

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 709 Session of 2013

INTRODUCED BY READSHAW, CARROLL, D. COSTA, KORTZ, FABRIZIO AND COHEN, FEBRUARY 14, 2013

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 14, 2013

AN ACT

1 Amending the act of April 6, 1956 (1955 P.L.1414, No.465),
 2 entitled, as amended, "An act to promote the welfare of the
 3 people of this Commonwealth; creating Port Authorities to
 4 function in counties of the second class as bodies corporate
 5 and politic, with power to plan, acquire, construct, maintain
 6 and operate facilities and projects for the improvement and
 7 development of the port district and to borrow money and
 8 issue bonds therefor; providing for the payment of such bonds
 9 and prescribing the rights of the holders thereof; conferring
 10 the right of eminent domain on the authorities; authorizing
 11 the authorities to enter into contracts with and to accept
 12 grants from the Federal government or any agency thereof; and
 13 conferring exclusive jurisdiction on certain courts over
 14 rates and services; and authorizing the authorities to
 15 collect tolls, fares, fees, rentals and charges for the use
 16 of facilities; defining the authorities' powers and duties,
 17 and defining the port districts; granting Port Authorities
 18 the right to engage in the business of owning, operating, and
 19 maintaining a transportation system for the transportation of
 20 persons in counties of the second class, providing, when
 21 necessary, for extension of transportation systems into
 22 adjoining counties and outside of said counties as provided
 23 in the act; limiting the jurisdiction of the Public Utility
 24 Commission over Port Authorities; authorizing municipalities
 25 to make loans and grants and to transfer existing facilities;
 26 authorizing Port Authorities to enter into contracts with and
 27 to accept grants from State and local governments or agencies
 28 thereof; exempting the property and facilities of such Port
 29 Authorities from taxation and limiting the time to commence
 30 civil action against said Authorities," further providing for
 31 powers of the authority.

32 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 6 of the act of April 6, 1956 (1955
3 P.L.1414, No.465), known as the Second Class County Port
4 Authority Act, amended June 13, 2012 (P.L.619, No.61), is
5 amended to read:

6 [Section 6. Subject to the provisions of section 6.1, the
7 powers of an authority shall be exercised by a board, composed
8 of the number of members, not more than nine, as shall be fixed
9 by the county council of the county where the authority is
10 located. The county executive of that county shall appoint the
11 members of the board, one of whom shall at all times be a member
12 of the county council, all of whom shall be residents of such
13 county and citizens of the United States, whose terms of office
14 shall commence on the date of appointment, one member shall
15 serve for one year, one for two years, one for three years, and
16 one for four years, and one for five years, from the first day
17 of January next succeeding the date of approval of this act, and
18 terms of other members shall be staggered in a similar manner
19 but in no instance shall exceed five years. Thereafter, whenever
20 a vacancy has occurred or is about to occur by reason of the
21 expiration of the term of any member, the county executive shall
22 appoint a member for a term of five years to succeed the member
23 whose term has expired or is about to expire. Members shall hold
24 office until their successors have been appointed, and may
25 succeed themselves. A member shall receive such compensation for
26 his services as the county executive shall determine and shall
27 be entitled to the necessary expenses, including traveling
28 expenses incurred in the performance of his duties. Within
29 ninety days after the creation of the authority, the board shall
30 meet and organize by electing from their number a chairman, a

1 vice chairman, and such other officers as the board may
2 determine. The board may employ a secretary, an executive
3 director, its own counsel and legal staff and such technical
4 experts and other agents and employes, permanent or temporary,
5 as it may require, and may determine the qualifications and fix
6 the compensation of such persons. Six members of the board shall
7 constitute a quorum for its meetings. Members of the board shall
8 not be liable personally on the bonds or other obligations of
9 the authority, and the rights of creditors shall be solely
10 against the authority. The board may delegate to one or more of
11 its agents or employes such of its powers as it shall deem
12 necessary to carry out the purposes of this act, subject always
13 to the supervision and control of the board. The board shall
14 have full authority to manage and operate the business of the
15 authority and to prescribe, amend and repeal by-laws, rules and
16 regulations governing the manner in which the business of the
17 authority may be conducted and the powers granted to it may be
18 exercised and embodied. Copies of such by-laws, rules and
19 regulations shall be filed with the county council of the
20 county. A member may be removed for cause by the court of common
21 pleas of the county in which the authority is located after
22 having been provided with a copy of the charges against the
23 member for at least ten days and a full hearing by the court.

