

FILED  
APR 14 2001  
IN THE OFFICE OF  
SECRETARY OF STATE  
WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

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ENROLLED

SENATE BILL NO. 449

(By Senator Bowman, et al)

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PASSED April 3, 2001

In Effect July 1, 2001 Passage

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## **ENROLLED**

### **Senate Bill No. 449**

(BY SENATORS BOWMAN, BAILEY, BURNETTE, KESSLER,  
MINARD, REDD, ROWE AND BOLEY)

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[Passed April 3, 2001; to take effect July 1, 2001.]

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AN ACT to amend and reenact section three, article one, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section ten, all relating to continuing the public service commission.

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

That section three, article one, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section ten, all to read as follows:

#### **ARTICLE 1. GENERAL PROVISIONS.**

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

- 1 (a) The public service commission of West Virginia,
- 2 heretofore established, is directed by the provisions of this

3 chapter, chapter twenty-four-a, chapter twenty-four-b  
4 and chapter twenty-four-d of this code. The public  
5 service commission may sue and be sued by that name.  
6 The public service commission shall consist of three  
7 members who shall be appointed by the governor with the  
8 advice and consent of the Senate. The commissioners shall  
9 be citizens and residents of this state and at least one of  
10 them shall be duly licensed to practice law in West Vir-  
11 ginia, with not less than ten years' actual work experience  
12 in the legal profession as a member of a state bar. No  
13 more than two of the commissioners shall be members of  
14 the same political party. Each commissioner shall, before  
15 entering upon the duties of his or her office, take and  
16 subscribe to the oath provided by section five, article IV of  
17 the constitution of this state. The oath shall be filed in the  
18 office of the secretary of state. The governor shall desig-  
19 nate one of the commissioners to serve as chairman at the  
20 governor's will and pleasure. The chairman shall be the  
21 chief administrative officer of the commission. The  
22 governor may remove any commissioner only for incompe-  
23 tency, neglect of duty, gross immorality, malfeasance in  
24 office or violation of subsection (c) of this section.

25 (b) The unexpired terms of members of the public  
26 service commission at the time this subsection becomes  
27 effective are continued. Upon expiration of the terms,  
28 appointments are for terms of six years, except that an  
29 appointment to fill a vacancy is for the unexpired term  
30 only. The commissioners whose terms are terminated by  
31 the provisions of this subsection are eligible for reappoint-  
32 ment.

33 (c) No person while in the employ of, or holding any  
34 official relation to, any public utility subject to the  
35 provisions of this chapter, or holding any stocks or bonds  
36 of a public utility subject to the provisions of this chapter,  
37 or who is pecuniarily interested in a public utility subject  
38 to the provisions of this chapter, may serve as a member of  
39 the commission or as an employee of the commission. Nor

40 may any commissioner be a candidate for or hold public  
41 office, or be a member of any political committee, while  
42 acting as a commissioner; nor may any commissioner or  
43 employee of the commission receive any pass, free trans-  
44 portation or other thing of value, either directly or indi-  
45 rectly, from any public utility or motor carrier subject to  
46 the provisions of this chapter. In case any of the commis-  
47 sioners becomes a candidate for any public office or a  
48 member of any political committee, the governor shall  
49 remove him or her from office and shall appoint a new  
50 commissioner to fill the vacancy created.

51 (d) The salaries of members of the public service com-  
52 mission and the manner in which they are paid established  
53 by the prior enactment of this section are continued.  
54 Effective the first day of July, one thousand nine hundred  
55 ninety-six, and in light of the assignment of new, substan-  
56 tial additional duties embracing new areas and fields of  
57 activity under certain legislative enactments, each com-  
58 missioner shall receive an annual salary of sixty-five  
59 thousand dollars to be paid in monthly installments from  
60 the special funds in the amounts that follow:

61 (1) From the public service commission fund collected  
62 under the provisions of section six, article three of this  
63 chapter, fifty-two thousand dollars;

64 (2) From the public service commission motor carrier  
65 fund collected under the provisions of section six, article  
66 six, chapter twenty-four-a of this code, ten thousand eight  
67 hundred fifty dollars; and

68 (3) From the public service commission gas pipeline  
69 safety fund collected under the provisions of section three,  
70 article five, chapter twenty-four-b of this code, two  
71 thousand one hundred fifty dollars.

72 In addition to this salary provided for all commissioners,  
73 the chairman of the commission shall receive five thousand  
74 dollars per annum to be paid in monthly installments from

75 the public service commission fund collected under the  
76 provisions of section six, article three of this chapter on  
77 and after the first day of July, one thousand nine hundred  
78 ninety-six.

**§24-1-10. Termination of commission.**

1 The public service commission shall terminate on the  
2 first day of July, two thousand three, pursuant to the  
3 provisions of article ten, chapter four of this code unless  
4 sooner terminated, continued or reestablished pursuant to  
5 the provisions of that article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Carly Olive*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2001.

*Daniel Helms*  
.....  
Clerk of the Senate

*Gregory M. Boyd*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within is approved this the 13<sup>th</sup>  
Day of April, 2001.

*[Signature]*  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE  
Governor

2001 APR 14 P 5:48

FILED

PRESENTED TO THE

GOVERNOR

Date 4/11/01

Time 8:56am