

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 700 Session of 2013

INTRODUCED BY SCARNATI, VULAKOVICH, RAFFERTY, WARD, WHITE, HUTCHINSON, ALLOWAY, VANCE AND BROWNE, JUNE 3, 2013

AS AMENDED ON THIRD CONSIDERATION, JUNE 17, 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 membership of the authority; and providing for Department of
32 Transportation Regionalization and Privatization Study.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. Section 6 of the act of April 6, 1956 (1955
4 P.L.1414, No.465), known as the Second Class County Port
5 Authority Act, amended June 13, 2012, (P.L.629, No.61), is
6 amended to read:

7 Section 6. (a) Subject to the provisions of section 6.1,
8 the powers of an authority shall be exercised by a board,
9 composed of [the number of members, not more than nine, as shall
10 be fixed by the county council of the county where the authority
11 is located. The county executive of that county shall appoint
12 the members of the board, one of whom shall at all times be a
13 member of the county council, all of whom shall be residents of
14 such county and citizens of the United States, whose terms of
15 office shall commence on the date of appointment, one member
16 shall serve for one year, one for two years, one for three
17 years, and one for four years, and one for five years, from the
18 first day of January next succeeding the date of approval of
19 this act, and terms of other members shall be staggered in a
20 similar manner but in no instance shall exceed five years.

21 Thereafter, whenever a vacancy has occurred or is about to occur
22 by reason of the expiration of the term of any member, the
23 county executive shall appoint a member for a term of five years
24 to succeed the member whose term has expired or is about to
25 expire. Members shall hold office until their successors have
26 been appointed, and may succeed themselves.] eleven members.

27 (b) The terms of members serving on the board on the
28 effective date of this subsection shall expire in 60 days.
29 Nothing in this subsection shall be construed to prohibit a
30 current member from being reappointed by an appointing authority

1 under this act.

2 (c) The board shall be composed of the following members:

3 (1) One member appointed by the Governor under subsection
4 (d).

5 (2) Four members appointed by officers of the General
6 Assembly under subsection (e).

7 ~~(3) One member appointed by the county executive of the~~ <--
8 ~~county where the authority is located under subsection (f).~~

9 ~~(4) Four members appointed by the at large county council~~
10 ~~members of the county under subsection (g).~~

11 ~~(5) One member appointed by the mayor of a second class city~~
12 ~~located in the county under subsection (h).~~

13 (3) FOUR MEMBERS APPOINTED BY THE COUNTY EXECUTIVE OF THE <--
14 COUNTY WHERE THE AUTHORITY IS LOCATED COMPOSED OF THE FOLLOWING:

15 (I) TWO APPOINTEES OF THE COUNTY EXECUTIVE OF THE COUNTY
16 WHERE THE AUTHORITY IS LOCATED.

17 (II) TWO APPOINTEES WHO ARE RECOMMENDED BY THE ORGANIZATIONS
18 IN SUBSECTION (G) BY THE COUNTY EXECUTIVE OF THE COUNTY WHERE
19 THE AUTHORITY IS LOCATED SUBJECT TO CONFIRMATION BY A MAJORITY
20 VOTE OF THE MEMBERS OF THE COUNTY COUNCIL.

21 (4) TWO APPOINTEES WHO ARE RECOMMENDED BY THE ORGANIZATIONS
22 IN SUBSECTION (G) BY THE CAUCUS OF COUNTY COUNCIL MEMBERS IN THE
23 COUNTY WHERE THE AUTHORITY IS LOCATED WHO ARE NOT OF THE SAME
24 POLITICAL PARTY AFFILIATION AS THE COUNTY EXECUTIVE.

25 (d) A member appointed by the Governor under subsection
26 (c)(1) shall serve a four-year term.

27 (e) (1) Appointments by officers of the General Assembly
28 under subsection (c)(2) shall be made as follows:

29 (i) One individual shall be appointed by the President pro
30 tempore of the Senate.

1 (ii) One individual shall be appointed by the Minority
2 Leader of the Senate.

3 (iii) One individual shall be appointed by the Speaker of
4 the House of Representatives.

