

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1304 Session of 2011

INTRODUCED BY READSHAW, KORTZ, HESS, DeWEESE, W. KELLER,
CALTAGIRONE, CARROLL, D. COSTA, EVERETT, KULA, MARSHALL,
MILLER AND WHEATLEY, APRIL 7, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 7, 2011

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 exclusive right to engage in the business of owning,
19 operating, and maintaining a transportation system for the
20 transportation of persons in counties of the second class,
21 providing, when necessary, for extension of transportation
22 systems into adjoining counties and outside of said counties
23 as provided in the act; limiting the jurisdiction of the
24 Public Utility Commission over Port Authorities; authorizing
25 municipalities to make loans and grants and to transfer
26 existing facilities; authorizing Port Authorities to enter
27 into contracts with and to accept grants from State and local
28 governments or agencies thereof; exempting the property and
29 facilities of such Port Authorities from taxation and
30 limiting the time to commence civil action against said
31 Authorities," further providing for 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 18, 1999 (P.L.72, No.11), is amended
5 to read:

6 Section 6. Subject to the provisions of section 6.1, [the
7 powers of the authority shall be exercised by a board, composed
8 of the number of members, not more than nine, one of whom shall
9 at all times be a member of the county council appointed by the
10 county executive, as shall be fixed by the county council of
11 each county of the second class. The county executive of each
12 county of the second class shall appoint the members of the
13 board, all of whom shall be residents of such county] the powers
14 of the authority shall be exercised by a board, composed of the
15 number of members, not more than nine. The Governor may appoint
16 as a member of the board one person. The Majority Leader and the
17 Minority Leader of the Senate and the Majority Leader and the
18 Minority Leader of the House of Representatives shall each
19 appoint two persons to serve as a board member. The county
20 executive shall appoint four persons who shall be residents of
21 such county and citizens of the United States, whose terms of
22 office shall commence on the date of appointment, one member
23 shall serve for one year, one for two years, one for three
24 years, and one for four years, and one for five years, from the
25 first day of January next succeeding the date of approval of
26 this act, and terms of other members shall be staggered in a
27 similar manner but in no instance shall exceed five years.
28 Thereafter, whenever a vacancy has occurred or is about to occur
29 by reason of death of or the expiration of the term of any
30 member, the [county executive] appointing authority of the

1 member shall appoint a member for a term of five years to
2 succeed the member whose term has expired or is about to expire.
3 Members shall hold office until their successors have been
4 appointed, and may succeed themselves. A member shall receive
5 such compensation for his services as the county executive shall
6 determine and shall be entitled to the necessary expenses,
7 including traveling expenses incurred in the performance of his
8 duties. Within ninety days after the creation of the authority,
9 the board shall meet and organize by electing from their number
10 a chairman, a vice chairman, and such other officers as the
11 board may determine. The board may employ a secretary, an
12 executive director, its own counsel and legal staff and such
13 technical experts and other agents and employes, permanent or
14 temporary, as it may require, and may determine the
15 qualifications and fix the compensation of such persons. Six
16 members of the board shall constitute a quorum for its meetings.
17 Members of the board shall not be liable personally on the bonds
18 or other obligations of the authority, and the rights of
19 creditors shall be solely against such authority. The board may
20 delegate to one or more of its agents or employes such of its
21 powers as it shall deem necessary to carry out the purposes of
22 this act, subject always to the supervision and control of the
23 board. The board shall have full authority to manage and operate
24 the business of the authority and to prescribe, amend and repeal
25 by-laws, rules and regulations governing the manner in which the
26 business of the authority may be conducted and the powers
27 granted to it may be exercised and embodied. Copies of such by-
28 laws, rules and regulations shall be filed with the county
29 council of the county incorporating the authority. A member may
30 be removed for cause by the court of common pleas of the county

1 in which the authority is located after having been provided
2 with a copy of the charges against the member for at least ten
3 days and a full hearing by the court.

4 If a vacancy occurs by reason of the death, resignation or
5 removal of a member, the county executive shall appoint a
6 successor to fill the unexpired term.

7 Section 2. This act shall take effect in 60 days.