

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 670

Session of
1983

INTRODUCED BY BURNS, AFFLERBACH, WILSON, McVERRY, REINARD,
McHALE, GALLAGHER AND GREENWOOD, APRIL 6, 1983

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 6, 1983

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," providing for the election
21 of the Consumer Advocate; and making an editorial change.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 902-A of the act of April 29, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 added July 9, 1976 (P.L.903, No.161), the first sentence of
27 subsection (b) repealed October 15, 1980 (P.L.950, No.164), is

1 amended to read:

2 Section 902-A. Office of Consumer Advocate.--(a) There is
3 hereby established [within the Department of Justice] an Office
4 of Consumer Advocate to represent the interest of consumers
5 before the Pennsylvania Public Utility Commission.

6 (b) The Office of Consumer Advocate shall be headed by a
7 Consumer Advocate who shall be elected for a four-year term at
8 the same time and in the same manner as the Auditor General. In
9 the event of a vacancy, the Governor shall appoint a proper
10 person to fill the vacancy. The Consumer Advocate shall be a
11 person who by reason of training, experience and attainment is
12 qualified to represent the interest of consumers. Compensation
13 shall be [set by the Executive Board] equal to the compensation
14 fixed by law for a member of the Pennsylvania Public Utility
15 Commission.

16 (c) No individual who serves as a Consumer Advocate shall,
17 while serving in such position, engage in any business,
18 vocation, other employment, or have other interests,
19 inconsistent with his official responsibilities, nor shall he
20 seek or accept employment nor render beneficial services for
21 compensation with any "person" or "corporation," as defined in
22 [section 2 of the act of May 28, 1937 (P.L.1053, No.286), known
23 as the "Public Utility Law,"] 66 Pa.C.S. § 102 (relating to
24 definitions) subject to the authority of the commission during
25 the [tenure of the appointment] term of office and for a period
26 of two years after the [appointment is served or terminated]
27 individual ceases to hold office as Consumer Advocate.

28 (d) Any individual who [is appointed to the position of]
29 becomes Consumer Advocate shall not seek election nor accept
30 appointment to any other political office during the tenure as

1 Consumer Advocate and for a period of two years after the
2 [appointment is served or terminated] individual ceases to hold
3 office as Consumer Advocate.

4 Section 2. Section 903-A of the act, added July 9, 1976
5 (P.L.903, No.161), is amended to read:

6 Section 903-A. Assistant Consumer Advocates; Employees.--The
7 Consumer Advocate [with the approval of the Attorney General]
8 shall appoint attorneys as assistant consumer advocates and such
9 additional clerical, technical and professional staff as may be
10 appropriate, and may contract for such additional services as
11 shall be necessary for the performance of his function. The
12 compensation of assistant consumer advocates and such clerical,
13 technical and professional staff shall be set by the Consumer
14 Advocate, with the approval of the Attorney General, on a basis
15 consistent with compensation fixed for comparable positions by
16 the Executive Board. No assistant consumer advocate or other
17 staff employe shall, while serving in such position, engage in
18 any business, vocation, other employment, or have other
19 interests, inconsistent with his official responsibilities.

20 Section 3. Section 201(b) of the act of October 15, 1980
21 (P.L.950, No.164), known as the Commonwealth Attorneys Act, is
22 repealed.

23 Section 4. (a) The first election under this act shall be
24 held concurrently with the first election of an Auditor General
25 occurring more than ten months after the enactment of this act.

26 (b) Section 3 shall take effect upon the qualification of
27 the first Consumer Advocate elected under this act.

28 Section 5. This act shall take effect immediately.