WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

HOUSE BILL No. 1502

(By Mr. Speaker, Mr. Chiefley requested of the Executive)

Passed February 11, 1983

In Effect Ninety Days From Passage

RECEIVED

OFFICE OF THE GOVERNOR

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OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date 2-21-83
ENROLLED

H. B. 1502

(By Mr. Speaker, Mr. See, by request of the Executive)

[Passed February 11, 1983; in effect ninety days 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 changing and redefining the term workmen's, as used in the descriptions of the various offices, boards and funds set out in the law, to mean workers'.

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:

ARTICLE 1. GENERAL ADMINISTRATIVE PROVISIONS.

§23-1-1. Workers' compensation commissioner; appointment; term; oath; bond; conflict of interest; compensation; official seal; legal services; references to director deemed to mean commissioner; references to workmen's compensation deemed to mean workers' compensation.

1 There shall be a state workers' 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.

7 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, article
IV 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. The person so appointed shall
give bond in the penalty of twenty-five thousand dollars
conditioned for the faithful performance of the duties of
this 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 ap-
propriation 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 the duties as such commissioner. Notwith-
standing the provisions of section two-a, article seven, chap-
ter 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, pay-
able out of the workers' compensation fund. The com-
missioner shall have an official seal for the authentication
of orders and proceedings, upon which seal shall be en-
graved the words “West Virginia Compensation Commis-
sioner” 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 shall be equal to the original in
evidence.

The attorney general shall perform all legal services re-
quired 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
workers' 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 workers' compensation appeal board, in which such representation
shall appear to the commissioner to be desirable, the commis-
ioner may designate a regular employee of this office, qualified
to practice before such court to represent the commissioner 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 such person's regular salary.

Whenever in this chapter or elsewhere in law reference is made to "state director of workmen's compensation" or "compensation commissioner" such reference shall henceforth be construed and understood to mean "state workers' compensation commissioner."

Whenever in this chapter or elsewhere in law reference is made to the term "workmen's compensation" or reference is made to the "workmen's compensation advisory board," "workmen's compensation fund," "disabled workmen's relief fund" and "workmen's compensation appeal board," such references to and the titles of each such board or fund shall be henceforth construed to mean, and shall be defined to mean, respectively, "workers' compensation," "workers' compensation advisory board," "workers' compensation fund," "disabled workers' relief fund" and "workers' compensation appeal board."
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Donald L. Kopp  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Joe C. Wells  
Clerk of the Senate

Donald L. Kopp  
Clerk of the House of Delegates

Warren R. Mitchell  
President of the Senate

Walter M. Lee Jr.  
Speaker House of Delegates

The within is approved this the 21 day of 20__, 1983.

John R. Dunham  
Governor