

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2081

Session of
1986

INTRODUCED BY HUTCHINSON AND DININNI, FEBRUARY 3, 1986

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 10, 1986

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for the
21 organization and operation of the State Transportation
22 Commission; and reestablishing the State Transportation
23 Commission in conformity with the Sunset Act.

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

26 Section 1. Section 468 of the act of April 9, 1929 (P.L.177,
27 No.175), known as The Administrative Code of 1929, amended May

1 6, 1970 (P.L.356, No.120) and October 4, 1978 (P.L.972, No.192),
2 is amended to read:

3 Section 468. State Transportation Commission.--(a) There is
4 hereby created a State Transportation Commission which shall
5 consist of fifteen members, one of whom shall be the Secretary
6 of Transportation, ex officio, who shall be the chairman of the
7 commission. The [chairman] majority and minority chairmen of the
8 Committee on [Highways] Transportation of the Senate and the
9 [chairman] majority and minority chairmen of the Committee on
10 Transportation of the House of Representatives, respectively,
11 shall be [ex officio] members of the commission.

12 (b) [The] Subject to the provisions of subsection (h), the
13 Governor shall nominate and by and with the advice and consent
14 of [two-thirds] a majority of all the members of the Senate,
15 appoint ten of the remaining members of the commission, not more
16 than five of whom shall be members of the same political party,
17 for terms of six years: Provided, That one of the two members
18 who is to be appointed by virtue of his membership on the board
19 of directors of a transportation authority shall be appointed
20 for an initial term of four years. Not more nor less than one
21 appointed member of the commission shall be a resident of the
22 counties of Philadelphia and Allegheny, respectively. At least
23 one of the members of the commission shall hold at least a
24 private pilot's license and derive part of his or her livelihood
25 from aviation related activities or be otherwise actively
26 involved in aviation. Effective with the first two appointments
27 after the adoption of this act at least two of the appointees of
28 the Governor shall be members of the board of directors of a
29 transportation authority at the time of their appointment:
30 Provided, That said authority appointees shall not be considered

1 residents of either Philadelphia or Allegheny County for the
2 purpose of the preceding sentence. The present members of the
3 commission shall be entitled to complete their present terms and
4 may be reappointed at the completion thereof.

5 (c) [The President Pro Tempore of the Senate and the Speaker <—
6 of the House of Representatives shall each appoint one member of
7 the minority party in their respective houses to serve until
8 February 1, 1971. Subsequent appointees shall serve for two year
9 periods ending on January 31, of the odd-numbered years or until
10 a successor is appointed whichever shall last occur. In the
11 event a member so appointed is no longer a member of the house
12 from which he was appointed, there shall be a vacancy in his
13 position on the commission.] Any member of the General Assembly <—
14 who serves as a member of the State Transportation Commission
15 pursuant to subsection (a) or this subsection shall have the
16 power and may appoint a designee who shall have the same rights
17 and privileges as a member when attending a meeting of the State
18 Transportation Commission on behalf of the legislative member.

19 (d) The members of the commission shall be reputable
20 citizens of the Commonwealth, of mature judgment and broad
21 business experience and shall not hold any other position as an
22 employe of the Commonwealth. Any person appointed to fill a
23 vacancy shall serve only for the unexpired term. [Any member of <—
24 the commission may be appointed to succeed himself. All
25 appointed members shall serve for their appointed terms and
26 until their successors have been appointed and qualify.] A <—
27 member of the commission may be reappointed to succeed himself.
28 All appointed members shall serve for their appointed terms and
29 may serve for a period not to exceed six months until their
30 successors have been appointed and qualify. All vacancies shall

1 be filled not later than sixty days after such vacancy occurs.

2 (e) No member of the commission, during his term of office
3 shall directly or indirectly own, have any significant financial
4 interest in, be associated with, or receive any fee, commission,
5 compensation or anything of value from any person, firm,
6 partnership, business association or corporation which supplies
7 materials or services of any nature except services of an
8 informational or advisory nature rendered as a public service
9 and without profit to the Department of Transportation.

10 (f) Each member of the commission shall be deemed to have
11 been appointed to represent the interests of the Commonwealth at
12 large and shall not be deemed to be the representative of any
13 region or district whatsoever.

14 (g) The members of the commission, other than legislative
15 members during a legislative session, shall be entitled to
16 receive seventy-five dollars (\$75) per diem for each day
17 actually spent in the performance of his duties and all members
18 shall be entitled to reimbursement for reasonable expenses as
19 determined by rule or regulation of the commission.

20 (h) Upon receipt of a written notice from the chairman of
21 the State Transportation Commission stating that the named
22 member of the commission has missed three consecutive regularly
23 scheduled meetings of the commission without cause and excluding
24 any meetings under section 2011(c), (d) or (e), the appointing
25 authority may remove the member named in the written notice and
26 may appoint a new member to fill the vacancy as provided in
27 subsection (d).

28 (i) The Department of Transportation shall supply all
29 necessary assistance to assist the State Transportation
30 Commission in carrying out its duties and responsibilities.

1 Section 2. Section 2011(a) and (f) of the act, amended May
2 6, 1970 (P.L.356, No.120), are amended to read:

3 Section 2011. State Transportation Commission.--(a) The
4 commission shall hold [regular] at least four regularly
5 scheduled meetings throughout the State, as may be determined
6 and announced in the January meeting, which meetings shall be
7 open to the public at all times. At least two of these regularly
8 scheduled meetings shall be held in different geographical
9 regions of the State. Hearings for purposes of revising the
10 twelve-year plan shall not count against the four regularly
11 scheduled meetings. The members shall meet at the call of the
12 Secretary of Transportation at the State Capitol during the
13 month of January, or as soon thereafter as possible, to organize
14 as the State Transportation Commission. The commission shall
15 biennially elect a secretary who shall be a member of said
16 commission.

17 * * *

18 (f) The commission may adopt bylaws to govern the conduct of
19 its affairs. The commission shall promulgate regulations not
20 inconsistent with provisions of this section for the execution
21 of the powers and duties herein delegated to them.

22 Section 3. This act, with respect to the State
23 Transportation Commission, constitutes the legislation required
24 to reestablish an agency under the act of December 22, 1981
25 (P.L.508, No.142), known as the Sunset Act.

26 Section 4. This act shall take effect April 30, 1986.