

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

## **Senate Bill 245**

BY SENATORS WOODRUM AND DEEDS

[Introduced January 16, 2023; referred  
to the Committee on Government Organization]



1 A BILL to amend and reenact §24-1-7 of the Code of West Virginia, 1931, as amended, relating  
2 to making rules and regulations of Public Service Commission subject to legislative rule-  
3 making review procedures.

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

**ARTICLE 1. GENERAL PROVISIONS.**

**§24-1-7. Rules of procedure; commission not bound by rules of evidence or pleadings;  
inscription on, use of, and judicial notice of seal.**

1 The commission shall prescribe such rules and regulations as may be necessary to carry  
2 out the provisions of this chapter, including rules of procedure and for taking evidence in all  
3 matters that may come before it, and enter such orders as may be just and lawful. ~~Provided, That~~  
4 ~~no such rule or regulation~~ All such rules or regulations shall be ~~effective unless~~ promulgated  
5 pursuant to the provisions of ~~sections one through ten, article three, chapter twenty-nine-a~~ §29A-  
6 3-1 et seq. of this code: ~~Provided, however, That no such rule or regulation shall become effective~~  
7 ~~until sixty days after its final adoption or until the effective date proposed by the commission,~~  
8 ~~whichever is later: Provided further~~ That any rules and regulations promulgated prior to the  
9 effective date of this section shall remain in full force and effect unless changed, modified, or  
10 repealed in accordance herewith. ~~The rules and regulations promulgated hereunder by the Public~~  
11 ~~Service Commission shall not be subject to the legislative rule-making review procedures~~  
12 ~~established in sections eleven through fifteen, article three, chapter twenty-nine-a of this code~~ In  
13 the investigations, preparations, and hearings of cases, the commission shall not be bound by  
14 the technical rules of pleading and evidence, but in that respect it may exercise such discretion  
15 as will facilitate its efforts to understand and learn all the facts bearing upon the right and justice  
16 to the matters before it.

17 Meetings of the commission wherein the sole purpose is to decide or deliberate toward a  
18 decision on any matter are exempt from the requirements of §6-9A-1 *et seq.* of this code, any  
19 other provision of this code to the contrary notwithstanding.

20 All orders of the commission shall set forth separately findings of facts and conclusions of  
21 law, which findings of fact shall make specific reference to the evidence in the record which  
22 supports such findings.

23 The commission shall have a seal bearing the following inscription: The Public Service  
24 Commission of West Virginia. The seal shall be affixed to all writs and authentications of copies  
25 of records, and to such other instruments as the commission shall direct. All courts shall take  
26 judicial notice of said seal.