

No: 1301

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

# ENROLLED

HOUSE BILL No. 1301

(By ~~Mr.~~ Del. Minor + Del. Holtzcliff )

— ● —

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.**

1       (a) The public service commission of West Virginia,  
2 heretofore established, is continued and directed as  
3 provided by this chapter, chapter twenty-four-a and  
4 chapter twenty-four-b. In addition, after having con-  
5 ducted a performance audit through its joint committee  
6 on government operations, pursuant to section nine,  
7 article ten, chapter four of this code, the Legislature  
8 hereby finds and declares that the public service  
9 commission should be continued and reestablished.  
10 Accordingly, notwithstanding the provisions of section  
11 four, article ten, chapter four of this code, the public  
12 service commission shall continue to exist until the first

13 day of July, one thousand nine hundred ninety-two. The  
14 public service commission may sue and be sued by that  
15 name. Such public service commission shall consist of  
16 three members who shall be appointed by the governor  
17 with the advice and consent of the Senate. The commis-  
18 sioners shall be citizens and residents of this state and  
19 at least one of them shall be duly licensed to practice  
20 law in West Virginia, of not less than ten years' actual  
21 experience at the bar. No more than two of said  
22 commissioners shall be members of the same political  
23 party. Each commissioner shall, before entering upon  
24 the duties of his office, take and subscribe to the oath  
25 provided by section five, article IV of the constitution,  
26 which oath shall be filed in the office of the secretary  
27 of state. The governor shall designate one of the  
28 commissioners to serve as chairman at the governor's  
29 will and pleasure. The chairman shall be the chief  
30 administrative officer of the commission. The governor  
31 may remove any commissioner only for incompetency,  
32 neglect of duty, gross immorality, malfeasance in office  
33 or violation of subsection (c) of this section.

34 (b) The unexpired term of members of the public  
35 service commission at the time this subsection becomes  
36 effective are continued through the thirtieth day of  
37 June, one thousand nine hundred seventy-nine. In  
38 accordance with the provisions of subsection (a) of this  
39 section, the governor shall appoint three commissioners,  
40 one for a term of two years, one for a term of four years  
41 and one for a term of six years, all the terms beginning  
42 on the first day of July, one thousand nine hundred  
43 seventy-nine. All future appointments are for terms of  
44 six years, except that an appointment to fill a vacancy  
45 is for the unexpired term only. The commissioners  
46 whose terms are terminated by the provisions of this  
47 subsection are eligible for reappointment.

48 (c) No person while in the employ of, or holding any  
49 official relation to, any public utility subject to the  
50 provisions of this chapter, or holding any stocks or bonds  
51 thereof, or who is pecuniarily interested therein, may  
52 serve as a member of the commission or as an employee  
53 thereof. Nor may any such commissioner be a candidate

54 for or hold public office, or be a member of any political  
55 committee, while acting as such commissioner; nor may  
56 any commissioner or employee of said commission  
57 receive any pass, free transportation or other thing of  
58 value, either directly or indirectly, from any public  
59 utility or motor carrier subject to the provisions of this  
60 chapter. In case any of the commissioners becomes a  
61 candidate for any public office or a member of any  
62 political committee, the governor shall remove him from  
63 office and shall appoint a new commissioner to fill the  
64 vacancy created.

65 (d) Effective the first day of July, one thousand nine  
66 hundred eighty-four, and in light of the assignment of  
67 new, substantial duties embracing new areas and fields  
68 of activity under certain legislative enactments, each  
69 commissioner shall receive a salary of thirty-nine  
70 thousand two hundred forty dollars a year to be paid in  
71 monthly installments from the special funds in such  
72 amounts as follows:

73 (1) From the public service commission fund collected  
74 under the provisions of section six, article three of this  
75 chapter, thirty thousand two hundred ten dollars;

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

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

84 In addition to this salary provided for all commission-  
85 ers, the chairman of the commission shall receive three  
86 thousand five hundred dollars a year to be paid in  
87 monthly installments from the public service commis-  
88 sion fund collected under the provisions of section six,  
89 article three of this chapter, on and after the first day  
90 of July, one thousand nine hundred eighty-four.

91 (e) Effective the first day of July, one thousand nine  
92 hundred eighty-five, and in light of the assignment of

93 new, substantial additional duties embracing new areas  
94 and fields of activity under certain legislative enact-  
95 ments, each commissioner shall receive a salary of forty-  
96 one thousand dollars a year to be paid in monthly  
97 installments from the special funds in such amounts as  
98 follows:

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

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

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

110 In addition to this salary provided for all commission-  
111 ers, the chairman of the commission shall receive three  
112 thousand six hundred seventy-five dollars a year to be  
113 paid in monthly installments from the public service  
114 commission fund collected under the provisions of  
115 section six, article three of this chapter, on and after the  
116 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.

*James O. Williams*  
Chairman Senate Committee

*Floyd Fulber*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Todd C. Smith*  
Clerk of the Senate

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

*Samuel J. ...*  
President of the Senate

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

The within *approved* this the *25th*  
day of *March*, 1986.

*Arthur A. ...*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/6/86

Time 12:34 p.m.

PROPERTY

1986 MAR 23 PM 4:26

DEPARTMENT OF STATE

FILE IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/86