WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

SENATE BILL NO. 313

(BY MR. 

PASSED ........................................... 1983

In Effect .......................... Passage
AN ACT to amend and reenact section eighteen, article one, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to workers' compensation advisory board.

Be it enacted by the Legislature of West Virginia:

That section eighteen, 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.

§23-1-18. Workers' compensation advisory board created; membership; appointment; terms; meetings; duties; annual reports.

There is hereby created an advisory board to the commissioner of the workers' compensation fund to be known as "the workers' compensation advisory board."

The workers' compensation advisory board consists of ten members. The workers' compensation commissioner is an ex officio member of the board whose term as such member continues for that period in which the commissioner holds that office. The other nine members of the board shall be appointed by the governor with three members representing employers subject to this chapter, three members representing employees subject to this chapter and three members representing providers of medical services to such employees for which such providers are compensated under the provisions of this chapter.
term of each member except the workers' compensation commissioner shall be three years: Provided, That of the persons originally appointed, three members, including one member of each of the three representative groups, shall be designated to serve for terms of one year each, three members, including one member of each of the three representative groups, shall be designated to serve for terms of two years each and three members, including one member of each of the three representative groups, shall be designated to serve for a term of three years each. The terms of all the initially appointed members of the board shall begin on the first day of July, one thousand nine hundred eighty-three. Upon the expiration of each of such initial appointments the term of each new appointee shall be three years, but any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. Members shall be eligible for reappointment.

The workers' compensation commissioner shall serve as chairman of the board. The other nine members shall select one of their number to serve as vice chairman of the board and to preside in the absence of the commissioner. Meetings may be held at any time at the call of the commissioner. The commissioner shall call a meeting whenever a majority of the other members of the board requests the commissioner to do so. At least one meeting shall be held annually.

The purpose of the board and the duty of its members are to advise the workers' compensation commissioner on matters pertinent to the administration of the workers' compensation fund. The board shall consider any matter brought before it by the commissioner or any appointed member and may consider any matter referred to it by a person not a member of the board. At the conclusion of its consideration of any proposal the board shall make its recommendation to the commissioner. The commissioner is not bound by any recommendation of the
board. The board also may formulate general or long-range plans for improvements in the administration of the fund for the consideration of the commissioner.

By the second Wednesday of January of each year the board shall prepare and deliver to the workers' compensation commissioner and to the Legislature a report of all the matters it considered, recommendations it made and plans it formulated during the preceding calendar year. The report shall include any recommendations it may have for changes in the law which would be necessary to implement any of its administrative recommendations.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Donald Anello

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 29 day of March, 1988.

Governor

John D. Benchley