WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1993

ENROLLED

SENATE BILL NO. 4

(By Senator Brackenruch)

PASSED April 7, 1993
In Effect July 1, 1993
ENROLLED

Senate Bill No. 4
(SENATOR BRACKENRICH)

[Passed April 7, 1993; to take effect July 1, 1993.]

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. 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 of said article, the public service commission shall continue to exist until the first day of July,
one thousand nine hundred ninety-nine. 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 gover-
nor 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 enter-
ing upon the duties of his office, take and subscribe to
the oath provided by section five, article IV of the
constitution of this state, which oath shall be filed in
the office of the secretary of state. The governor shall
designate one of the commissioners to serve as chair-
man at the governor's will and pleasure. The chair-
man shall be the chief administrative officer of the
commission. The governor may remove any commis-
sioner 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 commis-
sioners, 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 there-
in, 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 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-b 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:

Chairman Senate Committee

Originated in the Senate.

To take effect July 1, 1993.

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved... this the 2nd day of April, 1993.

Governor