WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

ENROLLED

HOUSE BILL No. 2078

(By Del. Polan)

Passed March 10, 1984

In Effect July 1, 1984
ENROLLED

H. B. 2078
(By Delegate Polan)

(Originating in the House Committee on Finance)

[Passed March 10, 1984; in effect July 1, 1984.]

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 together with assignment of new, substantial additional duties embracing new areas and fields of activity under certain legislative enactments; and specifying effective date.

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. Commission continued; membership; chairman, compensation.

(a) The public service commission of West Virginia, here-tofore 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, mal-
feasance 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 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.

(e) Effective the first day of July, one thousand nine hundred eighty-four, and in light of the assignment of new, substantial additional duties embracing new areas and fields of activity under certain legislative enactments, each commissioner shall receive a salary of thirty-nine thousand two hundred forty 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, thirty thousand two hundred ten 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 five hundred twenty-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 five hundred five 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-four.
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, 1984.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 30
day of , 1984.

Governor