WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

HOUSE BILL No. 4524

(By Delegates Love, Finaoole, Heck, Higginson, Stewart, Walter, Williams)

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Passed March 3, 1994

In Effect July 1, 1994
ENROLLED

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 programs appointed under the provisions of section one, article two, chapter twenty-one-a of this code, has the sole responsibility for the administration of this chapter except for such matters as are entrusted to the compensation programs performance council created pursuant to section one, article three, chapter twenty-one-a of this code. In the administration of this chapter, the commissioner shall exercise all the powers and duties described in this chapter and in article two of said chapter. The
commissioner is authorized to promulgate rules and
regulations to implement the provisions of articles one
through five of this chapter. The commissioner shall
have an official seal for the authentication of orders and
proceedings, upon which seal shall be engraved the
words "West Virginia Commissioner of Employment
Programs" 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 commissioner of employment
programs shall be equal to the original in evidence.

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

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.
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 July 1, 1994.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 1st day of March, 1994.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/13/94
Time 11:11 a.m.