

## Proposal of Commissioner Henry M. Duque for Modifying SB 33

An act to amend Sections 307 and 308 of, to repeal and add Section 305 of, and to amend, repeal, and add Section 309.1 of, the Public Utilities Code, relating to public utilities.

### LEGISLATIVE COUNSEL'S DIGEST

SB 33, as amended, Peace. Public Utilities Commission:  
president: advisers.

Existing law requires the members of the Public Utilities Commission to elect one of their number president of the commission and requires the president to preside at all meetings and sessions of the commission. Existing law authorizes the commission to appoint an attorney and an executive director to the commission, as specified, and requires the attorney and executive director to perform duties that the commission may require. Under existing law, the executive director is responsible for the commission's executive and administrative duties, including, but not limited to, directing the operations and affairs of the commission. Existing law authorizes the Governor to appoint one adviser for each member of the commission upon the request of the commission member and prohibits the total number of advisers exempt from civil service from exceeding 5.

This bill would require the Governor to designate the president of the commission from among its members. The bill would require the president to prepare an annual report to the governor recommending statutory or administrative reforms that would improve the operations of the commission and increase the accountability of the commission for the completion of actions mandated by law. ~~direct the executive director, the attorney, and other staff of the commission, except for the staff of the division which represents the interests of public utility customers and subscribers in commission proceedings, in the performance of their duties, in accordance with commission policies and guidelines. This bill would specify that the attorney and executive director may be directed in their duties by a vote of the commission, as prescribed.~~

The bill would require the president to preside at all meetings and sessions of the commission. The bill, until January 1, 2003, would authorize the Governor to appoint up to 2 advisers for each member of the commission upon the request of the commission member and would prohibit the total number of advisers exempt from civil service from exceeding 10. The bill would require the commission to seek funding for staffing in accordance with that appointment provision through the annual Budget Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 305 of the Public Utilities Code is repealed.

SEC. 2. Section 305 is added to the Public Utilities Code, to read:

305. The Governor shall designate a president of the commission from among the members of the commission. The president shall prepare an annual report to the governor recommending statutory or administrative reforms that would improve the operations of the commission and increase the accountability of the commission for the completion of actions mandated by law. ~~The president shall direct the executive director, the attorney, and other staff of the commission, except for the staff of the division described in Section 309.5, in the performance of their duties, in accordance with commission policies and guidelines.~~ The president shall preside at all meetings and sessions of the commission.

~~SEC. 3. Section 307 of the Public Utilities Code is amended to read:~~

~~307. (a) The commission may appoint as attorney to the commission an attorney at law of this state, who shall hold office during the pleasure of the commission.~~

~~(b) The attorney shall represent and appear for the people of the State of California and the commission in all actions and proceedings involving any question under this part or under any order or act of the commission. If directed to do so by the president, except as otherwise directed by vote of the commission, the attorney shall intervene, if possible, in any action or proceeding in which any such question is involved.~~

~~(c) The attorney shall commence, prosecute, and expedite the final determination of all actions and proceedings directed or authorized by the president, except as otherwise directed or authorized by vote of the commission, advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and the members thereof, and generally perform all duties and services as attorney to the commission that the president, or vote of the commission, may require of him.~~

~~SEC. 4. Section 308 of the Public Utilities Code is amended to read:~~

~~308. (a) The commission shall appoint an executive director, who shall hold office during its pleasure. The executive director shall be responsible for the commission's executive and administrative duties and shall organize, coordinate, supervise, and direct the operations and affairs of the commission and expedite all matters within the commission's jurisdiction.~~

~~(b) The executive director shall keep a full and true record of all proceedings of the commission, issue all necessary process, writs, warrants, and notices, and perform such other duties as the president, or vote of the commission, prescribes. The president may authorize the executive director to dismiss complaints or applications when all parties are in agreement thereto, in accordance with rules that the commission may prescribe.~~

~~(c) The commission may appoint assistant executive directors who may serve warrants and other process in any county or city and county of this state.~~

—SEC. 5. Section 309.1 of the Public Utilities Code is amended to read:

309.1. (a) The Governor may appoint up to two advisers for each member of the commission upon the request of the commission member. Each adviser shall receive a salary fixed by the commission with the approval of the Department of Personnel Administration. The commission shall seek funding for staffing in accordance with this section through the annual Budget Act. The total number of advisers exempt from civil service may not exceed 10.

(b) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 6. Section 309.1 is added to the Public Utilities Code, to read:

309.1. (a) The Governor may appoint one adviser for each member of the commission upon the request of the commission member. Each adviser shall receive a salary fixed by the commission with the approval of the Department of Personnel Administration. The total number of advisers exempt from civil service may not exceed five.

(b) This section shall become operative on January 1, 2003.