

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 2238**

**2015 Carryover**

(BY DELEGATES HAMILTON, FRICH, MOYE, GUTHRIE  
LONGSTRETH, SOBONYA AND ROMINE)

[Introduced January 13, 2016; referred to the  
Committee on Government Organization then the  
Judiciary.]

1 A BILL to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended, relating  
2 to appointment of Public Service Commissioners.

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

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

**ARTICLE 1. GENERAL PROVISIONS.**

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

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

4 (b) The Public Service Commission shall consist of three members who shall be appointed  
5 by the Governor, with the advice and consent of the Senate. The commissioners shall be  
6 citizens and residents of this state and at least one of them shall be duly licensed to practice law  
7 in West Virginia, with not less than ten years' actual work experience in the legal profession as a  
8 member of a State Bar. No more than one commissioner may be appointed from each of the  
9 three congressional districts and no more than one commissioner may be from any one county:  
10 Provided, That commissioners serving at the time of this amendment during the regular session  
11 of the Legislature, 2015, shall continue to serve their terms until time for reappointment, without  
12 regard to their respective congressional districts or counties.

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

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

17 (e) The Governor shall designate one of the commissioners to serve as chairman at the

18 Governor's will and pleasure. The chairman shall be the chief administrative officer of the  
19 commission. The Governor may remove any commissioner only for incompetency, neglect of  
20 duty, gross immorality, malfeasance in office or violation of subsections (g) and (h) of this section.

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

23 (g) No person while in the employ of, or holding any official relation to, any public utility  
24 subject to the provisions of this chapter or holding any stocks or bonds of a public utility subject  
25 to the provisions of this chapter or who is pecuniarily interested in a public utility subject to the  
26 provisions of this chapter may serve as a member of the commission or as an employee of the  
27 commission.

28 (h) Nor may any commissioner be a candidate for or hold public office or be a member of  
29 any political committee while acting as a commissioner; nor may any commissioner or employee  
30 of the commission receive any pass, free transportation or other thing of value, either directly or  
31 indirectly, from any public utility or motor carrier subject to the provisions of this chapter. In case  
32 any of the commissioners becomes a candidate for any public office or a member of any political  
33 committee, the Governor shall remove him or her from office and shall appoint a new  
34 commissioner to fill the vacancy created.

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

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

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

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

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

NOTE: The purpose of this bill is to require that the Governor's appointees to the Public Service Commission be from each of the three U. S. congressional districts and no more than one may serve from any one county. Current commissioners may serve out their terms.

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