

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2081 Session of
1986

INTRODUCED BY HUTCHINSON AND DININNI, FEBRUARY 4, 1986

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 4, 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
 28 6, 1970 (P.L.356, No.120) and October 4, 1978 (P.L.972, No.192),

1 is amended to read:

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

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

1 purpose of the preceding sentence. The present members of the
2 commission shall be entitled to complete their present terms and
3 may be reappointed at the completion thereof.

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

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

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

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

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

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

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

30 Section 2. Section 2011(a) and (f) of the act, amended May

1 6, 1970 (P.L.356, No.120), are amended to read:

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

16 * * *

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

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

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