WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

---

ENROLLED

HOUSE BILL No. 1215

(By Mr. Del. Knight and Del. Faircloth)

---

Passed March 16, 1984

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 continuing and reestablishing the office of workers' compensation commissioner.

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. 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 appropriation 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. Notwithstanding the provisions of section two-a, article seven, chapter 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, payable out of the workers' compensation fund. The commissioner shall have an official seal for the authentication of orders and proceedings, upon which seal shall be engraved the words “West Virginia Compensation Commissioner” 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 required 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 commissioner 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 henceforth be 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."

After having conducted a performance and fiscal audit through its joint committee on government operations, pursuant to section nine, article ten, chapter four of this code, the Legislature hereby finds and declares that the office of workers' compensation commissioner should be continued and reestablished. Accordingly, notwithstanding the provisions of section four, article ten, chapter four of this code, the office of workers' compensation commissioner shall continue to exist until the first day of July, one thousand nine hundred ninety.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Donald Anello  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Hub  
Clerk of the Senate

Donald P. Hoke  
Clerk of the House of Delegates

Warren R. McBee  
President of the Senate

John W. B. See Jr.  
Speaker House of Delegates

The within __________ this the __________ day of __________, 1984.

John R. Locke  
Governor