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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1993



ENROLLED

SENATE BILL NO. A

(By Senator Brockmire)



PASSED April 7 1993
In Effect July 1, 1993 Passage

E N R O L L E D

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,
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
5 conducted a performance audit through its joint
6 committee on government operations, pursuant to
7 section nine, article ten, chapter four of this code, the
8 Legislature hereby finds and declares that the public
9 service commission should be continued and reestab-
10 lished. Accordingly, notwithstanding the provisions of
11 section four of said article, the public service commis-
12 sion shall continue to exist until the first day of July,

13 one thousand nine hundred ninety-nine. The public
14 service commission may sue and be sued by that
15 name. Such public service commission shall consist of
16 three members who shall be appointed by the gover-
17 nor with the advice and consent of the Senate. The
18 commissioners shall be citizens and residents of this
19 state and at least one of them shall be duly licensed to
20 practice law in West Virginia, of not less than ten
21 years' actual experience at the bar. No more than two
22 of said commissioners shall be members of the same
23 political party. Each commissioner shall, before enter-
24 ing upon the duties of his office, take and subscribe to
25 the oath provided by section five, article IV of the
26 constitution of this state, which oath shall be filed in
27 the office of the secretary of state. The governor shall
28 designate one of the commissioners to serve as chair-
29 man at the governor's will and pleasure. The chair-
30 man shall be the chief administrative officer of the
31 commission. The governor may remove any commis-
32 sioner only for incompetency, neglect of duty, gross
33 immorality, malfeasance in office or violation of
34 subsection (c) of this section.

35 (b) The unexpired term of members of the public
36 service commission at the time this subsection
37 becomes effective are continued through the thirtieth
38 day of June, one thousand nine hundred seventy-nine.
39 In accordance with the provisions of subsection (a) of
40 this section, the governor shall appoint three commis-
41 sioners, one for a term of two years, one for a term of
42 four years and one for a term of six years, all the
43 terms beginning on the first day of July, one thousand
44 nine hundred seventy-nine. All future appointments
45 are for terms of six years, except that an appointment
46 to fill a vacancy is for the unexpired term only. The
47 commissioners whose terms are terminated by the
48 provisions of this subsection are eligible for
49 reappointment.

50 (c) No person while in the employ of, or holding any
51 official relation to, any public utility subject to the
52 provisions of this chapter, or holding any stocks or
53 bonds thereof, or who is pecuniarily interested there-

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

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

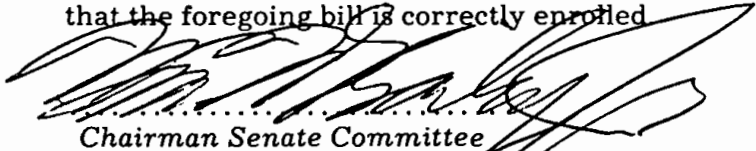
76 (1) From the public service commission fund collect-
77 ed under the provisions of section six, article three of
78 this chapter, forty-eight thousand dollars;

79 (2) From the public service commission motor
80 carrier fund collected under the provisions of section
81 six, article six, chapter twenty-four-a of this code, ten
82 thousand dollars; and

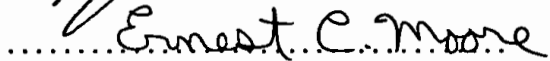
83 (3) From the public service commission gas pipeline
84 safety fund collected under the provisions of section
85 three, article five, chapter twenty-four-b of this code,
86 two thousand dollars.

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

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



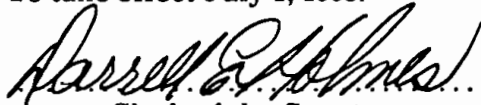
Chairman Senate Committee



Chairman House Committee

Originated in the Senate.

To take effect July 1, 1993.



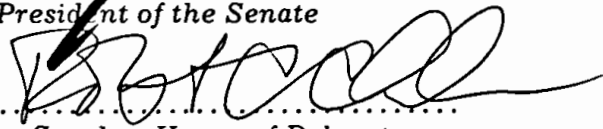
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within is approved.....this the 22nd.....
day ofApril....., 1993.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/16/93

Time 9:14