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APPROVED AND SIGNED BY THE GOVERNOR

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Date 2-21-83

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

— ● —

ENROLLED

HOUSE BILL No. 1502

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

— ● —

Passed February 11, 1983

In Effect Ninety Days From Passage



OFFICE OF THE
SECRETARY OF STATE

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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 re-defining 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 com-
2 missioner who shall be appointed by the governor by and
3 with the advice and consent of the Senate and who shall
4 serve at the will and pleasure of the governor during the
5 term for which the governor was elected and until the
6 commissioner's successor has been appointed and qualified.
7 An appointment may be made to fill a vacancy or otherwise

8 when the Senate is not in session, but shall be acted upon
9 at the next session thereof. The person so appointed shall
10 take the oath or affirmation prescribed by section five, article
11 IV of the constitution, and such oath shall be certified by the
12 person who administers the same and shall be filed in the office
13 of the secretary of state. The person so appointed shall
14 give bond in the penalty of twenty-five thousand dollars
15 conditioned for the faithful performance of the duties of
16 this office, which bond shall be approved by the attorney
17 general as to form, and by the governor as to sufficiency.
18 The surety of such bond may be a bonding or surety company,
19 in which case the premiums shall be paid out of the ap-
20 propriation made for the administration of this chapter.
21 The commissioner shall hold no position of trust or profit,
22 or engage in any occupation or business, interfering or
23 inconsistent with the duties as such commissioner. Notwith-
24 standing the provisions of section two-a, article seven, chap-
25 ter six of the code of West Virginia, one thousand nine
26 hundred thirty-one, as amended, the commissioner shall
27 receive an annual salary of twenty thousand dollars, pay-
28 able out of the workers' compensation fund. The com-
29 missioner shall have an official seal for the authentication
30 of orders and proceedings, upon which seal shall be en-
31 graved the words "West Virginia Compensation Commis-
32 sioner" and such other design as the commissioner may
33 prescribe. The courts in this state shall take judicial notice
34 of the seal of the commissioner and in all cases copies of
35 orders, proceedings or records in the office of the West Virginia
36 compensation commissioner shall be equal to the original in
37 evidence.

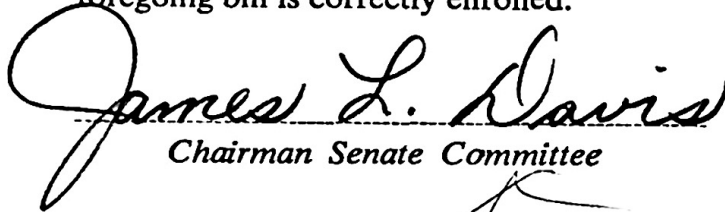
38 The attorney general shall perform all legal services re-
39 quired by the commissioner under the provisions of this
40 chapter: *Provided*, That in any case in which an application
41 for review is prosecuted from any final decision of the
42 workers' compensation appeal board to the supreme court of
43 appeals, as provided by section four, article five of this
44 chapter, or in any court proceeding before the workers'
45 compensation appeal board, in which such representation
46 shall appear to the commissioner to be desirable, the commis-
47 sioner may designate a regular employee of this office, qualified

48 to practice before such court to represent the commissioner up-
49 on such appeal or proceeding, and in no case shall the person
50 so appearing for the commissioner before the court receive re-
51 muneration therefor other than such person's regular salary.

52 Whenever in this chapter or elsewhere in law reference
53 is made to "state director of workmen's compensation" or
54 "compensation commissioner" such reference shall henceforth
55 be construed and understood to mean "state workers' com-
56 pensation commissioner."

57 Whenever in this chapter or elsewhere in law reference is
58 made to the term "workmen's compensation" or reference is
59 made to the "workmen's compensation advisory board," "work-
60 men's compensation fund," "disabled workmen's relief fund"
61 and "workmen's compensation appeal board," such references
62 to and the titles of each such board or fund shall be hence-
63 forth construed to mean, and shall be defined to mean, re-
64 spectively, "workers' compensation," "workers' compensation
65 advisory board," "workers' compensation fund," "disabled
66 workers' relief fund" and "workers' compensation appeal
67 board."

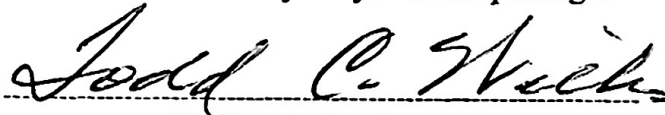
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

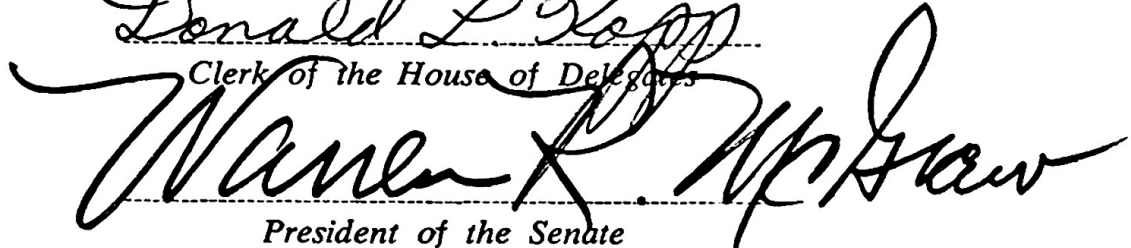

Chairman House Committee

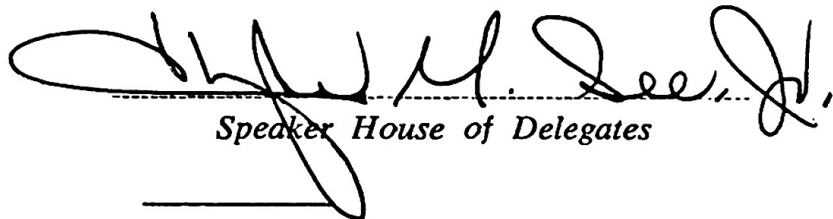
Originating in the House.

Takes 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 21
day of Feb., 1983.


Governor

