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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

— ● —

ENROLLED

HOUSE BILL No. 4524

(By Delegates *Love, Fragale, Neck, Higgins,*
Stewart, Walters + Millison)

— ● —

Passed March 3, 1994

In Effect July 1, 1994 ~~Passage~~

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SECRETARY OF STATE

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H. B. 4524

(By DELEGATES LOVE, FRAGALE, HECK, HIGGINS,
STEWART, WALTERS AND WILLISON)

[Passed March 3, 1994; in effect July 1, 1994.]

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 continuation of authority of commissioner of bureau of employment programs to administer workers' compensation program.

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. Commissioner of the bureau of employment programs; compensation programs performance council; official seal; continuation of authority of commissioner; legal services; rules.

1 The commissioner of the bureau of employment
2 programs appointed under the provisions of section one,
3 article two, chapter twenty-one-a of this code, has the
4 sole responsibility for the administration of this chapter
5 except for such matters as are entrusted to the compen-
6 sation programs performance council created pursuant
7 to section one, article three, chapter twenty-one-a of this
8 code. In the administration of this chapter, the commis-
9 sioner shall exercise all the powers and duties described
10 in this chapter and in article two of said chapter. The

11 commissioner is authorized to promulgate rules and
12 regulations to implement the provisions of articles one
13 through five of this chapter. The commissioner shall
14 have an official seal for the authentication of orders and
15 proceedings, upon which seal shall be engraved the
16 words "West Virginia Commissioner of Employment
17 Programs" and such other design as the commissioner
18 may prescribe. The courts in this state shall take
19 judicial notice of the seal of the commissioner and in all
20 cases copies of orders, proceedings or records in the
21 office of the West Virginia commissioner of employment
22 programs shall be equal to the original in evidence.

23 Pursuant to the provisions of chapter four, article ten
24 of this code, the commissioner of the bureau of employ-
25 ment programs shall continue to administer this chapter
26 until the first day of July, one thousand nine hundred
27 ninety-six, to allow the joint committee on government
28 operations to monitor compliance with recommendations
29 set forth in the full performance audit of the office of
30 the workers' compensation commissioner completed in
31 the year one thousand nine hundred ninety.

32 The attorney general shall perform all legal services
33 required by the commissioner under the provisions of
34 this chapter: *Provided*, That in any case in which an
35 application for review is prosecuted from any final
36 decision of the workers' compensation appeal board to
37 the supreme court of appeals, as provided by section
38 four, article five of this chapter, or in any court
39 proceeding before the workers' compensation appeal
40 board, or in any proceedings before the office of judges,
41 in which such representation shall appear to the
42 commissioner to be desirable, the commissioner may
43 designate a regular employee of this office, qualified to
44 practice before such court to represent the commissioner
45 upon such appeal or proceeding, and in no case shall the
46 person so appearing for the commissioner before the
47 court receive remuneration therefor other than such
48 person's regular salary.

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

[Handwritten signature]
.....
Chairman Senate Committee

Ernest C Moore
.....
Chairman House Committee

Originating in the House.

Takes effect July 1, 1994.

David Edelman
.....
Clerk of the Senate

Donald J. Hoop
.....
Clerk of the House of Delegates

Kevin S. Stutts
.....
President of the Senate

Bill Barber
.....
Speaker of the House of Delegates

The within is approved this the 14th day of March, 1994.

Caston Capner
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/94

Time 1:16 pm