
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1828 Session of
1975

INTRODUCED BY DiCARLO, OCTOBER 14, 1975

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, OCTOBER 15, 1975

AN ACT

1 Providing for the entry of the Commonwealth into a compact with
2 the States of New York and New Jersey concerning drug
3 trafficking; creating the Tri-State Drug Trafficking Policy
4 and Control Commission and prescribing the membership
5 function, powers and duties of said commission.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short Title.--This act shall be known and may be
9 cited as the "Tri-State Drug Trafficking Policy and Control
10 Compact."

11 Section 2. Tri-State Drug Trafficking Policy and Control
12 Compact.--The Tri-State Drug Trafficking Policy and Control
13 Compact is hereby enacted into law and entered into by this
14 State with the other states legally joining therein in the form
15 substantially as follows:

16 Tri-State Drug Trafficking Policy and Control Compact

17 ARTICLE I

18 Findings and Purpose

19 The party states find that the problem of drug abuse in the
20 compact region is one of the severest problems of drug abuse in

1 the Nation and that because of the drug traffic between the
2 party states, especially the geographical area extending from
3 New York City and North Jersey to Camden and Philadelphia, there
4 is a vital need for the development of greater inter-
5 jurisdictional cooperation to stem drug traffic between the
6 party states as a means of controlling drug abuse.

7 The purposes of this compact are to develop interstate policy
8 to stem drug trafficking between the party states as a means of
9 controlling drug abuse in the respective party states, to
10 recommend interstate policy which might lead in the party states
11 to legislative support of methods to stem drug trafficking
12 between the party states, to provide close and effective
13 cooperation and assistance between the party states in
14 developing means to detect and prevent interstate drug
15 trafficking, and to gather, evaluate and disseminate to the
16 appropriate offices of the party states information concerning
17 drug trafficking between the party states.

18 ARTICLE II

19 Definitions

20 For the purpose of this compact, unless the context plainly
21 requires a different meaning:

22 "Commission" means the Tri-State Drug Trafficking Policy and
23 Control Commission.

24 "Compact region" means all of the geographical area of the
25 Commonwealth of Pennsylvania and the States of New Jersey and
26 New York.

27 "Concurrent legislation" means a statute enacted by one of
28 the party states which is concurred in by the other party states
29 in the form of enactments having like effect.

30 "Party states" mean the States of New Jersey, New York and

1 the Commonwealth of Pennsylvania.

2 ARTICLE III

3 Compact and Commission

4 The Commonwealth of Pennsylvania hereby agrees with the
5 States of New York and New Jersey upon enactment by each of them
6 of legislation having the same effect as this section, to the
7 following compact:

8 The party states, for the purposes of (1) developing
9 interstate policy to stem drug trafficking between the party
10 states as a means of controlling drug abuse in the respective
11 party states, (2) recommending interstate policy which might
12 lead in the party states to legislative support of methods to
13 stem drug trafficking between the party states, (3) providing
14 close and effective cooperation and assistance between the party
15 states in developing means to detect and prevent interstate drug
16 trafficking, and (4) gathering, evaluating and disseminating to
17 the appropriate offices of the party states information
18 concerning drug trafficking between the party states, do hereby
19 establish and create the Tri-State Drug Trafficking Policy and
20 Control Commission.

21 ARTICLE IV

22 Commission Organization

23 The commission shall be an interstate body, both corporate
24 and politic serving as a common agency of the party states and
25 representing them both collectively and individually in the
26 exercise of its powers and duties.

27 (a) The commission shall be composed of not more than 12
28 members representing the party states and apportioned as
29 follows:

30 (1) Four representatives from each of the party states;

1 provided, however, in the case of the State of New York, at
2 least one of the representatives shall be a resident of the City
3 of New York and in the case of the Commonwealth of Pennsylvania
4 one of the representatives shall be a resident of the City of
5 Philadelphia.

