

1 **H. B. 4127**

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3 (By Delegates Hamilton, M. Poling, A. Evans, Perdue,
4 Manypenny, Ireland, Azinger, Cowles, Marshall,
5 Skinner and Sponaugle)

6 [Introduced January 14, 2014; referred to the
7 Committee on Government Organization then the Judiciary.]

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10 A BILL to amend and reenact §24-1-3 of the Code of West Virginia,
11 1931, as amended, relating to appointment of Public Service
12 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

1 members who shall be appointed by the Governor, with the advice and
2 consent of the Senate. The commissioners shall be citizens and
3 residents of this state and at least one of them shall be duly
4 licensed to practice law in West Virginia, with not less than ten
5 years' actual work experience in the legal profession as a member
6 of a State Bar. No more than one commissioner may be appointed
7 from each of the three congressional districts and no more than one
8 commissioner may be from any one county: *Provided, That*
9 commissioners serving at the time of this amendment during the
10 regular session of the Legislature, 2014, shall continue to serve
11 their terms until time for reappointment, without regard to their
12 respective congressional districts or counties.

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

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

19 (e) The Governor shall designate one of the commissioners to
20 serve as chairman at the Governor's will and pleasure. The
21 chairman shall be the chief administrative officer of the
22 commission. The Governor may remove any commissioner only for
23 incompetency, neglect of duty, gross immorality, malfeasance in
24 office or violation of subsections (g) and (h) of this section.

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

4 (g) No person while in the employ of, or holding any official
5 relation to, any public utility subject to the provisions of this
6 chapter or holding any stocks or bonds of a public utility subject
7 to the provisions of this chapter or who is pecuniarily interested
8 in a public utility subject to the provisions of this chapter may
9 serve as a member of the commission or as an employee of the
10 commission.

11 (h) Nor may any commissioner be a candidate for or hold public
12 office or be a member of any political committee while acting as a
13 commissioner; nor may any commissioner or employee of the
14 commission receive any pass, free transportation or other thing of
15 value, either directly or indirectly, from any public utility or
16 motor carrier subject to the provisions of this chapter. In case
17 any of the commissioners becomes a candidate for any public office
18 or a member of any political committee, the Governor shall remove
19 him or her from office and shall appoint a new commissioner to fill
20 the vacancy created.

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

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

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

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

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