5 (iv) One individual shall be appointed by the Minority
6 Leader of the House of Representatives.

7 (2) Members appointed by the President pro tempore of the
8 Senate and the Minority Leader of the Senate under subsection
9 (c)(2) shall serve a four-year term.

10 (3) Members appointed by the Speaker of the House of
11 Representatives and the Minority Leader of the House of
12 Representatives shall serve an initial three-year term
13 immediately following the effective date of this subsection, to
14 be followed thereafter by a four-year term.

15 ~~(f) A member appointed by the county executive under~~ <--
16 ~~subsection (c)(3) shall serve an initial two year term~~
17 ~~immediately following the effective date of this subsection, to~~
18 ~~be followed thereafter by a four year term.~~

19 ~~(g)(1) Two members appointed by the at large county~~
20 ~~council members of the county under subsection (c)(4) shall~~
21 ~~serve an initial one year term immediately following the~~
22 ~~effective date of this subsection, to be followed thereafter by~~
23 ~~a four year term.~~

24 ~~(2) Two members appointed by the at large county council~~
25 ~~members of the county under subsection (c)(4) shall serve an~~
26 ~~initial two year term immediately following the effective date~~
27 ~~of this subsection, to be followed thereafter by a four year~~
28 ~~term.~~

29 ~~(3) One appointment shall be made from recommendations~~
30 ~~provided to the at large county council members by the Allegheny~~

1 County Council of Governments.

2 ~~(4) One appointment shall be made from recommendations~~
3 ~~provided to the at large county council members by ACHIEVA.~~

4 ~~(5) One appointment shall be made from recommendations~~
5 ~~provided to the at large county council members by the~~
6 ~~Southwestern Pennsylvania Commission.~~

7 ~~(6) One appointment shall be made from recommendations~~
8 ~~provided to the at large county council members by the Allegheny~~
9 ~~Conference on Community Development.~~

10 ~~(h) A member appointed by the mayor of a second class city~~
11 ~~located in the county under subsection (c) (5) shall serve an~~
12 ~~initial three year term immediately following the effective date~~
13 ~~of this subsection, to be followed thereafter by a four year~~
14 ~~term.~~

15 ~~(i) Appointees must be residents of this Commonwealth(F) A <--~~
16 MEMBER APPOINTED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL
17 SHALL SERVE AN INITIAL TERM AS FOLLOWS TO BE IMMEDIATELY
18 FOLLOWED THEREAFTER BY A FOUR-YEAR TERM:

19 (1) THE APPOINTEES UNDER SUBSECTION (C) (3) (I) SHALL SERVE AN
20 INITIAL TERM OF TWO OR THREE YEARS AS DESIGNATED BY THE COUNTY
21 EXECUTIVE.

22 (2) THE APPOINTEES UNDER SUBSECTION (C) (3) (II) SHALL SERVE
23 AN INITIAL TERM OF TWO YEARS.

24 (3) THE APPOINTEES UNDER SUBSECTION (C) (4) SHALL SERVE AN
25 INITIAL TERM OF ONE YEAR.

26 (G) THE APPOINTMENTS MADE BY THE COUNTY EXECUTIVE UNDER
27 SUBSECTION (C) (3) (II) AND THE APPOINTMENTS MADE BY THE CAUCUS OF
28 COUNTY COUNCIL MEMBERS UNDER SUBSECTION (C) (4) SHALL BE MADE IN
29 ACCORDANCE WITH THE FOLLOWING:

30 (1) THE COUNTY EXECUTIVE AND THE CAUCUS OF COUNTY COUNCIL

1 MEMBERS SHALL SELECT FROM A LIST OF RECOMMENDATIONS SUBMITTED BY
2 EACH OF THE FOLLOWING ORGANIZATIONS TO THE APPROPRIATE
3 APPOINTING AUTHORITY:

4 (I) THE ALLEGHENY CONFERENCE.

5 (II) THE SOUTHWEST PLANNING COMMISSION.

6 (III) THE ALLEGHENY COUNCIL OF GOVERNMENTS.

7 (IV) THE COMMITTEE FOR ACCESSIBLE TRANSPORTATION.

8 (2) THE CAUCUS OF COUNTY COUNCIL MEMBERS SHALL BE GRANTED
9 THE FIRST AND FOURTH SELECTIONS UNDER THIS SUBSECTION.

10 (3) THE COUNTY EXECUTIVE SHALL BE GRANTED THE SECOND AND
11 THIRD SELECTIONS UNDER THIS SUBSECTION.

12 (4) THE COUNTY EXECUTIVE AND THE CAUCUS OF COUNTY COUNCIL
13 MEMBERS SHALL COORDINATE THEIR APPOINTMENTS TO ENSURE THAT ALL
14 OF THE ORGANIZATIONS LISTED UNDER PARAGRAPH (1) ARE REPRESENTED
15 SIMULTANEOUSLY ON THE BOARD.

16 (H) EXCEPT FOR AN APPOINTEE UNDER SUBSECTION (C) (1) WHO
17 SHALL BE A RESIDENT OF THIS COMMONWEALTH, APPOINTEES SHALL BE
18 RESIDENTS OF THE COUNTY WHERE THE AUTHORITY IS LOCATED and have
19 expertise or substantial experience in budgeting, finance,
20 economic development, transportation or mass transit operations.

21 ~~(j)~~ (I) Appointing authorities shall appoint initial board <--
22 members within sixty days of the effective date of this
23 subsection.

24 ~~(k)~~ (J) Members' initial terms shall commence sixty days <--
25 following the effective date of this subsection.

26 ~~(l)~~ (K) No member shall serve more than three consecutive <--
27 terms including initial terms.

28 ~~(m)~~ (L) (1) A member shall receive such compensation for his <--
29 services as the county executive shall determine and shall be
30 entitled to the necessary expenses, including traveling expenses

1 incurred in the performance of his duties.

2 (2) Within ninety days after the [creation of the authority]
3 effective date of this paragraph, the board shall meet and
4 organize by electing from their number a chairman, a vice
5 chairman, and such other officers as the board may determine.

6 (3) The board may employ a secretary, an executive
7 director, its own counsel and legal staff and such technical
8 experts and other agents and employes, permanent or temporary,
9 as it may require, and may determine the qualifications and fix
10 the compensation of such persons.

11 (4) Six members of the board shall constitute a quorum for
12 its meetings.

13 (5) Members of the board shall not be liable personally on
14 the bonds or other obligations of the authority, and the rights
15 of creditors shall be solely against the authority.

16 (6) The board may delegate to one or more of its agents or
17 employes such of its powers as it shall deem necessary to carry
18 out the purposes of this act, subject always to the supervision
19 and control of the board.

20 (7) The board shall have full authority to manage and
21 operate the business of the authority and to prescribe, amend
22 and repeal by-laws, rules and regulations governing the manner
23 in which the business of the authority may be conducted and the
24 powers granted to it may be exercised and embodied.

25 (8) Copies of such by-laws, rules and regulations shall be
26 filed with the county council of the county.

27 (9) A member may be removed for cause by the court of common
28 pleas of the county in which the authority is located after
29 having been provided with a copy of the charges against the
30 member for at least ten days and a full hearing by the court.

1 ~~(n)~~ (M) If a vacancy occurs by reason of the death, <--
2 resignation or removal of a member, the [county executive]
3 designated appointing authority shall appoint a successor to
4 fill the unexpired term within sixty days.

5 Section 2. The act is amended by adding a section to read:

6 Section 15. (a) The ~~department~~ DEPARTMENT OF TRANSPORTATION <--
7 shall study the consolidation of the authority with other local
8 transportation organizations within geographical proximity as a
9 means of reducing annual expenses or increasing annual revenues.
10 The study shall examine the creation of service regions to
11 determine whether consolidation would reduce annual expenses or
12 increase annual revenues.

13 (b) The department shall study the potential privatization
14 of authority services as a means of reducing annual expenses or
15 increasing annual revenues.

16 (c) The department shall submit a report on its findings and
17 recommendations to the Governor, the General Assembly and the
18 authority within one hundred eighty days of the effective date
19 of this section.

20 Section 3. This act shall take effect immediately.