

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

No: 1704

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

HOUSE BILL No. 1704

(By Mr. Blackwell)



Passed April 11, 1981

In Effect Ninety Days From Passage



ENROLLED

H. B. 1704

(By MR. BLACKWELL)

[Passed April 11, 1981; in effect ninety days from passage.]

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 requiring the workmen's compensation appeal board to meet the first Tuesday of every month for a period of two days or as long as necessary to transact its business.

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—Generally.

1 There shall be a board to be known as the "Workmen's
2 Compensation Appeal Board," which shall be referred to in
3 this article as the "board," to be composed of three members.

4 Two members of such board shall be of opposite politics
5 to the third, and all three shall be citizens of this state who
6 have resided therein for a period of at least five years. All
7 members of the board shall be appointed by the governor
8 and shall receive an annual salary in accordance with the
9 provisions of section two-a, article seven, chapter six of this
10 code. The salaries shall be payable in monthly installments,

11 and the members shall also be entitled to all reasonable and
12 necessary traveling and other expenses actually incurred while
13 engaged in the performance of their duties. The governor
14 shall designate one of the members of the board as chairman
15 thereof, and the board shall meet at the capitol or at such
16 other places throughout the state as it may deem proper at
17 regular sessions designated as "Appeal Board Hearing Days"
18 commencing on the first Tuesday of every month or the
19 next regular business day, for a period of at least three
20 days, for the purpose of conducting hearings on appeals,
21 and continuing as long as may be necessary for the
22 proper and expeditious transaction of the hearings, de-
23 cisions and other business before it. All clerical services re-
24 quired by the board shall be paid for by the compensation
25 commissioner from any funds at his disposal. The board shall,
26 from time to time, compile and promulgate such rules of
27 practice and procedure as to it shall appear proper for the
28 prompt and efficient discharge of its business and such rules
29 shall be submitted to the supreme court of appeals for approval,
30 and if approved by such court shall have the same force and
31 effect as the approved rules of procedure of circuit courts. The
32 board shall employ such clerical staff as may be necessary for
33 the efficient conduct of its business but the number of such em-
34 ployees shall not exceed four. Salaries of the board, and its em-
35 ployees, and all of its necessary operating expenses shall be
36 paid from the workmen's compensation fund. The board shall
37 submit its annual budget to the state compensation commission-
38 er for inclusion as a separate item in the budget estimates pre-
39 pared by him annually and within the limits of such budget, all
40 expenses of the board shall be by the requisition of the com-
41 missioner. Salaries of the employees of the board shall be fixed
42 by the board.

43 The board shall report monthly to the governor and com-
44 missioner on the status of all claims on appeal.

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

R. P. Bayler

Chairman Senate Committee

Tony E. Whitlow

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Judd C. Willis

Clerk of the Senate

W. Blankenship

Clerk of the House of Delegates

Mark R. ...

President of the Senate

Walter H. Bee, Jr.

Speaker House of Delegates

The within *is approved* this the *28*
day of *April*, 1981.

Paul ...

Governor

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OFFICE OF THE GOVERNOR

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SECY. OF STATE