
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 85

Session of
1979

INTRODUCED BY GOEBEL, FEBRUARY 6, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 6, 1979

AN ACT

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

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

6 Section 1. Section 301 of Title 66, act of November 25, 1970
7 (P.L.707, No.203), added July 1, 1978 (No.116), is amended to
8 read:

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

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

1 year terms and two of the members shall be elected for two-year
2 terms. Terms shall begin January 1 following their election. In
3 the event of a vacancy the Governor shall appoint a person to
4 fill the unexpired term. The Commonwealth shall be divided by
5 the reapportionment commission into five utility districts of
6 equal population and one commissioner shall be elected from each
7 district.

8 Nomination and election of a candidate for the office of
9 Commissioner of the Public Utility Commission shall be governed
10 by the act of June 3, 1937 (P.L.1333, No.320), known as the
11 "Pennsylvania Election Code." Nominating petitions shall contain
12 2,500 signatures of the electorate registered with the
13 candidate's party and residing in the candidate's district. If
14 the district contains two or more counties not more than 50% of
15 the signatures shall be from one county.

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

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

1 appointment of any individual to any office, place or position
2 in, or the employment of any individual in any capacity by, such
3 public utility. Every commissioner, every bureau director and
4 every administrative law judge elected, employed or appointed to
5 office under, in the service of or in connection with the work
6 of the commission, is prohibited from accepting employment with
7 any public utility subject to the rules and regulations of the
8 commission for a period of one year after terminating employment
9 or service with the commission. Every elected commissioner is
10 prohibited from seeking a Statewide elected position, a seat in
11 the Pennsylvania House of Representatives, a seat in the
12 Pennsylvania Senate, a seat in the United States House of
13 Representatives or a seat in the United States Senate for a
14 period of three years after terminating his service as a
15 commissioner. No person shall be elected commissioner if he was
16 employed by a public utility during the three years prior to his
17 election. If any person, elected, employed or appointed in the
18 service of the commission violates any provision of this
19 section, the commission shall forthwith remove him from the
20 office or employment held by him.

21 (c) Chairman.--A member designated by the [Governor]
22 commissioners shall be the chairman of the commission [during
23 such member's term of office] for a one-year term commencing
24 January 3 and shall not be eligible for a second term. When
25 present, the chairman shall preside at all meetings, but in his
26 absence a member, designated by the chairman, shall preside and
27 shall exercise, for the time being, all the powers of the
28 chairman. The chairman shall have such powers and duties as
29 authorized by the commission as provided in section 331(b)
30 (relating to powers of commission and administrative law

1 judges).

2 (d) Quorum.--A majority of the members of the commission
3 serving in accordance with law shall constitute a quorum and
4 such majority, acting unanimously, shall be required for any
5 action, including the making of any order or the ratification of
6 any act done or order made by one or more of the commissioners.
7 No vacancy in the commission shall impair the right of a quorum
8 of the commissioners to exercise all the rights and perform all
9 the duties of the commission.

10 (e) Compensation.--Each of the commissioners shall receive
11 an annual salary of [\$35,000, as of January 1, 1977, and
12 \$40,000, as of January 1, 1978,] \$19,000, except the chairman,
13 who shall receive an annual salary of [\$37,500, as of January 1,
14 1977, and \$42,500, as of January 1, 1978] \$20,000.

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

19 (g) Monitoring cases.--Each commissioner shall be
20 responsible for monitoring specified cases as shall be assigned
21 to him in a manner determined by the commission. All proceedings
22 properly before the commission shall be assigned immediately
23 upon filing.

24 Section 2. Terms of Public Utility Commission commissioners
25 appointed before the effective date of this act shall terminate
26 on the election and qualification of elected Public Utility
27 Commission commissioners.

28 Section 3. This act shall take effect January 1, 1980.