

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 750

**FISCAL
NOTE**

By Senator Woelfel

[Introduced March 13, 2025; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend and reenact §3-5-13a and §24-1-3 of the Code of West Virginia, 1931, as
2 amended; and to amend the code by adding two new sections, designated §3-5-6f and
3 §24-1-3a, relating to the Public Service Commission; eliminating appointment process for
4 commission members; providing for expiration date of terms of appointed members;
5 providing that commission members be elected to nonpartisan six-year terms; providing
6 for staggered terms in initial election; providing for regular election procedures; and
7 providing for appointments to fill vacancies.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-6f. Election of members of the Public Service Commission.

1 (a) An election for the purpose of electing a member of the Public Service Commission
2 shall be held on the same date as the primary election, as provided by law, upon a nonpartisan
3 ballot printed for this purpose. Each commissioner shall be elected at large from the entire state.

4 (b) In case of a tie vote under this section, §3-6-12 of this code controls in breaking the tie
5 vote.

§3-5-13a. Order of offices and candidates on the ballot; uniform drawing date.

1 (a) The order of offices for state and county elections on all ballots within the state shall be
2 as prescribed herein. When the office does not appear on the ballot in an election, then it shall be
3 omitted from the sequence. When an unexpired term for an office appears on the ballot along with
4 a full term, the unexpired term shall appear immediately below the full term.

5 NATIONAL TICKET: President (and Vice President in the general election), United States
6 Senator, member of the United States House of Representatives.

7 STATE TICKET: Governor, Secretary of State, Auditor, Treasurer, Commissioner of
8 Agriculture, Attorney General, State Senator, member of the House of Delegates, any other

9 multicounty office, state executive committee.

10 NONPARTISAN JUDICIAL BALLOT: Justice of the Supreme Court of Appeals, judge of
11 the circuit court, family judge, magistrate.

12 COUNTY TICKET: Clerk of the circuit court, county commissioner, clerk of the county
13 commission, prosecuting attorney, sheriff, assessor, surveyor, congressional district executive
14 committee, senatorial district executive committee in multicounty districts, delegate district
15 executive committee in multicounty districts.

16 NONPARTISAN BALLOT: Nonpartisan elections for public service commission, board of
17 education, conservation district supervisor, any question to be voted upon.

18 DISTRICT TICKET: County executive committee.

19 NATIONAL CONVENTION: Delegate to the national convention -- congressional district,
20 delegate to the national convention -- at-large.

21 (b) Except for office divisions in which no more than one person has filed a certificate of
22 announcement, the arrangement of names for all offices shall be determined by lot according to
23 the following provisions:

24 (1) On the fourth Tuesday following the close of the candidate filing, beginning at 9:00 a.m.,
25 a drawing by lot shall be conducted in the office of the clerk of the county commission in each
26 county. Notice of the drawing shall be given on the form for the certificate of announcement and no
27 further notice shall be required. The clerk of the county commission shall superintend and conduct
28 the drawing and the method of conducting the drawing shall be prescribed by the Secretary of
29 State.

30 (2) Except as provided herein, the position of each candidate within each office division
31 shall be determined by the position drawn for that candidate individually: *Provided*, That if fewer
32 candidates file for an office division than the total number to be nominated or elected, the vacant
33 positions shall appear following the names of all candidates for the office.

34 (3) Candidates for delegate to national convention who have filed a commitment to a

candidate for president shall be listed alphabetically within the group of candidates committed to the same candidate for president and uncommitted candidates shall be listed alphabetically in an uncommitted category. The position of each group of committed candidates and uncommitted candidates shall be determined by lot by drawing the names of the presidential candidates and for an uncommitted category.

(4) A candidate or the candidate's representative may attend the drawings.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 1. GENERAL PROVISIONS.

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

(a) The Public Service Commission of West Virginia is continued and directed as provided by this chapter, Chapter 24A, Chapter 24B and Chapter 24D of this code. The Public Service Commission may sue and be sued by that name.

