

No. 2132

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SECRETARY OF STATE

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)

[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.

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;

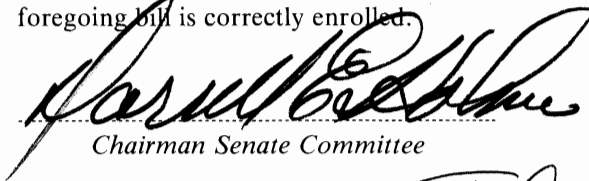
85 (2) From the public service commission motor carrier fund
86 collected under the provisions of section six, article six,
87 chapter twenty-four-a of this code, seven thousand nine
88 hundred dollars; and

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.

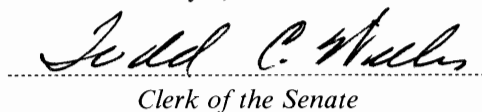
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

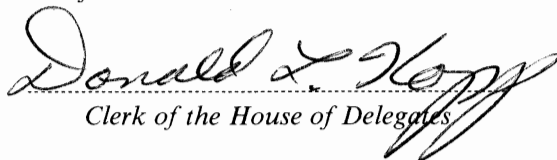

 Chairman Senate Committee

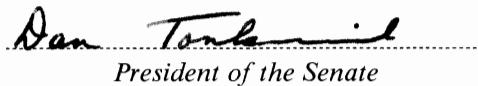

 Chairman House Committee

Originating in the House.

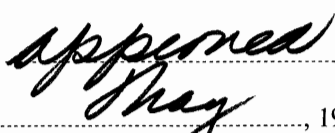
Takes effect July 1, 1985.

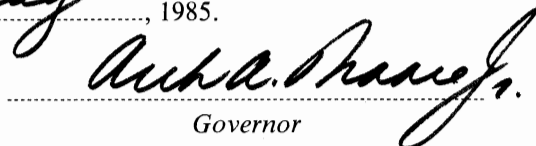

 Clerk of the Senate


 Clerk of the House of Delegates


 President of the Senate


 Speaker of the House of Delegates

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


 Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/85

Time 6:56 p.m.