

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 748

Session of
1983

INTRODUCED BY BURNS, CESSAR, AFFLERBACH, GODSHALL, GREENWOOD,
MORRIS, NOYE, PRATT, COLE, SHOWERS, LETTERMAN, MICOZZIE,
GRUPPO, PHILLIPS, KUKOVICH, PUNT, BUNT, PERZEL, E. Z. TAYLOR,
MAIALE, HERSHEY, D. W. SNYDER, GANNON, SCHEETZ, MERRY,
STEVENS AND CIMINI, APRIL 12, 1983

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 12, 1983

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for the appointment,
3 terms and qualifications of commission members.

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

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

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

9 (a) Appointment and terms of members.--The Pennsylvania
10 Public Utility Commission, established by the act of March 31,
11 1937 (P.L.160, No.43), as an independent administrative
12 commission, is hereby continued as such and shall consist of
13 five members who shall be appointed by the Governor, by and with
14 the advice and consent of two-thirds of all the members of the
15 Senate, for a term of [ten] six years. No commissioner upon the
16 expiration of his term shall continue to hold office until his
17 successor shall be duly appointed or shall be qualified. Not

1 more than three of the commissioners shall be appointed from the
2 same political party.

3 (b) Qualifications and restrictions.--Each commissioner, at
4 the time of his appointment and qualification, shall be a
5 resident of this Commonwealth and shall have been a qualified
6 elector therein for a period of at least one year next preceding
7 his appointment, and shall also be not less than 30 years of
8 age. At least one commissioner shall be an attorney admitted to
9 practice in any of the states or the District of Columbia. The
10 remaining commissioners shall have expertise in at least one of
11 the following areas: accounting, engineering, economics,
12 finance, business, public administration, labor or farming. No
13 person shall be appointed a member of the commission or hold any
14 place, position or office under it, who occupies any official
15 relation to any public utility or who holds any other appointive
16 or elected office of the Commonwealth or any political
17 subdivision thereof. Commencing July 1, 1977, commissioners
18 shall devote full time to their official duties. No commissioner
19 shall hold any office or position, the duties of which are
20 incompatible with the duties of his office as commissioner, or
21 be engaged in any business, employment or vocation, for which he
22 shall receive any remuneration, except as provided in this
23 chapter. No employee, appointee or official engaged in the
24 service of or in any manner connected with, the commission shall
25 hold any office or position, or be engaged in any employment or
26 vocation, the duties of which are incompatible with his
27 employment in the service of or in connection with the work of
28 the commission. No commissioner shall be paid or accept for any
29 service connected with the office, any fee or emolument other
30 than the salary and expenses provided by law. No commissioner

1 shall participate in any hearing or proceeding in which he has
2 any direct or indirect pecuniary interest. Within 90 days of
3 confirmation, each commissioner shall disclose, at that time and
4 thereafter annually, the existence of all security holdings in
5 any public utility or its affiliates held by such commissioner,
6 his or her spouse and any minor or unemancipated children and
7 must either divest or place in a blind trust such securities. As
8 used in this part, blind trust means a trust over which neither
9 the commissioners, their spouses, nor any minor or unemancipated
10 children shall exercise any managerial control, and from which
11 neither the commissioners, their spouses, nor any minor or
12 unemancipated children shall receive any income from the trust
13 during the commissioner's tenure of office. Such disclosure
14 statement shall be filed with the secretary of the commission
15 and shall be open to inspection by the public during the normal
16 business hours of the commission during the tenure of the
17 commissioner. Every commissioner, and every individual or
18 official, employed or appointed to office under, in the service
19 of, or in connection with, the work of the commission, is
20 forbidden, directly or indirectly, to solicit or request from,
21 or to suggest or recommend to any public utility, or to any
22 officer, attorney, agent or employee thereof, the appointment of
23 any individual to any office, place or position in, or the
24 employment of any individual in any capacity by, such public
25 utility. Every commissioner, every bureau director and every
26 administrative law judge employed or appointed to office under,
27 in the service of or in connection with the work of the
28 commission, is prohibited from accepting employment with any
29 public utility subject to the rules and regulations of the
30 commission for a period of one year after terminating employment

1 or service with the commission. If any person employed or
2 appointed in the service of the commission violates any
3 provision of this section, the commission shall forthwith remove
4 him from the office or employment held by him.

5 * * *

6 Section 2. This act shall apply to commission members
7 appointed on and after the effective date hereof. This act shall
8 not affect or impair the terms of existing members of the
9 commission who shall serve to the end of their present terms.

10 Section 3. This act shall take effect immediately.