(b) The Public Service Commission shall consist of three members who shall be appointed by the Governor, with the advice and consent of the Senate: Provided, That effective January 1, 2026, all three seats on the commission are to be filled by state-wide, nonpartisan elections conducted pursuant to §24-1-3a of this code: Provided however, That the terms of all appointed members of the commission shall expire on December 31, 2026. The commissioners shall be citizens and residents of this state and at least one of them shall be duly licensed to practice law in West Virginia, with not less than ten years' actual work experience in the legal profession as a member of a State Bar.

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

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

~~(e)~~ (d) The Governor commission shall designate one of the commissioners its members to

17 serve as chairman ~~at the Governor's will and pleasure~~. The chairman shall be the chief
18 administrative officer of the commission. ~~The Governor may remove~~ Any commissioner only may
19 be removed for incompetency, neglect of duty, gross immorality, or malfeasance in office ~~or~~
20 ~~violation of subsections (g) and (h) of this section.~~

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

23 ~~(g)~~ (e) No person while in the employ of, or holding any official relation to, any public utility
24 subject to the provisions of this chapter or holding any stocks or bonds of a public utility subject to
25 the provisions of this chapter or who is pecuniarily interested in a public utility subject to the
26 provisions of this chapter may serve as a member of the commission or as an employee of the
27 commission.

28 ~~(h)~~ (f) Nor may any commissioner be a candidate for or hold any other public office or be a
29 member of any political committee while ~~acting~~ serving as a commissioner; nor may any
30 commissioner or employee of the commission receive any pass, free transportation or other thing
31 of value, either directly or indirectly, from any public utility or motor carrier subject to the provisions
32 of this chapter. In case any of the commissioners becomes a candidate for any other public office
33 or a member of any political committee, the Governor shall remove him or her from office and shall
34 appoint a new commissioner to fill the vacancy created for the remainder of the unexpired term.

35 ~~(i)~~ (g) The annual salary of each commissioner provided in §6-7-2a of this code shall be
36 paid at least twice per month from the special funds in the percentages that follow:

37 (1) From the Public Service Commission Fund collected under the provisions of §24-3-6 of
38 this code, eighty percent;

39 (2) From the Public Service Commission Motor Carrier Fund collected under the provisions
40 of §24A-6-6 of this code, seventeen percent; and

41 (3) From the Public Service Commission Gas Pipeline Safety Fund collected under the
42 provisions of §24B-5-3 of this code, three percent.

43 ~~(j)~~ (h) In addition to the salary provided for all commissioners in §6-7-2a of this code, the
44 chairman of the commission shall receive \$5,000 per annum to be paid at least twice per month
45 from the Public Service Commission Fund collected under the provisions of §24-3-6 of this code.

24-1-3a. Election of Public Service Commission Members.

1 (a) Effective January 1, 2026, the three members of the Public Service Commission shall
2 be elected on a nonpartisan basis to serve six-year terms, subject to the exception for initial
3 elected terms set forth in this section.

4 (b) During the 2026 primary election, three members shall be elected to the commission by
5 division, with one member elected to a two-year term; one member elected to a four-year term;
6 and one member elected to a six-year term. Candidates for the commission during the 2026
7 primary election shall select either the two-year, four-year, or six-year division. Each elected
8 commissioner's term shall commence on January 1, 2027.

9 (c) After the initial election, members of the commission shall be elected to full six-year
10 terms, with elections to be held during the primary election in every year during which a sitting
11 member's term will expire, and with the elected commissioner's term to commence on January 1 of
12 the year following, as set forth in §3-5-1 et seq. of this code.

13 (d) If a vacancy occurs on the commission, the Governor shall appoint a new
14 commissioner to fill the vacancy created, for the remainder of the unexpired term.

NOTE: The purpose of this bill is to have members of the Public Service Commission be elected to six-year terms through state-wide, nonpartisan elections.

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