

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 437

Session of
1985

INTRODUCED BY DeLUCA, MAYERNIK, KOSINSKI, MARKOSEK, BELFANTI,
COHEN, MRKONIC, HALUSKA, TIGUE, DALEY, JAROLIN, ARTY, MORRIS,
KASUNIC, TRELLO, CIMINI, FREEMAN AND PISTELLA, FEBRUARY 26,
1985

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 26, 1985

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing for the election of public
3 utility commissioners and for their campaign expenses.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 301 of Title 66 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 301. Establishment, members, qualifications and chairman.

9 (a) Appointment, election and terms of members.--The
10 Pennsylvania Public Utility Commission, established by the act
11 of March 31, 1937 (P.L.160, No.43), as an independent
12 administrative commission, is hereby continued as such and shall
13 consist of five members [who shall be appointed by the Governor,
14 by and with the advice and consent of two-thirds of all the
15 members of the Senate, for a term of ten years. No commissioner
16 upon the expiration of his term shall continue to hold office
17 until his successor shall be duly appointed or shall be

1 qualified] who shall be elected. The members shall be elected
2 for four-year terms. Terms shall begin January 1 following their
3 election. On January 1, 1986, the terms of office of the three
4 appointed commissioners with the shortest amount of time in
5 office shall be terminated. Their seats will be filled by three
6 of the five elected commissioners selected in November of 1985.
7 In the event of a vacancy, the position shall be filled at the
8 next municipal election. The Commonwealth shall be divided into
9 five utility districts of equal population consisting of ten
10 geographically contiguous senatorial districts and one
11 commissioner shall be elected from each district. The nomination
12 and election of a candidate for the office of commissioner of
13 the Pennsylvania Public Utility Commission shall be governed by
14 the act of June 3, 1937 (P.L.1333, No.320), known as the
15 Pennsylvania Election Code. Nominating petitions shall contain
16 2,500 signatures of the electorate registered with the
17 candidate's party and residing in the candidate's district. Not
18 more than 50% of the signatures shall be from one county.

19 (b) Qualifications and restrictions.--Each commissioner, at
20 the time of his appointment or election and qualification, shall
21 be a resident of this Commonwealth and shall have been a
22 qualified elector therein for a period of at least one year next
23 preceding his appointment, and shall also be not less than 30
24 years of age. No person shall be appointed or elected a member
25 of the commission or hold any place, position or office under
26 it, who occupies any official relation to any public utility or
27 who holds any other appointive or elected office of the
28 Commonwealth or any political subdivision thereof. [Commencing
29 July 1, 1977, commissioners] Commissioners shall devote full
30 time to their official duties. No commissioner shall hold any

1 office or position, the duties of which are incompatible with
2 the duties of his office as commissioner, or be engaged in any
3 business, employment or vocation, for which he shall receive any
4 remuneration, except as provided in this chapter. No employee,
5 appointee or official engaged in the service of or in any manner
6 connected with, the commission shall hold any office or
7 position, or be engaged in any employment or vocation, the
8 duties of which are incompatible with his employment in the
9 service of or in connection with the work of the commission. No
10 commissioner shall be paid or accept for any service connected
11 with the office, any fee or emolument other than the salary and
12 expenses provided by law. No commissioner shall participate in
13 any hearing or proceeding in which he has any direct or indirect
14 pecuniary interest. Within 90 days of confirmation, each
15 commissioner shall disclose, at that time and thereafter
16 annually, the existence of all security holdings in any public
17 utility or its affiliates held by such commissioner, his or her
18 spouse and any minor or unemancipated children and must either
19 divest or place in a blind trust such securities. As used in
20 this part, blind trust means a trust over which neither the
21 commissioners, their spouses, nor any minor or unemancipated
22 children shall exercise any managerial control, and from which
23 neither the commissioners, their spouses, nor any minor or
24 unemancipated children shall receive any income from the trust
25 during the commissioner's tenure of office. Such disclosure
26 statement shall be filed with the secretary of the commission
27 and shall be open to inspection by the public during the normal
28 business hours of the commission during the tenure of the
29 commissioner. Every commissioner, and every individual or
30 official, elected, employed or appointed to office under, in the

