

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 673

Session of  
1975

INTRODUCED BY BITTLE, DIETZ, SHUMAN, SPENCER, WILSON, McCLATCHY,  
KLINGAMAN, KATZ, SALVATORE, GILLETTE, RYAN, WRIGHT, HOPKINS,  
WESTERBERG, ZORD, MORRIS, LEHR, HALVERSON, POLITE, HASAY,  
WEIDNER AND WORRILOW, MARCH 5, 1975

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, MARCH 10, 1975

AN ACT

1 Amending the act of March 31, 1937 (P.L.160, No.43), entitled  
2 "An act creating a commission to be known as the Pennsylvania  
3 Public Utility Commission; defining in part the powers and  
4 duties of such commission; abolishing The Public Service  
5 Commission of the Commonwealth of Pennsylvania, terminating  
6 the terms of the members thereof, and transferring to the  
7 Pennsylvania Public Utility Commission the records, employes,  
8 property, and equipment of The Public Service Commission of  
9 the Commonwealth of Pennsylvania; authorizing the  
10 Pennsylvania Public Utility Commission to appear in and  
11 complete all pending proceedings, legal or otherwise,  
12 instituted before, by or against The Public Service  
13 Commission of the Commonwealth of Pennsylvania; providing  
14 that all certificates of public convenience, contracts,  
15 orders, and rules and regulations of the latter commission  
16 shall remain effective until repealed, changed or modified by  
17 the Pennsylvania Public Utility Commission, and transferring  
18 and appropriating to the Pennsylvania Public Utility  
19 Commission any unexpended balance of any existing  
20 appropriation to The Public Service Commission of the  
21 Commonwealth of Pennsylvania," providing for the election of  
22 commissioners by districts.

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

25 Section 1. Subsections (a) and (b) of section 1, act of  
26 March 31, 1937 (P.L.160, No.43), entitled "An act creating a  
27 commission to be known as the Pennsylvania Public Utility

1 Commission; defining in part the powers and duties of such  
2 commission; abolishing The Public Service Commission of the  
3 Commonwealth of Pennsylvania, terminating the terms of the  
4 members thereof, and transferring to the Pennsylvania Public  
5 Utility Commission the records, employes, property, and  
6 equipment of The Public Service Commission of the Commonwealth  
7 of Pennsylvania; authorizing the Pennsylvania Public Utility  
8 Commission to appear in and complete all pending proceedings,  
9 legal or otherwise, instituted before, by or against The Public  
10 Service Commission of the Commonwealth of Pennsylvania;  
11 providing that all certificates of public convenience,  
12 contracts, orders, and rules and regulations of the latter  
13 commission shall remain effective until repealed, changed or  
14 modified by the Pennsylvania Public Utility Commission, and  
15 transferring and appropriating to the Pennsylvania Public  
16 Utility Commission any unexpended balance of any existing  
17 appropriation to The Public Service Commission of the  
18 Commonwealth of Pennsylvania," subsection (a) amended March 31,  
19 1943 (P.L.32, No.17), are amended to read:

20       Section 1. (a) A commission to be known as the Pennsylvania  
21 Public Utility Commission is hereby created. The commission  
22 shall consist of five members who shall be [appointed by the  
23 Governor, by and with the advice and consent of two-thirds of  
24 all the members of the Senate] elected as hereinafter provided.

25       The present commissioners [first appointed under this act,]  
26 shall continue in office for [terms of two, four, six, eight,  
27 and ten years, respectively, from the effective day of this act]  
28 the balance of the terms for which they have been appointed, but  
29 their successors shall each be [appointed] elected for a term of  
30 [ten] five years. [No commissioner, upon the expiration of his

1 term as aforesaid, shall continue to hold office until his  
2 successor shall be duly appointed or shall be qualified. Each  
3 commissioner, at the time of his appointment and qualification,  
4 shall be a resident of the Commonwealth of Pennsylvania, and  
5 shall have been a qualified elector therein for a period of at  
6 least one year next preceding his appointment, and shall also be  
7 not less than thirty years of age.]

8 At the first municipal election after a vacancy occurs in the  
9 present membership a commissioner shall be elected from the 1st  
10 district for a term of five years. Upon the occurrence of  
11 additional vacancies commissioners shall be elected from the  
12 2nd, 3rd, 4th and 5th districts in that order. Upon the  
13 expiration of the term of an elected commissioner the electors  
14 in that district shall elect a commissioner for a term of five  
15 years. Each commissioner shall be a resident of the district and  
16 shall have been a qualified elector therein for a period of at  
17 least one year next preceding his nomination. Each commissioner  
18 shall be at least twenty-five years old.

19 The 1st district shall consist of Senate districts 21, 25,  
20 30, 33, 34, 35, 41, 47, 49 and 50. The 2nd district shall  
21 consist of Senate districts 32, 37, 38, 39, 40, 42, 43, 44, 45  
22 and 46. The 3rd district shall consist of Senate districts 1, 2,  
23 3, 4, 5, 6, 7, 8, 26 and 36. The 4th district shall consist of  
24 Senate districts 9, 10, 11, 12, 13, 16, 17, 18, 19 and 24. The  
25 5th district shall consist of Senate districts 14, 15, 20, 22,  
26 23, 27, 28, 29, 31 and 48.

27 (b) [A member designated by the Governor shall be the  
28 chairman of the commission during such member's term of office.]  
29 A chairman of the commission shall be elected annually by the  
30 commissioners at their first January meeting. When present, the

1 chairman shall preside at all meetings, but in his absence a  
2 member, designated by the chairman, shall preside and shall  
3 exercise, for the time being, all the powers of the chairman.

4 \* \* \*

5 Section 2. Section 2 of the act is amended to read:

6 Section 2. When a vacancy shall occur in the office of any  
7 commissioner, [a commissioner shall, in the manner aforesaid, be  
8 appointed for the residue of the term. If the Senate shall not  
9 be in session when any vacancy occurs, any appointment made by  
10 the Governor to fill the vacancy shall be subject to the  
11 approval of the Senate, when convened. No vacancy in the  
12 commission shall impair the right of a quorum of the  
13 commissioners to exercise all the rights and perform all the  
14 duties of the commission.] the Governor shall issue a writ of  
15 election to fill such vacancy with a person from the same  
16 district for the remainder of the term.

17 Section 3. This act shall take effect immediately.