

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1275 Session of
2008

INTRODUCED BY ORIE, GREENLEAF, ARMSTRONG, EICHELBERGER, FOLMER,
RAFFERTY, WAUGH AND M. WHITE, FEBRUARY 14, 2008

REFERRED TO TRANSPORTATION, FEBRUARY 14, 2008

AN ACT

1 Amending Titles 74 (Transportation) and 75 (Vehicles) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 definitions; providing for employment and hiring, for
4 consulting and other contracts, for reporting and campaign
5 contributions and for lobbying; further providing for code of
6 conduct; and further providing for conversion of Interstate
7 80.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 8102 of Title 74 of the Pennsylvania
11 Consolidated Statutes is amended by adding definitions to read:

12 § 8102. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 "Facility." Rest areas, service plazas, restaurants, fueling
18 stations, traffic advisory systems, call boxes or other services
19 provided to persons using toll roads or highways operated by the
20 Pennsylvania Turnpike Commission.

1 "Financial interest." Owning or holding, or being deemed to
2 hold, debt or equity securities or other ownership interest or
3 profits interest. A financial interest shall not include any
4 debt or equity security, or other ownership interest or profits
5 interest, which is held or deemed to be held in any of the
6 following:

7 (1) A blind trust over which the member, executive-level
8 public employee, public official, party officer or immediate
9 family member thereof may not exercise any managerial control
10 or receive income during the tenure of office. The provisions
11 of this paragraph shall apply only to blind trusts
12 established prior to the effective date of this paragraph.

13 (2) Securities that are held in a pension plan, profit-
14 sharing plan, individual retirement account, tax-sheltered
15 annuity, a plan established pursuant to section 457 of the
16 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
17 1 et seq.) or any successor provision deferred compensation
18 plan whether qualified or not qualified under the Internal
19 Revenue Code of 1986 or any successor provision or other
20 retirement plan that:

21 (i) is not self-directed by the individual; and

22 (ii) is advised by an independent investment adviser
23 who has sole authority to make investment decisions with
24 respect to contributions made by the individual to these
25 plans.

26 (3) A tuition account plan organized and operated
27 pursuant to section 529 of the Internal Revenue Code of 1986
28 that is not self-directed by the individual.

29 (4) A mutual fund where the interest owned by the mutual
30 fund in an entity that does business with the Pennsylvania

Turnpike Commission does not constitute a controlling
interest as defined in this chapter.

* * *

"Ownership interest." Owning or holding, or being deemed to
hold, debt or equity securities or other ownership interest or
profit interest.

* * *

Section 2. Title 74 is amended by adding sections to read:

§ 8108.1. Employment and hiring.

(a) General rule.--The commission shall comply with the act
of August 5, 1941 (P.L.752, No.286), known as the Civil Service
Act, with regard to the hiring and employment of all employees
other than commission members and executive-level employees.

(b) Status of permanent employees.--All permanent employees
of the commission shall be deemed to be included in the list of
positions set forth in section 3(d) of the Civil Service Act.

§ 8120.1. Consulting and other contracts.

(a) General rules.--The commission may not contract with any
individual who is not an employee of the commission, nor with
any business, to provide legal, bond or management consulting
services, unless the contracting meets the disclosure and other
requirements of this chapter or is opened up to competitive
bidding pursuant to this section.

(a.1) Contracts.--No member or executive-level employee may
negotiate contracts on behalf of the commission if such
individual holds or is campaigning for a public or party office.

(a.2) Disclosure.--Prior to entering into a contract with
the commission, a member or executive level employee of the
commission shall disclose any financial interest the member may
have in the entity with which the commission seeks to enter into

a contract. Failure to comply with this paragraph shall make the contract null and void.

(b) Qualifications, criteria and procedure.--If the commission has a need or anticipates a future need for consulting services, the commission shall promulgate and publish the minimum educational, experience and other qualifications and criteria which must be met by an individual or business that desires to provide such services to the commission. The commission shall also promulgate and publish the procedure that must be followed by an individual or business that desires to provide such services.

(c) Consulting contracts which will not exceed \$25,000 in value.--

(1) The commission shall maintain a public registry for all individuals or businesses who have applied and meet the qualifications and criteria to provide contracts for consulting services pursuant to this section.

(2) Contracts which will not exceed \$25,000 in value shall be assigned on an equal, rotating basis to the consultants on that registry.

(d) Consulting contracts for which the value may exceed \$25,000.--A contract for consulting services for which the value may exceed \$25,000 shall be awarded by competitive sealed bidding under 62 Pa.C.S. § 512 (relating to competitive sealed bidding).

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consulting services." The provision, by an independent contractor that receives a fee or compensation, of professional

1 or expert advice, opinion or other advisory examination which
2 involves the delivery of an end product consisting primarily of
3 correspondence, graphs, drawings or other oral or written
4 reports. The term shall include:

5 (1) A management consulting contract designed to improve
6 the effectiveness of management strategies, processes or
7 operations by assessing needs, functions, plans and operating
8 procedures.

