

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 801

(By Mr. SEIBERT)



PASSED MARCH 9, 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 4-2-71

801

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House Bill No. 801

(By MR. SEIBERT)

[Passed March 9, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and six, article one, chapter twenty-four of the code of West Virginia, ^{of Caslandership} ~~one thousand nine hundred thirty-one, as amended; to~~ amend and reenact section one, article two of said chapter; to further amend said article two by adding thereto a new section, designated section thirteen; and to amend and reenact section six, article three of said chapter, all relating to the public service commission, compensation of commissioners, enforcement of federal acts and certain special fees and funds.

Be it enacted by the Legislature of West Virginia:

That sections two and six, article one, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-

one, as amended, be amended and reenacted; that section one, article two of said chapter be amended and reenacted; that said article two be further amended by adding thereto a new section, designated section thirteen, and that section six, article three of said chapter be amended and reenacted all to read as follows:

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 1. GENERAL PROVISIONS.

§24-1-2. Composition; appointment, qualifications and disqualification of commissioners; removal from office; terms of office; vacancies; salaries.

1 There shall be a public service commission of West
2 Virginia which by that name may sue and be sued. The
3 terms of members of the public service commission at
4 the time of passage shall hereby be continued. Such
5 public service commission shall consist of three mem-
6 bers who shall be appointed by the governor with the
7 advice and consent of the Senate. The commissioners
8 shall be citizens and residents of this state and at least
9 one of whom shall be duly licensed to practice law in
10 West Virginia, of not less than ten years' actual experi-
11 ence at the bar. No more than two of said commissioners

12 shall be members of the same political party. The ap-
13 pointment of a commissioner shall be for a period of
14 six years, except that an appointment to fill a vacancy
15 shall be for the unexpired term only. Each commissioner
16 shall, before entering upon the duties of his office, take
17 and subscribe to the oath provided by section five, ar-
18 ticle four of the constitution, which oath shall be filed
19 in the office of the secretary of state. The governor shall
20 annually designate one of the commissioners as chairman
21 who shall be the chief administrative officer of the com-
22 mission. The governor may remove any commissioner
23 only for incompetency, neglect of duty, gross immorality
24 or malfeasance in office.

25 No person while in the employ of, or holding any
26 official relation to, any public utility subject to the pro-
27 visions of this chapter, or holding any stocks or bonds
28 thereof, or who is pecuniarily interested therein, shall
29 serve as a member of the commission or as an employee
30 thereof. Nor shall any such commissioners be a candi-
31 date for or hold public office, or be a member of any
32 political committee, while acting as such commissioner;

33 nor shall any commissioner or employee of said com-
34 mission receive any pass, free transportation or other
35 thing of value, either directly or indirectly, from any
36 public utility subject to the provisions of this chapter.
37 In case any of such commissioners shall become a candi-
38 date for any public office or a member of any political
39 committee, his office as commissioner shall be ipso facto
40 vacated.

or Candidacy

41 For the administration of this chapter each commis-
42 sioner shall receive a salary of sixteen thousand dollars
43 per annum to be paid in monthly installments from the
44 special fund collected from public utilities under the
45 provisions of section six-a, article three, chapter twenty-
46 four of the code of West Virginia.

**§24-1-6. Office of commission; time and place of hearings;
number of commissioners required for taking action.**

1 The general office of the commission shall be kept at
2 the capitol of the state, and kept open on each working
3 day between the hours of nine o'clock a.m. and five
4 o'clock p.m., and in charge of the secretary or his deputy.
5 Hearings and the taking of evidence may be had at
6 such times and places and in such manner in each par-
7 ticular case as the commission may designate.

8 The concurrent judgment of two of the commissioners,
9 when in session as the commission, shall be deemed the
10 action of the commission, and a vacancy in the commis-
11 sion shall not affect the right or duty of the remaining
12 commissioners to function as a commission.

**ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE
COMMISSION.**

§24-2-1. Jurisdiction of commission.

