

1 **H. B. 4121**

2  
3 (By Delegates Kump, Folk, Faircloth,  
4 Canterbury and Romaine)

5  
6 [Introduced January 9, 2014; referred to the  
7 Committee on Government Organization then the Judiciary.]

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9  
10 A BILL to amend and reenact §24-1-3 of the Code of West Virginia,  
11 1931, as amended, relating to requiring that the chairperson  
12 of the Public Service Commission be elected on a nonpartisan  
13 ballot, beginning in 2018.

14 *Be it enacted by the Legislature of West Virginia:*

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

17 **ARTICLE 1. GENERAL PROVISIONS.**

18 **§24-1-3. Commission continued; membership; chairman; compensation;**  
19 **quorum.**

20 (a) The Public Service Commission of West Virginia is  
21 continued and directed as provided by this chapter, chapter twenty-  
22 four-a, chapter twenty-four-b and chapter twenty-four-d of this  
23 code. The Public Service Commission may sue and be sued by that  
24 name.

25 (b) The Public Service Commission shall consist of three

1 members who shall be appointed by the Governor, with the advice and  
2 consent of the Senate. The commissioners shall be citizens and  
3 residents of this state and at least one of them shall be duly  
4 licensed to practice law in West Virginia, with not less than ten  
5 years' actual work experience in the legal profession as a member  
6 of a State Bar.

7 (c) No more than two of the commissioners shall be members of  
8 the same political party.

9 (d) Each commissioner shall, before entering upon the duties  
10 of his or her office, take and subscribe to the oath provided by  
11 section five, article IV of the Constitution of this state. The  
12 oath shall be filed in the office of the Secretary of State.

13 (e) The Governor shall designate one of the commissioners to  
14 serve as ~~chairman~~ chairperson at the Governor's will and pleasure.  
15 The ~~chairman~~ chairperson shall be the chief administrative officer  
16 of the commission. The Governor may remove any commissioner only  
17 for incompetency, neglect of duty, gross immorality, malfeasance in  
18 office or violation of subsections (g) and (h) of this section.

19 (f) Upon expiration of the terms, appointments are for terms  
20 of six years, except that an appointment to fill a vacancy is for  
21 the unexpired term only.

22 (g) No person while in the employ of, or holding any official  
23 relation to, any public utility subject to the provisions of this  
24 chapter or holding any stocks or bonds of a public utility subject

1 to the provisions of this chapter or who is pecuniarily interested  
2 in a public utility subject to the provisions of this chapter may  
3 serve as a member of the commission or as an employee of the  
4 commission.

5 (h) Nor may any commissioner be a candidate for or hold public  
6 office or be a member of any political committee while acting as a  
7 commissioner; nor may any commissioner or employee of the  
8 commission receive any pass, free transportation or other thing of  
9 value, either directly or indirectly, from any public utility or  
10 motor carrier subject to the provisions of this chapter. In case  
11 any of the commissioners becomes a candidate for any public office  
12 or a member of any political committee, the Governor shall remove  
13 him or her from office and shall appoint a new commissioner to fill  
14 the vacancy created.

15 (i) The annual salary of each commissioner provided in section  
16 two-a, article seven, chapter six of this code shall be paid in  
17 monthly installments from the special funds in the percentages that  
18 follow:

19 (1) From the Public Service Commission Fund collected under  
20 the provisions of section six, article three of this chapter,  
21 eighty percent;

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

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

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

10          (k) Beginning with the 2018 general election, the Chairperson  
11 of the Public Service Commission shall be elected on a nonpartisan  
12 basis for four-year terms. The other two members of the commission  
13 shall be appointed by the Governor with advice and consent of the  
14 Senate.

NOTE: The purpose of this bill is to provide for the chairperson of the Public Service Commission to be elected on a nonpartisan basis beginning in 2018.

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