

No. 2078

RECEIVED
MAR 23 11 21 AM '84
OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

HOUSE BILL No. 2078

(By ~~Mr.~~ Del. Polan)



Passed March 10, 1984

In Effect July 1, 1984 Passage



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.

1 (a) The public service commission of West Virginia, here-
2 tofore established, is continued and directed as provided by
3 this chapter, chapter twenty-four-a and chapter twenty-four-b.
4 The public service commission may sue and be sued by that
5 name. Such public service commission shall consist of three
6 members who shall be appointed by the governor with the
7 advice and consent of the Senate. The commissioners shall be
8 citizens and residents of this state and at least one of them
9 shall be duly licensed to practice law in West Virginia, of not
10 less than ten years' actual experience at the bar. No more

11 than two of said commissioners shall be members of the
12 same political party. Each commissioner shall, before entering
13 upon the duties of his office, take and subscribe to the oath
14 provided by section five, article four of the constitution,
15 which oath shall be filed in the office of the secretary of state.
16 The governor shall designate one of the commissioners to
17 serve as chairman at the governor's will and pleasure. The
18 chairman shall be the chief administrative officer of the
19 commission. The governor may remove any commissioner
20 only for incompetency, neglect of duty, gross immorality, mal-
21 feasant in office, or violation of subsection (c) of this section.

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

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

50 (d) Effective the first day of July, one thousand nine
51 hundred eighty-one, and in light of the new, substantial addi-
52 tional duties embracing new areas placed upon the commis-
53 sion by Enrolled Senate Bill No. 95, Enrolled Senate Bill
54 No. 571, and Enrolled House Bill No. 1479, all acts of the
55 Legislature, regular session, one thousand nine hundred eight-
56 one, for the administration of this chapter, chapter twenty-
57 four-a and chapter twenty-four-b of this code, each commis-
58 sioner shall receive a salary of thirty-six thousand five hundred
59 dollars a year to be paid in monthly installments from the
60 special funds in such amounts as follows:

61 (1) From the public service commission fund collected
62 under the provisions of section six, article three of this chap-
63 ter, twenty-eight thousand one hundred dollars;

64 (2) From the public service commission motor carrier fund
65 collected under the provisions of section six, article six,
66 chapter twenty-four-a of this code, seven thousand dollars;
67 and

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

72 In addition to this salary provided for all commissioners,
73 the chairman of the commission shall receive three thousand
74 five hundred dollars a year to be paid in monthly install-
75 ments from the public service commission fund collected
76 under the provisions of section six, article three of this chapter,
77 on and after the first day of July, one thousand nine hundred
78 eighty-one.

79 (e) Effective the first day of July, one thousand nine hun-
80 dred eighty-four, and in light of the assignment of new,
81 substantial additional duties embracing new areas and fields
82 of activity under certain legislative enactments, each com-
83 missioner shall receive a salary of thirty-nine thousand two
84 hundred forty dollars a year to be paid in monthly installments
85 from the special funds in such amounts as follows:

86 (1) From the public service commission fund collected

87 under the provisions of section six, article three of this chap-
88 ter, thirty thousand two hundred ten dollars;

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

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

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

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

[Handwritten Signature]

Chairman Senate Committee

[Handwritten Signature]

Chairman House Committee

Originating in the House.

Takes effect July 1, 1984.

[Handwritten Signature]

Clerk of the Senate

[Handwritten Signature]

Clerk of the House of Delegates

[Handwritten Signature]

President of the Senate

[Handwritten Signature]

Speaker House of Delegates

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

[Handwritten Signature]

Governor

RECEIVED

84 APR 4 P 3 : 58

OFFICE
SECY. OF STATE