

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 2483**

**2015 Carryover**

(BY DELEGATES P. SMITH, LYNCH AND LONGSTRETH)

[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 the Public Service Commission and providing for election of 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, one from each  
5 congressional district, who shall be ~~appointed by the Governor, with the advice and consent of~~  
6 ~~the Senate~~ elected by a majority of voters of the state. The commissioners shall be citizens and  
7 residents of this state. ~~and at least one of them shall be duly licensed to practice law in West~~  
8 ~~Virginia, with not less than ten years' actual work experience in the legal profession as a member~~  
9 ~~of a State Bar.~~

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

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

14 ~~(e)~~ (d) ~~The Governor shall designate one of the commissioners themselves to serve as~~  
15 ~~chairman at the Governor's will and pleasure.~~ The chairman chairperson, who shall be elected by  
16 the commission, shall be the chief administrative officer of the commission. ~~The Governor may~~  
17 ~~remove any commissioner only for incompetency, neglect of duty, gross immorality, malfeasance~~

18 ~~in office or violation of subsections (g) and (h) of this section.~~ The chairperson or any other  
19 commissioner may be removed from office in the manner provided in section three, article six of  
20 this code. In addition to the grounds for removal enumerated in section three, article six, chapter  
21 six of this code, a commissioner may be removed from office for conviction of a felony, for  
22 conviction of a misdemeanor involving moral turpitude or a duty of the office or of a willful violation  
23 of this chapter or any rule, regulation or order provided in this chapter.

24       ~~(f)~~ (e) The unexpired terms of members of the Public Service Commission at the time  
25 this subsection becomes effective are continued until the end of their respective terms or until the  
26 elected commissioners take office, whichever date first occurs. In accordance with the  
27 provisions of subsection (b) of this section, one commissioner shall be elected at the general  
28 election to be held in the year 2016, one commissioner shall be elected at the general election to  
29 be held in the year 2018, and one commissioner shall be elected at the general election to be  
30 held in the year 2020. Upon expiration of the terms, appointments All future elections are for terms  
31 of six years, except that an appointment to fill a vacancy is for the unexpired term only. The  
32 commissioners whose terms are terminated by the provisions of this subsection are eligible for  
33 election.

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

39       ~~(h)~~ (g) Nor may any commissioner be a candidate for or hold any other public office or be  
40 a member of any political committee while acting as a commissioner; nor may any commissioner  
41 or employee of the commission receive any pass, free transportation or other thing of value, either

42 directly or indirectly, from any public utility or motor carrier subject to the provisions of this chapter.  
 43 In case any of the commissioners becomes a candidate for any public office or a member of any  
 44 political committee, ~~the Governor shall remove him or her from office and shall appoint a new~~  
 45 ~~commissioner to fill the vacancy created~~ a vacancy shall be determined to exist in that  
 46 commissioner's office.

47       (+) (h) The annual salary of each commissioner provided in section two-a, article seven,  
 48 chapter six of this code shall be paid in monthly installments from the special funds in the  
 49 percentages that follow:

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

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

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

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

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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.