

H. B. 2483

(By Delegates P. Smith, Lynch and Longstreth)

[Introduced January 28, 2015; referred to the

Committee on Government Organization then the Judiciary.]

A BILL to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission and providing for election of commissioners.

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; quorum.

(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. The Public Service Commission may sue and be sued by that name.

(b) The Public Service Commission shall consist of three members, one from each congressional district, who shall be ~~appointed by the Governor, with the advice and consent of the Senate~~ elected by a majority of voters of the state. The commissioners shall be citizens and residents

1 of this state. ~~and at least one of them shall be duly licensed to practice law in West Virginia, with~~
 2 ~~not less than ten years' actual work experience in the legal profession as a member of a State Bar.~~

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

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

7 ~~(e)~~ (d) ~~The Governor shall designate one of the commissioners themselves to serve as~~
 8 ~~chairman at the Governor's will and pleasure.~~ The ~~chairman~~ chairperson, who shall be elected by
 9 the commission, shall be the chief administrative officer of the commission. ~~The Governor may~~
 10 ~~remove any commissioner only for incompetency, neglect of duty, gross immorality, malfeasance~~
 11 ~~in office or violation of subsections (g) and (h) of this section.~~ The chairperson or any other
 12 commissioner may be removed from office in the manner provided in section three, article six of this
 13 code. In addition to the grounds for removal enumerated in section three, article six, chapter six of
 14 this code, a commissioner may be removed from office for conviction of a felony, for conviction of
 15 a misdemeanor involving moral turpitude or a duty of the office or of a willful violation of this
 16 chapter or any rule, regulation or order provided in this chapter.

17 ~~(f)~~ (e) The unexpired terms of members of the Public Service Commission at the time this
 18 subsection becomes effective are continued until the end of their respective terms or until the elected
 19 commissioners take office, whichever date first occurs. In accordance with the provisions of
 20 subsection (b) of this section, one commissioner shall be elected at the general election to be held
 21 in the year 2016, one commissioner shall be elected at the general election to be held in the year
 22 2018, and one commissioner shall be elected at the general election to be held in the year 2020. ~~Upon~~

1 ~~expiration of the terms, appointments~~ All future elections are for terms of six years, except that an
 2 appointment to fill a vacancy is for the unexpired term only. The commissioners whose terms are
 3 terminated by the provisions of this subsection are eligible for election.

4 ~~(g)~~ (f) No person while in the employ of, or holding any official relation to, any public utility
 5 subject to the provisions of this chapter or holding any stocks or bonds of a public utility subject to
 6 the provisions of this chapter or who is pecuniarily interested in a public utility subject to the
 7 provisions of this chapter may be elected to serve as a member of the commission or as an employee
 8 of the commission.

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

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

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

22 (2) From the Public Service Commission Motor Carrier Fund collected under the provisions

1 of section six, article six, chapter twenty-four-a of this code, seventeen percent; and

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

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

NOTE: The purpose of this bill is to require the three commissioners of the Public Service Commission be elected from the three congressional districts for six-year terms, beginning with the 2016 general election.

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