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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992



ENROLLED

SENATE BILL NO. 156

(By Senators Spears and Brackenrich)



PASSED March 6, 1992

In Effect July 1, 1992 ~~Passage~~

ENROLLED

Senate Bill No. 156

(BY SENATORS SPEARS AND BRACKENRICH)

[Passed March 6, 1992; to take 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,
2 heretofore established, is continued and directed as
3 provided by this chapter, chapter twenty-four-a and
4 chapter twenty-four-b of this code. Pursuant to the
5 provisions of section four, article ten, chapter four of
6 this code, the public service commission shall continue
7 to exist until the first day of July, one thousand nine
8 hundred ninety-three, to allow for the completion of
9 an audit by the joint committee on government
10 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 (b) The unexpired term of members of the public
32 service commission at the time this subsection
33 becomes effective are continued through the thirtieth
34 day of June, one thousand nine hundred seventy-nine.
35 In accordance with the provisions of subsection (a) of
36 this section, the governor shall appoint three commis-
37 sioners, one for a term of two years, one for a term of
38 four years and one for a term of six years, all the
39 terms beginning on the first day of July, one thousand
40 nine hundred seventy-nine. All future appointments
41 are for terms of six years, except that an appointment
42 to fill a vacancy is for the unexpired term only. The
43 commissioners whose terms are terminated by the
44 provisions of this subsection are eligible for
45 reappointment.

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

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

64 (d) Effective the first day of November, one thou-
65 sand nine hundred ninety-one, and in light of the
66 assignment of new, substantial additional duties
67 embracing new areas and fields of activity under
68 certain legislative enactments, each commissioner
69 shall receive an annual salary of sixty thousand dollars
70 to be paid in monthly installments from the special
71 funds in such amounts as follows:

72 (1) From the public service commission fund col-
73 lected under the provisions of section six, article three
74 of this chapter, forty-eight thousand dollars;

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

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

83 In addition to this salary provided for all commis-
84 sioners, the chairman of the commission shall receive
85 five thousand dollars per annum to be paid in monthly
86 installments from the public service commission fund
87 collected under the provisions of section six, article
88 three of this chapter on and after the first day of
89 January, one thousand nine hundred ninety-two.

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

Homer Heck
.....
Chairman Senate Committee

Ernest E. Moore
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1992.

Darrell B. Holmes
.....
Clerk of the Senate

Donald E. Hogg
.....
Clerk of the House of Delegates

Will Burdette
.....
President of the Senate

Robert C. Cal
.....
Speaker House of Delegates

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

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/92

Time 4:15 pm