

No. 1215

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

HOUSE BILL No. 1215

(By ~~Mr.~~ Del. Knight + Del. Faircloth)



Passed March 6, 1984

In Effect Ninety Days From Passage



ENROLLED

H. B. 1215

(By DELEGATE KNIGHT and DELEGATE FAIRCLOTH)

[Passed March 6, 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
2 who shall be appointed by the governor by and with the
3 advice and consent of the Senate and who shall serve at
4 the will and pleasure of the governor during the term for
5 which the governor was elected and until the commissioner's
6 successor has been appointed and qualified. An appoint-
7 ment may be made to fill a vacancy or otherwise when the
8 Senate is not in session, but shall be acted upon at the
9 next session thereof. The person so appointed shall take
10 the oath or affirmation prescribed by section five, article

11 IV of the constitution, and such oath shall be certified
12 by the person who administers the same and shall be filed
13 in the office of the secretary of state. The person so ap-
14 pointed shall give bond in the penalty of twenty-five thou-
15 sand dollars conditioned for the faithful performance of the
16 duties of this office, which bond shall be approved by the
17 attorney general as to form, and by the governor as to
18 sufficiency. The surety of such bond may be a bonding or
19 surety company, in which case the premiums shall be paid
20 out of the appropriation made for the administration of this
21 chapter. The commissioner shall hold no position of trust
22 or profit, or engage in any occupation or business, interfering
23 or inconsistent with the duties as such commissioner. Not-
24 withstanding the provisions of section two-a, article seven,
25 chapter six of the code of West Virginia, one thousand nine
26 hundred thirty-one, as amended, the commissioner shall receive
27 an annual salary of twenty thousand dollars, payable out of
28 the workers' compensation fund. The commissioner shall have
29 an official seal for the authentication of orders and proceedings,
30 upon which seal shall be engraved the words "West Virginia
31 Compensation Commissioner" and such other design as the
32 commissioner may prescribe. The courts in this state shall
33 take judicial notice of the seal of the commissioner and in
34 all cases copies of orders, proceedings or records in the
35 office of the West Virginia compensation commissioner shall
36 be equal to the original in evidence.

37 The attorney general shall perform all legal services re-
38 quired by the commissioner under the provisions of this
39 chapter: *Provided*, That in any case in which an application
40 for review is prosecuted from any final decision of the
41 workers' compensation appeal board to the supreme court of
42 appeals, as provided by section four, article five of this
43 chapter, or in any court proceeding before the workers'
44 compensation appeal board, in which such representation
45 shall appear to the commissioner to be desirable, the com-
46 missioner may designate a regular employee of this of-
47 fice, qualified to practice before such court to represent
48 the commissioner upon such appeal or proceeding, and in no
49 case shall the person so appearing for the commissioner

50 before the court receive remuneration therefor other than
51 such person's regular salary.

52 Whenever in this chapter or elsewhere in law reference is
53 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
58 is made to the term "workmen's compensation" or reference is
59 made to the "workmen's compensation advisory board,"
60 "workmen's compensation fund," "disabled workmen's relief
61 fund" and "workmen's compensation appeal board," such
62 references to and the titles of each such board or fund
63 shall henceforth be construed to mean, and shall be defined
64 to mean, respectively "workers' compensation," "workers'
65 compensation advisory board," "workers' compensation fund,"
66 "disabled workers' relief fund" and "workers' compensation
67 appeal board."

68 After having conducted a performance and fiscal audit
69 through its joint committee on government operations, pur-
70 suant to section nine, article ten, chapter four of this code,
71 the Legislature hereby finds and declares that the office of
72 workers' compensation commissioner should be continued
73 and reestablished. Accordingly, notwithstanding the pro-
74 visions of section four, article ten, chapter four of this code,
75 the office of workers' compensation commissioner shall con-
76 tinue to exist until the first day of July, one thousand nine
77 hundred ninety.

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

James L. Davis

Chairman Senate Committee

Ronald Anello

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Hubbs

Clerk of the Senate

Donald L. Gopp

Clerk of the House of Delegates
Warren R. McHenry

President of the Senate

W. M. Lee Jr.

Speaker House of Delegates

The within is approved this the 30
day of March, 1984.

John R. Riffe

Governor

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