24 If a vacancy occurs by reason of the death, resignation or
25 removal of a member, the county executive shall appoint a
26 successor to fill the unexpired term.]

27 Section 6. Subject to the provisions of section 6.1, the
28 powers of an authority shall be exercised by a board, composed
29 of eleven members. The county executive of that county shall
30 appoint six members of the board, one of whom shall at all times

1 be a member of the county council. The Governor and the Majority
2 Leader and Minority Leader of Senate and the Majority Leader and
3 Minority Leader of the House of Representatives shall each
4 appoint one member of the board, all of whom shall be residents
5 of such county and citizens of the United States, whose terms of
6 office shall commence on the date of appointment. One member
7 shall serve for one year, one for two years, one for three
8 years, one for four years and one for five years, from the first
9 day of January next succeeding the date of approval of this act,
10 and terms of other members shall be staggered in a similar
11 manner but in no instance shall exceed five years. Thereafter,
12 whenever a vacancy has occurred or is about to occur by reason
13 of the expiration of the term of any member, the appointing
14 official shall appoint a member for a term of five years to
15 succeed the member whose term has expired or is about to expire.
16 Members shall hold office until their successors have been
17 appointed, and may succeed themselves. A member shall receive
18 such compensation for his services as the county executive shall
19 determine and shall be entitled to the necessary expenses,
20 including traveling expenses incurred in the performance of his
21 duties. Within ninety days after the creation of the authority,
22 the board shall meet and organize by electing from their number
23 a chairman, a vice chairman and such other officers as the board
24 may determine. The board may employ a secretary, an executive
25 director, its own counsel and legal staff and such technical
26 experts and other agents and employes, permanent or temporary,
27 as it may require, and may determine the qualifications and fix
28 the compensation of such persons. Six members of the board shall
29 constitute a quorum for its meetings. Members of the board shall
30 not be liable personally on the bonds or other obligations of

1 the authority, and the rights of creditors shall be solely
2 against the authority. The board may delegate to one or more of
3 its agents or employes such of its powers as it shall deem
4 necessary to carry out the purposes of this act, subject always
5 to the supervision and control of the board. The board shall
6 have full authority to manage and operate the business of the
7 authority and to prescribe, amend and repeal by-laws, rules and
8 regulations governing the manner in which the business of the
9 authority may be conducted and the powers granted to it may be
10 exercised and embodied. Copies of such by-laws, rules and
11 regulations shall be filed with the county council of the
12 county. A member may be removed for cause by the court of common
13 pleas of the county in which the authority is located after
14 having been provided with a copy of the charges against the
15 member for at least ten days and a full hearing by the court.

16 If a vacancy occurs by reason of the death, resignation or
17 removal of a member, the appointing official shall appoint a
18 successor to fill the unexpired term.

19 Section 2. The following apply to members appointed to the
20 board under section 6 of the act:

21 (1) The appointments by the Governor and the Majority
22 Leader of the Senate shall be made within 60 days of the
23 effective date of this section.

24 (2) If the board has no more than six members on the
25 effective date of this section, the appointments by the
26 Majority Leader of the House of Representatives, the Minority
27 Leader of the Senate and the Minority Leader of the House of
28 Representatives shall be made within 60 days of the effective
29 date of this section.

30 (3) If the board has more than six members on the

1 effective date of this section, upon the next vacancies
2 occurring on the board, appointments to the board shall be
3 made in the following order:

4 (i) By the Majority Leader of the House of
5 Representatives.

6 (ii) By the Minority Leader of the Senate.

7 (iii) By the Minority Leader of the House of
8 Representatives.

9 Section 3. This act shall take effect in 60 days.