1 service of, or in connection with, the work of the commission,
2 is forbidden, directly or indirectly, to solicit or request
3 from, or to suggest or recommend to any public utility, or to
4 any officer, attorney, agent or employee thereof, the
5 appointment of any individual to any office, place or position
6 in, or the employment of any individual in any capacity by, such
7 public utility. Every commissioner, every bureau director and
8 every administrative law judge elected, employed or appointed to
9 office under, in the service of or in connection with the work
10 of the commission, is prohibited from accepting employment with
11 any public utility subject to the rules and regulations of the
12 commission for a period of one year after terminating employment
13 or service with the commission. If any person elected, employed
14 or appointed in the service of the commission violates any
15 provision of this section, the commission shall forthwith remove
16 him from the office or employment held by him.

17 (c) Chairman.--A member designated by the [Governor]
18 commissioners shall be the chairman of the commission for a
19 period of two years during such member's term of office. When
20 present, the chairman shall preside at all meetings, but in his
21 absence a member, designated by the chairman, shall preside and
22 shall exercise, for the time being, all the powers of the
23 chairman. The chairman shall have such powers and duties as
24 authorized by the commission as provided in section 331(b)
25 (relating to powers of commission and administrative law
26 judges).

27 (d) Quorum.--A majority of the members of the commission
28 serving in accordance with law shall constitute a quorum and
29 such majority, acting unanimously, shall be required for any
30 action, including the making of any order or the ratification of

1 any act done or order made by one or more of the commissioners.
2 No vacancy in the commission shall impair the right of a quorum
3 of the commissioners to exercise all the rights and perform all
4 the duties of the commission.

5 (e) Compensation.--Each of the commissioners shall receive
6 an annual salary of \$35,000, as of January 1, 1977, and \$40,000,
7 as of January 1, 1978, except the chairman, who shall receive an
8 annual salary of \$37,500, as of January 1, 1977, and \$42,500, as
9 of January 1, 1978.

10 (f) Open proceedings.--The proceedings of the commission
11 shall be conducted in accordance with the provisions of the act
12 of July 19, 1974 (P.L.486, No.175), referred to as the Public
13 Agency Open Meeting Law.

14 (g) Monitoring cases.--Each commissioner shall be
15 responsible for monitoring specified cases as shall be assigned
16 to him in a manner determined by the commission. All proceedings
17 properly before the commission shall be assigned immediately
18 upon filing.

19 (h) Utility Election District Committee.--The General
20 Assembly shall establish a Utility Election District Committee
21 composed of representatives of the majority leaders of the
22 Senate and House of Representatives and the minority leaders of
23 the Senate and House of Representatives.

24 (i) Donation limits.--No candidate for the office of
25 commissioner shall accept more than \$25 in donations from any
26 individual employee of utilities. Total donations from employees
27 of utilities shall not exceed \$500. No candidate for
28 commissioner shall accept donations of more than \$100 from other
29 individuals or political committees. No corporation, association
30 or private individual regulated directly by the commission shall

1 make any contributions to any candidate for nomination or
2 election to the commission.

3 (j) Additional restrictions.--The commissioners shall be
4 representative of the general public and no person who has held
5 any office in, or been employed by, a public utility or any
6 business providing services to a public utility shall be
7 eligible for nomination to the office of commissioner until two
8 years after he has left that office or employment.

9 (k) Offers for employment.--No commissioner or employee of
10 the commission may accept any office or employment with a public
11 utility subject to regulation under this part until two years
12 have elapsed from the last day in office or employment with the
13 commission. A violation of this prohibition shall result in
14 immediate and complete forfeiture of any claim to a public
15 pension under 71 Pa.C.S. Pt. XXV (relating to retirement for
16 State employees and officers).

17 Section 2. The terms of Public Utility Commission
18 commissioners appointed before the effective date of this act
19 shall terminate on the election and qualification of elected
20 Public Utility Commission commissioners.

21 Section 3. This act shall take effect immediately.