1 The jurisdiction of the commission shall extend to all
2 public utilities in this state, and shall include any utility
3 engaged in any of the following public services:

4 Common carriage, of passengers or goods, whether by
5 air, railroad, street railroad, motor or otherwise, by ex-
6 press or otherwise, by land, water or air, whether wholly
7 or partly by land, water or air; mass transit authorities;
8 transportation of oil, gas or water by pipeline; transpor-
9 tation of coal and its derivatives and all mixtures and
10 combinations thereof with other substances by pipeline;
11 sleeping car or parlor car services; transmission of mes-
12 sages by telephone, telegraph or radio; generation and
13 transmission of electrical energy by hydroelectric or
14 other utilities for service to the public, whether directly

15 or through a distributing utility; supplying water, gas or
16 electricity, by municipalities or others; sewer systems
17 servicing twenty-five or more persons or firms other than
18 the owner of the sewer systems; any public service dis-
19 trict created under the provisions of article thirteen-a,
20 chapter sixteen of this code; toll bridges, wharves, ferries;
21 and any other public service.

§24-2-13. Enforcement of federal acts.

1 In addition to all other powers and duties conferred
2 upon the public utilities commission herein, the commis-
3 sion shall be charged with the duty of enforcing the
4 provisions of the United States "Federal Railroad Safety
5 Act" and the "Uniform Motor Carrier Identification Act"
6 in this state under the federal requirements contained
7 therein requiring state enforcement of such acts, insofar
8 as the same are not repugnant to the laws of this state
9 or contrary to the rules and regulations of the commis-
10 sion.

**ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES
SUBJECT TO REGULATIONS OF COMMISSION.**

**§24-3-6. Special license fee; "public utilities commission
fund"; declaration of legislative intent.**

1 (a) All public utilities subject to the provisions of this
2 chapter shall pay a special license fee in addition to
3 those now required by law. The amount of such fees
4 shall be fixed by the public service commission and
5 levied by it upon each of such public utilities according
6 to the value of its property as ascertained by the last
7 assessment, and shall be apportioned among such public
8 utilities upon the basis of such valuation, so as to pro-
9 duce a revenue of three hundred twenty thousand dol-
10 lars per annum, which fees shall be paid on or before the
11 twentieth day of January in each year. Such sum of
12 three hundred twenty thousand dollars, together with
13 that provided in subsection (b) hereof shall be paid
14 into the state treasury and kept as a special fund, desig-
15 nated "public service commission fund," to be appro-
16 priated as provided by law for the purpose of paying
17 the salaries of the commission, as fixed by this chapter,
18 its expenses and salaries, compensations, costs and ex-
19 penses of its employees.

20 (b) All public utilities subject to the provisions of
21 this chapter shall pay a special license fee in addition

22 to any and all fees now required by law. The amount of
23 such fees shall be fixed by the public service commis-
24 sion and levied by it upon each of such public utilities,
25 in the proportion which the total gross revenue derived
26 from intrastate business done by each of such public
27 utilities in the calendar year next preceding bears to
28 the total gross revenue derived from intrastate business
29 done in such year by all public utilities subject to regu-
30 lation by the public service commission, so as to pro-
31 duce a revenue of six hundred forty thousand dollars
32 per annum, in addition to such fees as may be fixed by
33 the public service commission under the provisions of
34 subsection (a) hereof and which fees shall be paid on or
35 before the first day of July in each year. Such sum of
36 six hundred forty thousand dollars shall be paid into
37 the state treasury and be kept, appropriated and used
38 as provided in subsection (a) hereof.

39 (c) Any balance remaining in said fund at the end
40 of any fiscal year shall not revert to the treasury but
41 shall remain in said fund and may be appropriated and
42 used as provided in subsection (a) hereof.

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

James H. Swan
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. H. Woodruff
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Edw. Bout
President of the Senate

Ivor F. Boianby
Speaker House of Delegates

The within approved this the 1st
day of April, 1971.

Arvid A. Stenroos, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/13/71

Time 3:45 p.m.

RECEIVED

APR 2 11 51 PM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA