WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1999

ENROLLED

SENATE BILL NO. 359

(By Senator Sammon, et al.)

PASSED February 24, 1999
In Effect ninetieth day 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, 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
and declares that the public service commission should be
continued and reestablished. Accordingly, notwithstanding
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, two thousand one. The
public service commission may sue and be sued by that
name. The public service commission shall consist of three
members who shall be appointed by the governor 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 Vir-
ginia, with not less than ten years' actual work experience
in the legal profession as a member of a state bar. No
more than two of the commissioners shall be members of
the same political party. Each commissioner shall, before
entering upon the duties of his or her office, take and
subscribe to the oath provided by section five, article IV of
the constitution of this state. The oath shall be filed in the
office of the secretary of state. The governor shall desig-
nate one of the commissioners to serve as chairman at the
governor's will and pleasure. The chairman shall be the
chief administrative officer of the commission. The
governor may remove any commissioner only for incompe-
tency, neglect of duty, gross immorality, malfeasance in
office or violation of subsection (c) of this section.

(b) The unexpired terms of members of the public service
commission at the time this subsection becomes effective
are continued. Upon expiration of the terms, appoint-
ments are for terms of six years, except that an appoint-
ment to fill a vacancy is for the unexpired term only. The
commissioners whose terms are terminated by the provi-
sions 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
of a public utility subject to the provisions of this chapter,
or who is pecuniarily interested in a public utility subject
to the provisions of this chapter, may serve as a member of
the commission or as an employee of the commission. Nor
may any commissioner be a candidate for or hold public
office, or be a member of any political committee, while
acting as a commissioner; nor may any commissioner or
employee of the commission receive any pass, free trans-
portation or other thing of value, either directly or indi-
rectly, from any public utility or motor carrier subject to
the provisions of this chapter. In case any of the commis-
sioners becomes a candidate for any public office or a
member of any political committee, the governor shall
remove him or her from office and shall appoint a new
commissioner to fill the vacancy created.

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

(1) From the public service commission fund collected
under the provisions of section six, article three of this
chapter, fifty-two 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 eight
hundred fifty 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 one hundred fifty 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 July, one thousand nine hundred
ninety-six.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

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