

1 **H. B. 3008**

2  
3 (By Delegates P. Smith, Caputo, Fleischauer, Lynch,  
4 Poore, Manchin, M. Poling, Longstreth, Moore,  
5 Boggs and Wells)  
6

7 [Introduced March 20, 2013; referred to the  
8 Committee on Government Organization then the Judiciary.]  
9

10 A BILL to amend and reenact §24-1-3 of the Code of West Virginia,  
11 1931, as amended, relating to the Public Service Commission  
12 and providing for election of commissioners.

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

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

16 **ARTICLE 1. GENERAL PROVISIONS.**

17 **§24-1-3. Commission continued; membership; chairman; compensation;**  
18 **quorum.**

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

24 (b) The Public Service Commission shall consist of three  
25 members, one from each congressional district, who shall be

1 ~~appointed by the Governor, with the advice and consent of the~~  
2 ~~Senate elected by a majority of voters of the state. The~~  
3 ~~commissioners shall be citizens and residents of this state. and at~~  
4 ~~least one of them shall be duly licensed to practice law in West~~  
5 ~~Virginia, with not less than ten years' actual work experience in~~  
6 ~~the legal profession as a member of a State Bar.~~

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

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

14 ~~(e)~~ (d) ~~The Governor shall designate one of the commissioners~~  
15 ~~themselves to serve as chairman at the Governor's will and~~  
16 ~~pleasure. The chairman chairperson, who shall be elected by the~~  
17 ~~commission, shall be the chief administrative officer of the~~  
18 ~~commission. The Governor may remove any commissioner only for~~  
19 ~~incompetency, neglect of duty, gross immorality, malfeasance in~~  
20 ~~office or violation of subsections (g) and (h) of this section. The~~  
21 ~~chairperson or any other commissioner may be removed from office in~~  
22 ~~the manner provided in section three, article six of this code. In~~  
23 ~~addition to the grounds for removal enumerated in section three,~~  
24 ~~article six, chapter six of this code, a commissioner may be~~

1 removed from office for conviction of a felony, for conviction of  
2 a misdemeanor involving moral turpitude or a duty of the office or  
3 of a willful violation of this chapter or any rule, regulation or  
4 order provided in this chapter.

5       ~~(f)~~ (e) The unexpired terms of members of the Public Service  
6 Commission at the time this subsection becomes effective are  
7 continued until the end of their respective terms or until the  
8 elected commissioners take office, whichever date first occurs. In  
9 accordance with the provisions of subsection (b) of this section,  
10 one commissioner shall be elected at the general election to be  
11 held in the year 2014, one commissioner shall be elected at the  
12 general election to be held in the year 2016, and one commissioner  
13 shall be elected at the general election to be held in the year  
14 2018. Upon expiration of the terms, appointments All future  
15 elections are for terms of six years, except that an appointment to  
16 fill a vacancy is for the unexpired term only. The commissioners  
17 whose terms are terminated by the provisions of this subsection are  
18 eligible for election.

19       ~~(g)~~ (f) No person while in the employ of, or holding any  
20 official relation to, any public utility subject to the provisions  
21 of this chapter or holding any stocks or bonds of a public utility  
22 subject to the provisions of this chapter or who is pecuniarily  
23 interested in a public utility subject to the provisions of this  
24 chapter may be elected to serve as a member of the commission or as

1 an employee of the commission.

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

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

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

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

23       (3) From the Public Service Commission Gas Pipeline Safety  
24 Fund collected under the provisions of section three, article five,

1 chapter twenty-four-b of this code, three percent.

2       ~~(j)~~ (i) In addition to the salary provided for all  
3 commissioners in section two-a, article seven, chapter six of this  
4 code, the ~~chairman~~ chairperson of the commission shall receive  
5 \$5,000 per annum to be paid in monthly installments from the Public  
6 Service Commission Fund collected under the provisions of section  
7 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 2014 general election.

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