

H. B. 3201

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(By Delegates Doyle, Perdue, Talbot, Moore,
Williams, Mahan, Hamilton, Marshall,
Barker, Martin and Lawrence)

[Introduced February 18, 2011; referred to the
Committee on Government Organization then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §24-1-3 of the Code of West Virginia,
1931, as amended, relating to increasing the number of
commissioners on the Public Service Commission from the
current three members to five.

Be it enacted by the Legislature of West Virginia:

That §24-1-3 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 1. GENERAL PROVISIONS.

§24-1-3. Commission continued; membership; chairman; compensation.

(a) The Public Service Commission of West Virginia is
continued and directed as provided by this chapter, chapter twenty-
four-a, chapter twenty-four-b and chapter twenty-four-d of this
code. After having conducted a performance audit through its Joint
Committee on Government Operations, pursuant to section nine,
article ten, chapter four of this code, the Legislature hereby
finds and declares that the Public Service Commission should be
continued and reestablished. Accordingly, notwithstanding the
provisions of section five, article ten, chapter four of this code,
the Public Service Commission shall continue to exist. ~~until July~~

1 ~~1, 2003.~~ The Public Service Commission may sue and be sued by that
2 name. The Public Service Commission shall consist of ~~three~~ five
3 members who shall be appointed by the Governor with the advice and
4 consent of the Senate. The commissioners shall be citizens and
5 residents of this state, from different state senatorial districts
6 and at least one ~~of them~~ shall be duly licensed to practice law in
7 West Virginia with not less than ten years' actual work experience
8 in the legal profession as a member of a State Bar. No more than
9 ~~two~~ three of the commissioners shall be members of the same
10 political party. Each commissioner shall, before entering upon the
11 duties of his or her office, take and subscribe to the oath
12 provided by Section five, Article IV of the Constitution of this
13 state. The oath shall be filed in the office of the Secretary of
14 State. The Governor shall designate one of the commissioners to
15 serve as chairman at the Governor's will and pleasure. The
16 chairman shall be the chief administrative officer of the
17 commission. The Governor may remove any commissioner only for
18 incompetency, neglect of duty, gross immorality, malfeasance in
19 office or violation of subsection (c) of this section.

20 (b) ~~The unexpired terms of members of the Public Service~~
21 ~~Commission at the time this subsection becomes effective are~~
22 ~~continued. Upon expiration of the terms, Appointments to the~~
23 Public Service Commission are for terms of six years except that an
24 appointment to fill a vacancy is for the unexpired term only. The
25 commissioners whose terms are terminated by the provisions of this
26 subsection are eligible for reappointment.

1 (c) No person while in the employ of, or holding any official
2 relation to, any public utility subject to the provisions of this
3 chapter or holding any stocks or bonds of a public utility subject
4 to the provisions of this chapter or who is pecuniarily interested
5 in a public utility subject to the provisions of this chapter may
6 serve as a member of the commission or as an employee of the
7 commission. Nor may any commissioner be a candidate for or hold
8 public office or be a member of any political committee while
9 acting as a commissioner. Nor may any commissioner or employee of
10 the commission receive any pass, free transportation or other thing
11 of value, either directly or indirectly, from any public utility or
12 motor carrier subject to the provisions of this chapter. In case
13 any of the commissioners becomes a candidate for any public office
14 or a member of any political committee, the Governor shall remove
15 him or her from office and ~~shall~~ appoint a new commissioner to fill
16 the vacancy created.

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,
25 eighty percent;

26 (2) From the Public Service Commission Motor Carrier Fund

1 collected under the provisions of section six, article six, chapter
2 twenty-four-a of this code, seventeen percent; and

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

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

NOTE: The purpose of this bill is to increase the composition of the Public Service Commission from three members to five members, all of whom must reside in different state senatorial districts.

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