6 (2) The representatives of the party states shall consist of
7 two State legislators, one to be appointed from the membership
8 of the House of Representatives by the Speaker, and one to be
9 appointed from the membership of the Senate by the President of
10 the Senate in Pennsylvania; one to be appointed from the
11 membership of the General Assembly by the Speaker, and one to be
12 appointed from the membership of the Senate by the President of
13 the Senate in New Jersey and one to be appointed from the
14 membership of the General Assembly by the Speaker, and one to be
15 appointed from the membership of the Senate by the President of
16 the Senate in New York; and the remaining two representatives
17 from each state shall consist of the Attorney General or his
18 designate and the Secretary of Health or his designate in
19 Pennsylvania; the State Attorney General or his designate and
20 the Commissioner of the State Department of Health or his
21 designate in New Jersey and the State Attorney General or his
22 designate and the Commissioner of the State Department of Health
23 or his designate in New York. Each member shall serve and be
24 subject to removal in accordance with the laws of the State
25 which he represents. The commission shall elect a chairman from
26 among its members.

27 (b) The commission's functions shall be performed and
28 carried out by its members, advisory committees and panels
29 representative of citizens and political subdivisions and other
30 governmental agencies in the compact region as may be

1 established by the commission, and by such officers, agents and
2 employees as may be appointed by the commission, subject to its
3 direction and control. All such officers, agents and employees
4 shall hold office at the pleasure of the commission, which shall
5 prescribe their powers, duties and qualifications and fix their
6 compensation and other terms of their employment.

7 (c) A quorum of the commission for the purpose of
8 transacting business at any commission meeting shall exist only
9 when there are present, in person, at least three members from
10 each of the party states. No action of the commission shall be
11 effective or binding unless a majority of each party state's
12 representatives who are present at such commission meeting shall
13 vote in favor thereof.

14 (d) The members of the commission shall receive no
15 compensation for their services pursuant to this compact but
16 they shall be entitled to be paid the expenses actually and
17 necessarily incurred by them in the performance of their duties.

18 (e) No member of the commission who is otherwise a public
19 officer or employee shall suffer a forfeiture of his office or
20 employment, or any loss or diminution in the rights and
21 privileges appertaining thereto, by reason of such membership.

22 ARTICLE V

23 Commission Function

24 The function of the commission shall be to act as an official
25 comprehensive interstate drug trafficking policy and control
26 agency of the party states for the compact region. It shall
27 conduct surveys, make studies, hold private and public hearings
28 and prepare plans to develop interstate policy to stem drug
29 trafficking between the party states, recommend interstate
30 policy which might lead in the party states to legislative

1 support of programs to stem drug trafficking, provide close and
2 effective cooperation and assistance between the party states in
3 developing means to detect and prevent interstate drug
4 trafficking, and gather, evaluate and disseminate to the
5 appropriate offices of the party states information concerning
6 drug trafficking between the party states.

7 ARTICLE VI

8 Powers and Duties

9 (a) The commission shall have power to:

10 (1) Adopt a corporate seal and to enter into contracts.

11 (2) Apply for and receive and accept grants of property,
12 money and services and other assistance offered or made
13 available to it by any person, government, or agency whatever,
14 which it may use to meet necessary expenses and for any other
15 use within the scope of its functions, and to negotiate for the
16 same upon such terms and conditions as may be necessary or
17 advisable.

18 (3) Hire, lease, acquire and dispose of property to the
19 extent necessary to carry out its functions, powers and duties
20 as the same may be constituted from time to time.

21 (4) Without diminution of its general power to contract, to
22 contract with any government or agency whatever, including the
23 respective departments of the party states, for the performance
24 of services by the commission which relate to its functions,
25 powers and duties, and to accept compensation or reimbursement
26 therefor.

27 (5) Expend, or to authorize the expenditure of, funds
28 appropriated to it or for its purposes by the party states but
29 such expenditures shall at all times be within the terms of an
30 annual budget to be adopted by the commission, by resolution, in

1 advance of each fiscal period of the commission, which budget
2 may be amended or modified from time to time: Provided, however,
3 That each of the party states reserves the right to require such
4 audit or audits as such state may from time to time consider
5 proper.

6 (b) The commission shall have such additional powers
7 incidental to the express powers granted to it by this compact,
8 as may be necessary or proper for the effective performance of
9 its functions.

