WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

HOUSE BILL No. 1301

(By Mr. Del. Minard & Del. Hollitzell)

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Passed February 25, 1986

In Effect Ninety Days From Passage
ENROLLED

H. B. 1301

(By Delegate Minard and Delegate Hoblitzell)

[Passed February 25, 1986; in effect ninety days from passage.]

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 continuing the public service commission; number of commissioners; establishing qualifications for commissioners; grounds for removal; and setting salaries.

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, heretofore established, is continued and directed as provided by this chapter, chapter twenty-four-a and chapter twenty-four-b. In addition, after having conducted a performance audit through its joint committee on government operations, pursuant to section nine, article ten, chapter four of this code, the Legislature hereby finds and declares that the public service commission should be continued and reestablished. Accordingly, notwithstanding the provisions of section four, article ten, chapter four of this code, the public service commission shall continue to exist until the first
day of July, one thousand nine hundred ninety-two. The
cross-play service commission may sue and be sued by that
name. Such cross-play service commission shall consist of
three members who shall be appointed by the governor
with the advice and consent of the Senate. The commis-
sioners 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 IV 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, 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, 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-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 commision-
ers, the chairman of the commission shall receive three
thousand five hundred dollars a year to be paid in
monthly installments from the public service commis-
sion 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 enact-
ments, 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 five, chapter twenty-four-b of this code, one thousand five hundred dollars.

In addition to this salary provided for all commission-
ers, 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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ______________________ this the 25th

day of ________________, 1986.

Governor