9 (2) Legal consulting services that provide legal
10 opinions, strategies or assessments of commission conduct,
11 other than those related to pending litigation.

12 (3) Provision of legal or other services in connection
13 with the sale or issuance of bonds authorized by law.

14 § 8120.2. Reporting and campaign contributions.

15 (a) Duty to report.--All individuals and businesses who
16 perform work for the commission under this chapter shall report
17 their campaign contributions as a condition of receiving future
18 contracts.

19 (b) Information to be open for public inspection.--All
20 information as to contributions under subsection (a) and as to
21 criteria and contracts awarded under section 8120.1 (relating to
22 consulting and other contracts) shall be made available for
23 public inspection on the Internet.

24 § 8120.3. Lobbying.

25 Neither the commission nor any employee therein shall hire,
26 retain, compensate or otherwise employ a lobbyist to attempt to
27 influence the approval, modification or rejection of any
28 legislative or administrative action by the executive branch of
29 the Commonwealth or the General Assembly.

30 Section 3. Section 8204(a) of Title 74 is amended by adding

1 paragraphs to read:

2 § 8204. Code of conduct.

3 (a) Contents.--The commission shall adopt a comprehensive
4 code of conduct within 90 days of the effective date of this
5 section. The code of conduct shall supplement all other
6 requirements under this chapter and shall provide guidelines
7 applicable to members and executive-level employees and the
8 immediate families of the members and executive-level employees
9 to enable them to avoid any perceived or actual conflict of
10 interest and to promote public confidence in the integrity and
11 impartiality of the commission. At a minimum, the code of
12 conduct adopted under this section shall provide that:

13 * * *

14 (9) No member or executive-level employee may hold or
15 campaign for public office, nor hold an office in any
16 political party or political committee.

17 (10) Prior to entering into a contract with the
18 commission, a member of the commission shall divest any
19 financial interest the member may have in the entity with
20 which the commission seeks to enter into a contract. Failure
21 to comply with this paragraph shall make the contract null
22 and void.

23 (11) No member may accept employment with any facility,
24 business or other entity with which the commission has
25 contracted during the member's tenure for a period of two
26 years from the termination of term of office.

27 * * *

28 Section 4. Section 8915.1 of Title 75, added July 18, 2007
29 (P.L.169, No.44), is amended to read:

30 § 8915.1. Conversion of Interstate 80.

1 In order to facilitate vehicular traffic across this
2 Commonwealth, the commission is authorized and empowered to do
3 all of the following:

4 (1) Convert Interstate 80 to a toll road and maintain
5 and operate it as a toll road.

6 (2) Construct, reconstruct, widen, expand, extend,
7 maintain and operate Interstate 80 from a point at or near
8 the Ohio border to a point at or near the New Jersey border,
9 together with connecting roads, interchanges, slip ramps,
10 tunnels and bridges.

11 (3) Issue turnpike revenue bonds, notes or other
12 obligations, payable solely from revenues of the commission,
13 including tolls, or from funds as may be available to the
14 commission for that purpose, to pay the cost of constructing,
15 reconstructing, widening, expanding or extending Interstate
16 80 or any other costs of Interstate 80 and the Pennsylvania
17 Turnpike. No bonds shall be issued under this section nor for
18 any purpose under the act of July 18, 2007 (P.L.169, No.44),
19 entitled, "An act amending Titles 53 (Municipalities
20 Generally), 74 (Transportation) and 75 (Vehicles) of the
21 Pennsylvania Consolidated Statutes, providing for minority
22 and women-owned business participation; authorizing local
23 taxation for public transportation assistance; repealing
24 provisions relating to public transportation assistance;
25 providing for transportation issues and for sustainable
26 mobility options; consolidating the Turnpike Organization,
27 Extension and Toll Road Conversion Act; providing for
28 Turnpike Commission Standards of Conduct; in provisions on
29 the Pennsylvania Turnpike, further providing for definitions,
30 for authorizations and for conversion to toll roads and

providing for conversion of Interstate 80, for application ,
for lease of Interstate 80, for payments, for other
interstate highways, for fund distribution, for impact, for
financial plan and for nonperformance; in taxes for highway
maintenance and construction, providing for definitions;
further providing for imposition and for allocation of
proceeds; providing for special revenue bonds, for expenses,
for application of proceeds of obligations, for trust
indenture, for exemption, for pledged revenues, for special
revenue refunding bonds, for remedies, for Motor License Fund
proceeds, for construction and for funding; and making
related repeals," unless the commission receives prior
permission from the Federal Government pursuant to its
application under section 8915.2 (relating to application to
United States Department of Transportation) to convert
Interstate 80 to a toll road.

(4) Provide quarterly reports and periodic updates regarding significant developments with respect to the conversion of Interstate 80 to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives. These reports shall include, at a minimum, the status of outstanding discussions with the United States Department of Transportation regarding Interstate 80, the location and construction of tolling-related equipment for Interstate 80, planned capital improvements for Interstate 80 and other information important to implementation of this section.

Section 5. This act shall take effect in 60 days.