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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*1ST Extraordinary Session, 2001*



**ENROLLED**

SENATE BILL NO. 1004

(By Senator Craig)



PASSED April 23, 2001

In Effect from Passage

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**Senate Bill No. 1004**

(BY SENATOR CRAIGO)

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[Passed April 23, 2001; in effect from passage.]

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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; and to further amend said article by adding thereto a new section, designated section ten, all 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; and that said article be further amended by adding thereto a new section, designated section ten, all 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 is
- 2 continued and directed as provided by this chapter,

3 chapter twenty-four-a, chapter twenty-four-b and chapter  
4 twenty-four-d of this code. After having conducted a  
5 performance audit through its joint committee on govern-  
6 ment operations, pursuant to section nine, article ten,  
7 chapter four of this code, the Legislature hereby finds and  
8 declares that the public service commission should be  
9 continued and reestablished. Accordingly, notwithstand-  
10 ing the provisions of section five, 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 three. 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  
34 service commission at the time this subsection becomes  
35 effective are continued. Upon expiration of the terms,  
36 appointments are for terms of six years, except that an  
37 appointment to fill a vacancy is for the unexpired term  
38 only. The commissioners whose terms are terminated by  
39 the provisions of this subsection are eligible for reappoint-  
40 ment.

41 (c) No person while in the employ of, or holding any  
42 official relation to, any public utility subject to the  
43 provisions of this chapter or holding any stocks or bonds  
44 of a public utility subject to the provisions of this chapter  
45 or who is pecuniarily interested in a public utility subject  
46 to the provisions of this chapter may serve as a member of  
47 the commission or as an employee of the commission. Nor  
48 may any commissioner be a candidate for or hold public  
49 office or be a member of any political committee while  
50 acting as a commissioner; nor may any commissioner or  
51 employee of the commission receive any pass, free trans-  
52 portation or other thing of value, either directly or indi-  
53 rectly, from any public utility or motor carrier subject to  
54 the provisions of this chapter. In case any of the commis-  
55 sioners becomes a candidate for any public office or a  
56 member of any political committee, the governor shall  
57 remove him or her from office and shall appoint a new  
58 commissioner to fill the vacancy created.

59 (d) The salaries of members of the public service com-  
60 mission and the manner in which they are paid established  
61 by the prior enactment of this section are continued.  
62 Effective the first day of July, two thousand one the  
63 annual salary of each commissioner provided in section  
64 two-a, article seven, chapter six of this code shall be paid  
65 in monthly installments from the special funds in the  
66 percentages that follow:

67 (1) From the public service commission fund collected  
68 under the provisions of section six, article three of this  
69 chapter, eighty percent;

70 (2) From the public service commission motor carrier  
71 fund collected under the provisions of section six, article  
72 six, chapter twenty-four-a of this code, seventeen percent;  
73 and

74 (3) From the public service commission gas pipeline  
75 safety fund collected under the provisions of section three,

76 article five, chapter twenty-four-b of this code, three percent.

77 In addition to the salary provided for all commissioners  
78 in section two-a, article seven, chapter six of this code, the  
79 chairman of the commission shall receive five thousand  
80 dollars per annum to be paid in monthly installments from  
81 the public service commission fund collected under the  
82 provisions of section six, article three of this chapter.

**§24-1-10. Termination of commission.**

1 The public service commission shall terminate on the  
2 first day of July, two thousand three, pursuant to the  
3 provisions of article ten, chapter four of this code unless  
4 sooner terminated, continued or reestablished pursuant to  
5 the provisions of that article.

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

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

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

Originated in the Senate.

In effect from passage.

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

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

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

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

The within *is* approved ..... this the *10<sup>th</sup>*  
Day of *May* ....., 2001.

*[Handwritten Signature]*  
.....  
Governor

REPORTABLE TO YOU

GRADING

Date 5/4/01  
Time 9:35 AM