

No. 2132

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



# ENROLLED

HOUSE BILL No. 2132

(By ~~Mr.~~ Del. Starcher)



Passed April 13, 1985

In Effect July 1, 1985 ~~Passage~~

**ENROLLED**  
**H. B. 2132**

(By DELEGATE STARCHER)

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[Passed April 13, 1985; in effect July 1, 1985.]

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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 the public service commission; commission continued; membership; chairman; compensation; and increasing the salaries of commissioners.

*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:

**CHAPTER 24. PUBLIC SERVICE COMMISSION.**

**ARTICLE 1. GENERAL PROVISIONS.**

**§24-1-3. Commission continued; membership; chairman; compensation.**

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 twenty-  
4 four-b. The public service commission may sue and be sued  
5 by that name. Such public service commission shall consist of  
6 three members who shall be appointed by the governor with  
7 the advice and consent of the Senate. The commissioners shall  
8 be 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 than  
11 two of said commissioners shall be members of the same

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

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

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

50 (d) Effective the first day of July, one thousand nine  
51 hundred eighty-four, and in light of the assignment of new,  
52 substantial duties embracing new areas and fields of activity

53 under certain legislative enactments, each commissioner shall  
54 receive a salary of thirty-nine thousand two hundred forty  
55 dollars a year to be paid in monthly installments from the  
56 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 chapter,  
59 thirty thousand two hundred ten dollars;

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

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

68 In addition to this salary provided for all commissioners,  
69 the chairman of the commission shall receive three 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, on and  
73 after the first day of July, one thousand nine hundred eighty-  
74 four.

75 (e) Effective the first day of July, one thousand nine  
76 hundred eighty-five, and in light of the assignment of new,  
77 substantial additional duties embracing new areas and fields  
78 of activity under certain legislative enactments, each commis-  
79 sioner shall receive a salary of forty-one thousand dollars a  
80 year to be paid in monthly installments from the special funds  
81 in such amounts as follows:

82 (1) From the public service commission fund collected  
83 under the provisions of section six, article three of this chapter,  
84 thirty-one thousand six hundred dollars;

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

89 (3) From the public service commission gas pipeline safety  
90 fund collected under the provisions of section three, article

91 five, chapter twenty-four-b of this code, one thousand five  
92 hundred dollars.

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

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

*Samuel B. Blue*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1985.

*Judd C. Wells*  
Clerk of the Senate

*Donald L. Hopp*  
Clerk of the House of Delegates

*Dan Tomlin*  
President of the Senate

*Joseph P. Allright*  
Speaker of the House of Delegates

The within *appeared* this the *2nd*  
*day* day of \_\_\_\_\_, 1985.

*Arch A. Moore Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 4/30/85

Time 6:56 p.m.