WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED

SENATE BILL NO. 89

(By Senator Blackmer, et al.)

PASSED March 9, 1990

In Effect 90 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 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:

§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. 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, or in any proceedings before the office of judges, 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".

Pursuant to 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-one, to allow for the completion of an audit by the joint committee on government operations.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

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 ______ day of ______, 1990.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/20/40
Time 10:05 am