

SB 359

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999

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# ENROLLED

SENATE BILL NO. 359

(By Senator Sawmon, et al)



PASSED February 24, 1999

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SENATE OF WEST VIRGINIA

## ENROLLED

# Senate Bill No. 359

(BY SENATORS BOWMAN, BAILEY, BALL, JACKSON, KESSLER,  
MCCABE, MINARD, PLYMALE, REDD, SNYDER, WALKER, BOLEY  
AND MINEAR)

[Passed February 24, 1999; 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.

*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. After having con-
- 5 ducted a performance audit through its joint committee on

6 government operations, pursuant to section nine, article  
7 ten, chapter four of this code, the Legislature hereby finds  
8 and declares that the public service commission should be  
9 continued and reestablished. Accordingly, notwithstanding  
10 the provisions of section four, article ten, chapter four  
11 of this code, the public service commission shall continue  
12 to exist until the first day of July, two thousand one. The  
13 public service commission may sue and be sued by that  
14 name. The public service commission shall consist of three  
15 members who shall be appointed by the governor with the  
16 advice and consent of the Senate. The commissioners shall  
17 be citizens and residents of this state and at least one of  
18 them shall be duly licensed to practice law in West Vir-  
19 ginia, with not less than ten years' actual work experience  
20 in the legal profession as a member of a state bar. No  
21 more than two of the commissioners shall be members of  
22 the same political party. Each commissioner shall, before  
23 entering upon the duties of his or her office, take and  
24 subscribe to the oath provided by section five, article IV of  
25 the constitution of this state. The oath shall be filed in the  
26 office of the secretary of state. The governor shall desig-  
27 nate one of the commissioners to serve as chairman at the  
28 governor's will and pleasure. The chairman shall be the  
29 chief administrative officer of the commission. The  
30 governor may remove any commissioner only for incompe-  
31 tency, neglect of duty, gross immorality, malfeasance in  
32 office or violation of subsection (c) of this section.

33 (b) The unexpired terms of members of the public service  
34 commission at the time this subsection becomes effective  
35 are continued. Upon expiration of the terms, appoint-  
36 ments are for terms of six years, except that an appoint-  
37 ment to fill a vacancy is for the unexpired term only. The  
38 commissioners whose terms are terminated by the provi-  
39 sions of this subsection are eligible for reappointment.

40 (c) No person while in the employ of, or holding any  
41 official relation to, any public utility subject to the  
42 provisions of this chapter, or holding any stocks or bonds  
43 of a public utility subject to the provisions of this chapter,  
44 or who is pecuniarily interested in a public utility subject  
45 to the provisions of this chapter, may serve as a member of  
46 the commission or as an employee of the commission. Nor

47 may any commissioner be a candidate for or hold public  
48 office, or be a member of any political committee, while  
49 acting as a commissioner; nor may any commissioner or  
50 employee of the commission receive any pass, free trans-  
51 portation or other thing of value, either directly or indi-  
52 rectly, from any public utility or motor carrier subject to  
53 the provisions of this chapter. In case any of the commis-  
54 sioners becomes a candidate for any public office or a  
55 member of any political committee, the governor shall  
56 remove him or her from office and shall appoint a new  
57 commissioner to fill the vacancy created.

58 (d) The salaries of members of the public service com-  
59 mission and the manner in which they are paid established  
60 by the prior enactment of this section are continued.  
61 Effective the first day of July, one thousand nine hundred  
62 ninety-six, and in light of the assignment of new, substan-  
63 tial additional duties embracing new areas and fields of  
64 activity under certain legislative enactments, each com-  
65 missioner shall receive an annual salary of sixty-five  
66 thousand dollars to be paid in monthly installments from  
67 the special funds in the amounts that follow:

68 (1) From the public service commission fund collected  
69 under the provisions of section six, article three of this  
70 chapter, fifty-two thousand dollars;

71 (2) From the public service commission motor carrier  
72 fund collected under the provisions of section six, article  
73 six, chapter twenty-four-a of this code, ten thousand eight  
74 hundred fifty dollars; and

75 (3) From the public service commission gas pipeline  
76 safety fund collected under the provisions of section three,  
77 article five, chapter twenty-four-b of this code, two  
78 thousand one hundred fifty dollars.

79 In addition to this salary provided for all commissioners,  
80 the chairman of the commission shall receive five thousand  
81 dollars per annum to be paid in monthly installments from  
82 the public service commission fund collected under the  
83 provisions of section six, article three of this chapter on  
84 and after the first day of July, one thousand nine hundred  
85 ninety-six.

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

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *approved* this the *3rd*  
Day of *March*, 1999  
*[Signature]*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/2/99

Time 3:40 pm