WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

HOUSE BILL No. 2184...

(By Mr. Del. Hanley)

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Passed March 8, 1986

In Effect July 1, 1986
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; continuing the public service commission; commission 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. 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 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 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-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.
(e) Effective the first day of July, one thousand nine hundred eighty-six, 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-five 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-four thousand four 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, eight thousand eight 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 eight hundred dollars.

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

Bruce O. Miller
Chairman Senate Committee

Floyd Fullen
Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.

J. B. Miller
Clerk of the Senate

Donald A. Repp
Clerk of the House of Delegates

Dan Tomblin
President of the Senate

Joseph P. Alutto
Speaker of the House of Delegates

The within............. this the 26th
day of ............., 1986.

A. E. Barnes Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date 3/21/86
Time 5:12 p.m.