WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1981

ENROLLED

SENATE BILL NO. 10

(By Mr. Williams)

PASSED May 14, 1981
In Effect July 1, 1981
AN ACT to amend and reenact section three, article one, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the salaries of the members of the public service commission in light of new, substantial additional duties embracing new areas and fields of activity under certain specified legislative enactments.

Be it enacted by the Legislature of West Virginia:

That section three, article one, chapter twenty-four 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 PROVISIONS.

§24-1-3. Reconstitution and composition of the public service commission; appointment, qualifications, and disqualification of commissioners; removal from office; terms of office; vacancies.

(a) The public service commission of West Virginia, heretofore established, is continued and directed as provided by this chapter, chapter twenty-four-a and chapter twenty-four-b. The public service commission may sue and be sued by that name. Such public service commission shall consist of three members who shall be appointed by the governor with the advice and consent of the Senate. The commissioners shall be citizens and residents of this state and at least one of them shall be duly licensed to practice law in West Virginia, of not less than ten years' actual experience at the bar. No more than two of said commissioners shall be members of the same political party. Each commissioner shall, before entering upon the duties of his office, take and subscribe to the oath provided by section five, article four of the constitution, which oath shall be filed in the office of the secretary of state. The governor shall designate one of the
commissioners to serve as chairman at the governor's will and pleasure. The chairman shall be the chief administrative officer of the commission. The governor may remove any commissioner only for incompetency, neglect of duty, gross immorality, malfeasance in office, or violation of subsection (c) of this section.

(b) The unexpired terms of members of the public service commission at the time this subsection becomes effective are continued through the thirtieth day of June, one thousand nine hundred seventy-nine. In accordance with the provisions of subsection (a) of this section, the governor shall appoint three commissioners, one for a term of two years, one for a term of four years and one for a term of six years, all the terms beginning on the first day of July, one thousand nine hundred seventy-nine. All future appointments are for terms of six years, except that an appointment to fill a vacancy is for the unexpired term only. The commissioners whose terms are terminated by the provisions of this subsection are eligible for reappointment.

(c) No person while in the employ of, or holding any official relation to, any public utility subject to the provisions of this chapter, or holding any stocks or bonds thereof, or who is pecuniarily interested therein, may serve as a member of the commission or as an employee thereof. Nor may any such commissioners be a candidate for or hold public office, or be a member of any political committee, while acting as such commissioner; nor may any commissioner or employee of said commission receive any pass, free transportation or other thing of value, either directly or indirectly, from any public utility or motor carrier subject to the provisions of this chapter. In case any of the commissioners becomes a candidate for any public office or a member of any political committee, the governor shall remove him from office and shall appoint a new commissioner to fill the vacancy created.

(d) Effective the first day of July, one thousand nine hundred seventy-nine, for the administration of this chapter, chapter twenty-four-a and twenty-four-b of this code, each commissioner shall receive a salary of thirty-two thousand five hundred dollars a year to be paid in monthly installments from the special funds in such amounts as follows: (1) From the public service commission fund collected under the provisions of section six, article three of this chapter, twenty-five thousand one hundred forty dollars;
(2) From the public service commission motor carrier fund collected under the provisions of section six, article six, chapter twenty-four-a of this code, six thousand one hundred thirty-five dollars; and
(3) From the public service commission gas pipeline safety fund collected under the provisions of section three, article five, chapter twenty-four-b of this code, one thousand two hundred twenty-five dollars.

In addition to this salary provided for all commissioners, the chairman of the commission shall receive two thousand five hundred dollars a year to be paid in monthly installments from the public service commission fund collected under the provisions of section six, article three of this chapter.

Effective the first day of July, one thousand nine hundred eighty-one, and in light of the new, substantial additional duties embracing new areas placed upon the commission by Enrolled Senate Bill No. 95, Enrolled Senate Bill No. 571, and Enrolled House Bill No. 1479, all acts of the Legislature, regular session, one thousand nine hundred eighty-one, for the administration of this chapter, chapter twenty-four-a and chapter twenty-four-b of this code, each commissioner shall receive a salary of thirty-six thousand five hundred dollars a year to be paid in monthly installments from the special funds in such amounts as follows:

(1) From the public service commission fund collected under the provisions of section six, article three of this chapter, twenty-eight thousand one hundred dollars;
(2) From the public service commission motor carrier fund collected under the provisions of section six, article six, chapter twenty-four-a of this code, seven thousand dollars; and
(3) From the public service commission gas pipeline safety fund collected under the provisions of section three, article five, chapter twenty-four-b of this code, one thousand four hundred dollars.

In addition to this salary provided for all commissioners, the chairman of the commission shall receive three thousand five hundred dollars a year to be paid in monthly installments from the public service commission fund collected under the provisions of section six, article three of this chapter, on and after the first day of July, one thousand nine hundred eighty-one.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Bayles
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

Joseph C. Wells
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 27 day of May, 1981.

[Signature]
Governor