WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED

HOUSE BILL No. 2132

(By Rep. Dal Stancher)

Passed April 13, 1985

In Effect July 1, 1985
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.

(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 incompet-
ency, neglect of duty, gross immorality, malfeasance in office
or violation of subsection (c) of this section.

(b) The unexpired term 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
commissioner 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, form 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-four, and in light of the assignment of new,
substantial 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.

(e) Effective the first day of July, one thousand nine hundred eighty-five, 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 forty-one thousand 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-one thousand six 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 nine hundred dollars; and

(3) From the public service commission gas pipeline safety fund collected under the provisions of section three, article
In addition to this salary provided for all commissioners, the chairman of the commission shall receive three thousand six hundred seventy-five 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-five.
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, 1985.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill appeared this the 2nd day of January, 1985.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/30/85
Time 6:56 p.m.