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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

SENATE BILL NO. 80

*ORIGINATING IN THE COMMITTEE ON
(By Senator GOVERNMENT ORGANIZATION)*



PASSED MARCH 21 1997

In Effect NINETY DAYS FROM Passage

ENROLLED

Senate Bill No. 80

(Originating in the Committee on Government Organization.)

[Passed March 21, 1997; 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 the authority of the commissioner of the bureau of employment programs to administer workers' compensation until the first day of July, one thousand nine hundred ninety-eight.

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

1 (a) 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 sole
4 responsibility for the administration of this chapter except
5 for such matters as are entrusted to the compensation
6 programs performance council created pursuant to section
7 one, article three, chapter twenty-one-a of this code. In
8 the administration of this chapter, the commissioner shall
9 exercise all the powers and duties described in this
10 chapter and in article two, chapter twenty-one-a of this
11 code.

12 (b) The commissioner is authorized to promulgate rules
13 and regulations to implement the provisions of this
14 chapter.

15 (c) The commissioner shall have an official seal for the
16 authentication of orders and proceedings, upon which seal
17 shall be engraved the words "West Virginia Commissioner
18 of Employment Programs" and such other design as the
19 commissioner may prescribe. The courts in this state shall
20 take judicial notice of the seal of the commissioner and in
21 all cases copies of orders, proceedings or records in the
22 office of the West Virginia commissioner of employment
23 programs shall be equal to the original in evidence.

24 (d) Pursuant to the provisions of article ten, chapter four
25 of this code, the commissioner of the bureau of employ-
26 ment programs shall continue to administer this chapter
27 until the first day of July, one thousand nine hundred
28 ninety-eight.

29 (e) The attorney general shall perform all legal services
30 required by the commissioner under the provisions of this
31 chapter: *Provided*, That in any case in which an applica-

32 tion for review is prosecuted from any final decision of the
33 workers' compensation appeal board to the supreme court
34 of appeals, as provided by section four, article five of this
35 chapter, or in any court proceeding before the workers'
36 compensation appeal board, or in any proceedings before
37 the office of judges, or in any case in which a petition for
38 an extraordinary writ is filed in the supreme court of
39 appeals or in any circuit court, in which such representa-
40 tion shall appear to the commissioner to be desirable, the
41 commissioner may designate a regular employee of this
42 office, qualified to practice before such court to represent
43 the commissioner upon such appeal or proceeding, and in
44 no case shall the person so appearing for the commissioner
45 before the court receive remuneration therefor other than
46 such person's regular salary.

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

Kandy Schomay
.....
Chairman Senate Committee

Nick Fontana
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll Adams
.....
Clerk of the Senate

Bryan W. Bond
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *27th*
Mar
day of, 1997.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/97

Time 3:16pm