

1 ~~article ten, chapter four of this code, the Legislature hereby~~
2 ~~finds and declares that the Public Service Commission should be~~
3 ~~continued and reestablished. Accordingly, notwithstanding the~~
4 ~~provisions of section five, article ten, chapter four of this code,~~
5 ~~the Public Service Commission shall continue to exist until the~~
6 ~~first day of July, two thousand three. The Public Service~~
7 ~~Commission may sue and be sued by that name. The Public Service~~
8 ~~Commission shall consist of three members who shall be appointed by~~
9 ~~the Governor, with the advice and consent of the Senate~~ elected by
10 the voters of this state in a manner provided in this section. The
11 commissioners shall be citizens and residents of this state and ~~at~~
12 ~~least one of them shall be duly licensed to practice law in West~~
13 ~~Virginia, with not less than ten years' actual work experience in~~
14 ~~the legal profession as a member of a State Bar. No more than two~~
15 ~~of the commissioners shall be members of the same political party.~~
16 each commissioner shall, before entering upon the duties of his or
17 her office, take and subscribe to the oath provided by section
18 five, article IV of the Constitution of this state. The oath shall
19 be filed in the Office of the Secretary of State. ~~The Governor~~
20 ~~shall designate one of the commissioners to serve as chairman at~~
21 ~~the Governor's will and pleasure. The chairman~~ who shall be
22 elected by the commission shall be the chief administrative officer
23 of the commission. The chairman or any other commissioner may be
24 removed from office for conviction of a felony or a misdemeanor

1 involving moral turpitude, malfeasance in the office or for a
2 willful violation of this chapter or any rule, regulation or order
3 provided in this chapter. Removal of a member shall be conducted
4 as provided in section three, article six, chapter six of this
5 code. ~~The Governor may remove any commissioner only for~~
6 ~~incompetency, neglect of duty, gross immorality, malfeasance in~~
7 ~~office or violation of subsection (c) of this section.~~

8 (b) The unexpired terms of members of the Public Service
9 Commission at the time this subsection becomes effective are
10 continued until the end of their respective terms or until the
11 elected commissioners take office, whichever first occurs. ~~Upon~~
12 ~~expiration of the terms, appointments are for terms of six years,~~
13 ~~except that an appointment to fill a vacancy is for the unexpired~~
14 ~~term only. The commissioners whose terms are terminated by the~~
15 ~~provisions of this subsection are eligible for reappointment. A~~
16 commissioner shall be elected at the general election to be held in
17 the year 2012, for a term of two years, and two commissioners shall
18 be elected at the general election held in the year 2014, for a
19 term of four years, all the terms beginning on January 1. All
20 future elections are for terms of six years, except that an
21 election to fill a vacancy is for the unexpired term only. The
22 commissioners whose terms are terminated by the provisions of this
23 subsection are eligible for election.

24 (c) No person while in the employ of, or holding any official

1 relation to, any public utility subject to the provisions of this
2 chapter or holding any stocks or bonds of a public utility subject
3 to the provisions of this chapter or who is pecuniarily interested
4 in a public utility subject to the provisions of this chapter may
5 be elected to serve as a member of the commission or as an employee
6 of the commission. Nor may any commissioner be a candidate for or
7 hold public office or be a member of any political committee while
8 acting as a commissioner; nor may any commissioner or employee of
9 the commission receive any pass, free transportation or other thing
10 of value, either directly or indirectly, from any public utility or
11 motor carrier subject to the provisions of this chapter. In case
12 any of the commissioners becomes a candidate for any public office
13 or a member of any political committee, ~~the Governor shall remove~~
14 ~~him or her from office and shall appoint a new commissioner to fill~~
15 ~~the vacancy created~~ a vacancy shall be determined to exist in that
16 commissioner's office.

17 (d) The salaries of members of the Public Service Commission
18 and the manner in which they are paid established by the prior
19 enactment of this section are continued. Effective July 1, 2001,
20 the annual salary of each commissioner provided in section two-a,
21 article seven, chapter six of this code shall be paid in monthly
22 installments from the special funds in the percentages that follow:

23 (1) From the Public Service Commission Fund collected under
24 the provisions of section six, article three of this chapter, 80%;

1 (2) From the Public Service Commission Motor Carrier Fund
2 collected under the provisions of section six, article six, chapter
3 twenty-four-a of this code, seventeen percent; and

4 (3) From the Public Service Commission Gas Pipeline Safety
5 Fund collected under the provisions of section three, article five,
6 chapter twenty-four-b of this code, three percent.

7 In addition to the salary provided for all commissioners in
8 section two-a, article seven, chapter six of this code, the
9 chairman of the commission shall receive \$5,000 per annum to be
10 paid in monthly installments from the Public Service Commission
11 Fund collected under the provisions of section six, article three
12 of this chapter.

NOTE: The purpose of this bill is to provide for the election and removal of public service commissioners, setting terms of office for said commissioners, and otherwise relating to the Public Service Commission.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.