

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**H. B. 2537**

(By Delegates Ihle, Kessinger, Faircloth, Westfall, Householder,  
Hill, Folk, Rowan, Frich and Canterbury)

[Introduced February 2, 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  
requiring that the chairperson of the Public Service Commission be elected on a nonpartisan  
ballot, beginning in 2018.

*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 who shall be appointed  
by the Governor, with the advice and consent of the Senate. The commissioners shall be citizens and  
residents of this state and at least one of them shall be duly licensed to practice law in West Virginia,

1 with not less than ten years' actual work experience in the legal profession as a member of a State  
2 Bar.

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

4 (d) 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) The Governor shall designate one of the commissioners to serve as ~~chairman~~ chairperson  
8 at the Governor's will and pleasure. The ~~chairman~~ chairperson shall be the chief administrative  
9 officer of the commission. The Governor may remove any commissioner only for incompetency,  
10 neglect of duty, gross immorality, malfeasance in office or violation of subsections (g) and (h) of this  
11 section.

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

14 (g) No person while in the employ of, or holding any official relation to, any public utility  
15 subject to the provisions of this chapter or holding any stocks or bonds of a public utility subject to  
16 the provisions of this chapter or who is pecuniarily interested in a public utility subject to the  
17 provisions of this chapter may serve as a member of the commission or as an employee of the  
18 commission.

19 (h) Nor may any commissioner be a candidate for or hold public office or be a member of  
20 any political committee while acting as a commissioner; nor may any commissioner or employee of  
21 the commission receive any pass, free transportation or other thing of value, either directly or  
22 indirectly, from any public utility or motor carrier subject to the provisions of this chapter. In case

1 any of the commissioners becomes a candidate for any public office or a member of any political  
2 committee, the Governor shall remove him or her from office and shall appoint a new commissioner  
3 to fill the vacancy created.

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

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

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

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

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

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