10 ARTICLE VII

11 Availability of Existing Materials

12 To avoid duplication of effort and in the interests of
13 economy the commission shall make use of existing studies,
14 surveys, plans, data and other materials in the possession of
15 the governmental agencies of the party states and their
16 respective political subdivisions. Each such agency is hereby
17 authorized to make such materials available to the commission
18 and otherwise to assist it in the performance of its functions.
19 At the request of the commission, each such agency which is
20 engaged in developing plans to stem the distribution and sale of
21 illicit drugs, or which is charged with the duty of stemming the
22 distribution and sale of illicit drugs, is further authorized to
23 provide the commission with information regarding its plans and
24 programs affecting the compact region so that the commission may
25 have available to it current information with respect thereto.
26 The officers and personnel of such agencies, and of any other
27 government or agency whatever, may serve at the request of the
28 commission upon such advisory committees and panels as the
29 commission shall determine to create; and such officers and
30 personnel may serve upon such committees and panels without

1 forfeiture of office or employment and with no loss or
2 diminution in the status, rights and privileges which they
3 otherwise enjoy.

4 ARTICLE VIII

5 Funds; Grants; Immunity and Reports

6 (a) Subject to the availability of funds appropriated
7 pursuant to the applicable laws of the respective party states,
8 the cost and expense of supporting, administering and operating
9 the activities of the commission shall be equally apportioned
10 among the party states. In the case of an experimental project,
11 all expenses for and related thereto, but not inclusive of the
12 cost and expense of supporting, administering and operating the
13 commission, and less any Federal aid or other contributions
14 received therefor, shall be for the account of the party state
15 in which any such project is conducted and shall be paid out of
16 appropriations made available by such party state.

17 (b) The commission may accept advances from one or more of
18 the party states or from the Federal Government; but it may not
19 otherwise borrow money nor may it issue notes or bonds. It shall
20 not incur any obligation in excess of the amounts appropriated
21 or otherwise available to it or for its purposes and each of its
22 expenditures shall be within the terms of the annual budget
23 hereinbefore mentioned.

24 (c) The commission is declared to be an instrumentality of
25 the party states exercising a governmental function. It shall
26 enjoy the sovereign immunity of the party states and may not be
27 sued in any court or tribunal whatsoever; nor shall it have the
28 power to pledge the credit of the party states or any of them,
29 or to impose any liability upon them, or any one of them,
30 directly or indirectly, either by tort, contract or otherwise.

1 (d) The commission shall report annually to the Governors
2 and Legislatures of the party states with respect to its
3 operations and finances and shall provide such financial reports
4 as shall be required from time to time under the laws of the
5 party states.

6 ARTICLE IX

7 Construction; Withdrawal; Amendments

8 (a) This compact shall be construed liberally to effectuate
9 its purposes. Nothing herein shall be deemed in any way to limit
10 or restrict the power of one or more of the party states, by law
11 or otherwise, to deal independently with respect to any matter
12 within the scope of this compact.

13 (b) Any party state may withdraw from this compact by
14 enacting a statute repealing the same, but no such withdrawal
15 shall take effect until two years after the executive head of
16 the withdrawing state has given notice in writing of the
17 withdrawal to the executive heads of all other party states. No
18 withdrawal shall affect any liability already incurred by or
19 chargeable to a party state prior to the time of such
20 withdrawal.

21 (c) Amendments and supplements to this compact to implement
22 the purposes thereof may be adopted by concurrent legislation of
23 the party states.

24 (d) If any part or provision of this compact or the
25 application thereof to any person or circumstance be adjudged
26 invalid by any court of competent jurisdiction, such judgment
27 shall be confined in its operation to the part, provision, or
28 application directly involved in the controversy in which such
29 judgment shall have been rendered and shall not affect or impair
30 the validity of the remainder of this compact or the application

1 thereof to other persons or circumstances, and the party states
2 hereby declare that they would have entered into this compact or
3 the remainder thereof had the invalidity of such provision or
4 application thereof been apparent.

5 Section 3. Effective Date.--This act shall take effect upon
6 the enactment into law by the State of New York and the State of
7 New Jersey of legislation having a substantially similar effect
8 as this act, but if such legislation is already enacted, this
9 act shall take effect immediately.