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FIRST EXTRAORDINARY SESSION, 1981

SENATE BILL NO. 10



In Effect. July 1, 1981 ~~Page~~

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.

1 (a) The public service commission of West Virginia,
2 heretofore established, is continued and directed as provided
3 by this chapter, chapter twenty-four-a and chapter
4 twenty-four-b. The public service commission may sue and
5 be sued by that name. Such public service commission shall
6 consist of three members who shall be appointed by the
7 governor with the advice and consent of the Senate. The
8 commissioners shall be citizens and residents of this state and
9 at least one of them shall be duly licensed to practice law in
10 West Virginia, of not less than ten years' actual experience at
11 the bar. No more than two of said commissioners shall be
12 members of the same political party. Each commissioner
13 shall, before entering upon the duties of his office, take and
14 subscribe to the oath provided by section five, article four of
15 the constitution, which oath shall be filed in the office of the
16 secretary of state: The governor shall designate one of the

17 commissioners to serve as chairman at the governor's will
18 and pleasure. The chairman shall be the chief administrative
19 officer of the commission. The governor may remove any
20 commissioner only for incompetency, neglect of duty, gross
21 immorality, malfeasance in office, or violation of subsection
22 (c) of this section.

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

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

51 (d) Effective the first day of July, one thousand nine
52 hundred seventy-nine, for the administration of this chapter,
53 chapter twenty-four-a and twenty-four-b of this code; each
54 commissioner shall receive a salary of thirty-two thousand
55 five hundred dollars a year to be paid in monthly installments
56 from the special funds in such amounts as follows:

57 (1) From the public service commission fund collected
58 under the provisions of section six, article three of this
59 chapter, twenty-five thousand one hundred forty dollars;

60 (2) From the public service commission motor carrier
61 fund collected under the provisions of section six, article six,
62 chapter twenty-four-a of this code, six thousand one hundred
63 thirty-five dollars; and

64 (3) From the public service commission gas pipeline
65 safety fund collected under the provisions of section three,
66 article five, chapter twenty-four-b of this code, one thousand
67 two hundred twenty-five dollars.

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

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

84 (1) From the public service commission fund collected
85 under the provisions of section six, article three of this
86 chapter, twenty-eight thousand one hundred dollars;

87 (2) From the public service commission motor carrier
88 fund collected under the provisions of section six, article six,
89 chapter twenty-four-a of this code, seven thousand dollars;
90 and

91 (3) From the public service commission gas pipeline
92 safety fund collected under the provisions of section three,
93 article five, chapter twenty-four-b of this code, one thousand
94 four hundred dollars.

95 In addition to this salary provided for all commissioners,
96 the chairman of the commission shall receive three thousand
97 five hundred dollars a year to be paid in monthly installments
98 from the public service commission fund collected under the
99 provisions of section six, article three of this chapter, on and
100 after the first day of July, one thousand nine hundred
101 eighty-one.

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

R. P. Baylor
Chairman Senate Committee

Jonny E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

Todd C. Willis
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Warren R. McSwain
President of the Senate

Blake H. See, Jr.
Speaker House of Delegates

The within *is approved* this the *27*

day of *May*, 1981.

James I. Reynolds
Governor

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