WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED

SENATE BILL NO. 156

(By Senators Spears and Brackenridge)

PASSED March 6, 1992
In Effect July 1, 1992
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 continuation of the public service commission.

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, heretofore established, is continued and directed as provided by this chapter, chapter twenty-four-a and chapter twenty-four-b of this code. Pursuant to 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-three, to allow for the completion of an audit by the joint committee on government operations. The public service commission may sue
11 and be sued by that name. Such public service com-
12 mission shall consist of three members who shall be
13 appointed by the governor with the advice and consent
14 of the Senate. The commissioners shall be citizens and
15 residents of this state and at least one of them shall be
16 duly licensed to practice law in West Virginia, of not
17 less than ten years' actual experience at the bar. No
18 more than two of said commissioners shall be
19 members of the same political party. Each commis-
20 sioner shall, before entering upon the duties of his
21 office, take and subscribe to the oath provided by
22 section five, article four of the constitution, which oath
23 shall be filed in the office of the secretary of state. The
24 governor shall designate one of the commissioners to
25 serve as chairman at the governor's will and pleasure.
26 The chairman shall be the chief administrative officer
27 of the commission. The governor may remove any
28 commissioner only for incompetency, neglect of duty,
29 gross immorality, malfeasance in office or violation of
30 subsection (c) of this section.
31
32 (b) The unexpired term of members of the public
33 service commission at the time this subsection
34 becomes effective are continued through the thirtieth
35 day of June, one thousand nine hundred seventy-nine.
36 In accordance with the provisions of subsection (a) of
37 this section, the governor shall appoint three commis-
38 sioners, one for a term of two years, one for a term of
39 four years and one for a term of six years, all the
40 terms beginning on the first day of July, one thousand
41 nine hundred seventy-nine. All future appointments
42 are for terms of six years, except that an appointment
43 to fill a vacancy is for the unexpired term only. The
44 commissioners whose terms are terminated by the
45 provisions of this subsection are eligible for
46 reappointment.
47
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
51 bonds thereof, or who is pecuniarily interested there-
52 in, may serve as a member of the commission or as
53 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 November, one thousand nine hundred ninety-one, 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 an annual salary of sixty thousand dollars 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, forty-eight thousand 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, ten thousand dollars; and

(3) From the public service commission gas pipeline safety fund collected under the provisions of section three, article five, chapter twenty-four-a of this code, two thousand dollars.

In addition to this salary provided for all commissioners, the chairman of the commission shall receive five thousand dollars per annum 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 January, one thousand nine hundred ninety-two.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer Dock
Chairman Senate Committee

Ernest E. Moore
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1992.

Darrell E. Hill
Clerk of the Senate

Donald L. Hoff
Clerk of the House of Delegates

R. T. Call
President of the Senate

Speaker House of Delegates

The within is approved this the 17th day of March, 1992.

Winston Caperton
Governor