN D. ROSENFELDER, IV
SECRETARY OF STATE
THIS DATE 4-2-71

1147

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House Bill No. 1147

(By MR. POTTER and MR. HUFFMAN)

[Passed March 13, 1971; in effect July 1, 1971.]

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.**

1 There shall be a state workmen's compensation com-
2 missioner who shall be appointed by the governor by
3 and with the advice and consent of the Senate and who
4 shall serve at the will and pleasure of the governor
5 during the term for which the governor was elected
6 and until the commissioner's successor has been ap-
7 pointed and qualified. An appointment may be made to
8 fill a vacancy or otherwise when the Senate is not in
9 session, but shall be acted upon at the next session
10 thereof. The person so appointed shall take the oath
11 or affirmation prescribed by section five of article four
12 of the constitution, and such oath shall be certified by
13 the person who administers the same and shall be filed
14 in the office of the secretary of state. He shall give bond
15 in the penalty of twenty-five thousand dollars condi-
16 tioned for the faithful performance of the duties of his

17 office, which bond shall be approved by the attorney
18 general as to form, and by the governor as to sufficiency.
19 The surety of such bond may be a bonding or surety
20 company, in which case the premiums shall be paid
21 out of the appropriation made for the administration of
22 this chapter. The commissioner shall hold no position
23 of trust or profit, or engage in any occupation or busi-
24 ness, interfering or inconsistent with his duties as such
25 commissioner. Notwithstanding the provisions of sec-
26 tion two-a, article seven, chapter six of the code of
27 West Virginia, one thousand nine hundred thirty-one,
28 as amended, the commissioner shall receive an annual
29 salary of twenty thousand dollars, payable out of the
30 workmen's compensation fund. The commissioner shall
31 have an official seal for the authentication of his or-
32 ders and proceedings, upon which seal shall be en-
33 graved the words, "West Virginia Compensation Com-
34 missioner," and such other design as the commissioner
35 may prescribe. The courts in this state shall take judi-
36 cial notice of the seal of the commissioner and in all

37 cases copies of orders, proceedings or records in the
38 office of the West Virginia compensation commissioner
39 shall be equal to the original in evidence.

40 The attorney general shall perform all legal services
41 required by the commissioner under the provisions of
42 this chapter: *Provided*, That in any case in which an
43 application for review is prosecuted from any final de-
44 cision of the workmen's compensation appeal board
45 to the supreme court of appeals, as provided by section
46 four, article five of this chapter, or in any court pro-
47 ceeding before the workmen's compensation appeal board,
48 in which such representation shall appear to the com-
49 missioner to be desirable, he may designate a regular
50 employee of his office, qualified to practice before such
51 court, to represent him upon such appeal or proceeding,
52 and in no case shall the person so appearing for the
53 commissioner before the court receive remuneration
54 therefore other than his regular salary.

55 Whenever in this chapter or elsewhere in law refer-
56 ence is made to "State Director of Workmen's Com-

57 pension" or "Compensation Commissioner" such ref-
58 erence shall henceforth be construed and understood to
59 mean "State Workmen's Compensation Commissioner."

**§23-1-3. Payment of salaries and expenses—Manner;
limitation.**

1 All payments of salaries and expenses in the adminis-
2 tration of this chapter shall be made by the state treas-
3 urer upon requisitions signed by the commissioner, di-
4 rected to the auditor of the state, who shall draw his
5 warrant therefor, and any such payment shall be charged
6 to the workmen's compensation fund: *Provided*, That the
7 total charges against such fund under this section for
8 any one fiscal year shall not exceed the amount appro-
9 priated therefor.

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

James H. Beall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect July 1, 1971.

Howard Meyers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

C. Hans McFount
President of the Senate

Lewis N. McManus
Speaker House of Delegates

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

Arch A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/19/71

Time 11:00a.m.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA