

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1406 Session of  
1998

INTRODUCED BY KUKOVICH, MELLOW, FUMO, O'PAKE, STAPLETON,  
KITCHEN, AFFLERBACH, BELAN, COSTA, WILLIAMS AND STOUT,  
APRIL 2, 1998

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
APRIL 2, 1998

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, further providing for the  
3 qualification of commissioners.

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

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

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

9 \* \* \*

10 (b) Qualifications and restrictions.--Each commissioner, at  
11 the time of his appointment and qualification, shall be a  
12 resident of this Commonwealth and shall have been a qualified  
13 elector therein for a period of at least one year next preceding  
14 his appointment, and shall also be not less than 25 years of  
15 age. No more than three commissioners shall be enrolled members  
16 of the same political party or body as defined in section 102 of  
17 the act of June 3, 1937 (P.L.1333, No.320), known as the

1 Pennsylvania Election Code. No person shall be appointed a  
2 member of the commission or hold any place, position or office  
3 under it, who occupies any official relation to any public  
4 utility or who holds any other appointive or elected office of  
5 the Commonwealth or any political subdivision thereof.  
6 Commencing July 1, 1977, commissioners shall devote full time to  
7 their official duties. No commissioner shall hold any office or  
8 position, the duties of which are incompatible with the duties  
9 of his office as commissioner, or be engaged in any business,  
10 employment or vocation, for which he shall receive any  
11 remuneration, except as provided in this chapter. No employee,  
12 appointee or official engaged in the service of or in any manner  
13 connected with, the commission shall hold any office or  
14 position, or be engaged in any employment or vocation, the  
15 duties of which are incompatible with his employment in the  
16 service of or in connection with the work of the commission. No  
17 commissioner shall be paid or accept for any service connected  
18 with the office, any fee or emolument other than the salary and  
19 expenses provided by law. No commissioner shall participate in  
20 any hearing or proceeding in which he has any direct or indirect  
21 pecuniary interest. Within 90 days of confirmation, each  
22 commissioner shall disclose, at that time and thereafter  
23 annually, the existence of all security holdings in any public  
24 utility or its affiliates held by such commissioner, his or her  
25 spouse and any minor or unemancipated children and must either  
26 divest or place in a blind trust such securities. As used in  
27 this part, blind trust means a trust over which neither the  
28 commissioners, their spouses, nor any minor or unemancipated  
29 children shall exercise any managerial control, and from which  
30 neither the commissioners, their spouses, nor any minor or

1 unemancipated children shall receive any income from the trust  
2 during the commissioner's tenure of office. Such disclosure  
3 statement shall be filed with the secretary of the commission  
4 and shall be open to inspection by the public during the normal  
5 business hours of the commission during the tenure of the  
6 commissioner. Every commissioner, and every individual or  
7 official, employed or appointed to office under, in the service  
8 of, or in connection with, the work of the commission, is  
9 forbidden, directly or indirectly, to solicit or request from,  
10 or to suggest or recommend to any public utility, or to any  
11 officer, attorney, agent or employee thereof, the appointment of  
12 any individual to any office, place or position in, or the  
13 employment of any individual in any capacity by, such public  
14 utility. Every commissioner, every bureau or office director and  
15 every administrative law judge employed or appointed to office  
16 under, in the service of or in connection with the work of the  
17 commission, is prohibited from accepting employment with any  
18 public utility subject to the rules and regulations of the  
19 commission for a period of one year, and every commissioner is  
20 prohibited from appearing before the commission on behalf of any  
21 public utility subject to the rules and regulations of the  
22 commission for a period of three years, after terminating  
23 employment or service with the commission. If any person  
24 employed or appointed in the service of the commission violates  
25 any provision of this section, the commission shall forthwith  
26 remove him from the office or employment held by him.

27 \* \* \*

28 Section 2. This act shall take effect in 60 days.