

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5475**

By Delegates Bridges, Hornbuckle, Vance, B. Ward,  
Pritt, Mazzocchi, Sheedy, Young, Fluharty, Hamilton,  
and Lewis

[Introduced February 12, 2026; referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended; and to  
 2 amend the code by adding a new section, designated §24-1-3a, relating to the Public  
 3 Service Commission; eliminating appointment process for commission members;  
 4 providing for expiration date of terms of appointed members; providing that commission  
 5 members be elected to nonpartisan six-year terms from three created divisions; 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:*

**ARTICLE 1. GENERAL PROVISIONS.**

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

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

4 (b) The Public Service Commission shall consist of three members who shall be appointed  
 5 by the Governor, with the advice and consent of the Senate. The commissioners shall be citizens  
 6 and residents of this state and at least one of them shall be duly licensed to practice law in West  
 7 Virginia, with not less than 10 years' actual work experience in the legal profession as a member of  
 8 a State Bar.

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

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

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

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

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

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

31 (i) The annual salary of each commissioner provided in section two-a, article seven,  
32 chapter six of this code shall be paid at least twice per month from the special funds in the  
33 percentages that follow:

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

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

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

40 (j) In addition to the salary provided for all commissioners in section two-a, article seven,  
41 chapter six of this code, the chairman of the commission shall receive \$5,000 per annum to be  
42 paid at least twice per month from the Public Service Commission Fund collected under the

43 provisions of section six, article three of this chapter.

44 (k) Beginning with the primary election of the year 2026, commissioners shall be elected  
45 on a nonpartisan basis to serve six-year terms from the counties that were designated three  
46 congressional districts, prior to the loss of a congressional seat due to the change in the population  
47 of \_\_\_\_\_ the \_\_\_\_\_ state.

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

1 (a) Effective after January 1, 2026, the three members of the Public Service Commission  
2 shall 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 2027 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 2027  
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.

15 (e) As far as possible and practicable, one commissioner shall be elected from each of the  
16 prior three congressional districts as set forth in §1-2-3 of this code and to be known and referred  
17 as divisions for the purposes of this section and election of public service members.

NOTE: The purpose of this bill is to have members of the Public Service Commission be elected to six-year terms from three divisions in 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.