

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 700** Session of
2013INTRODUCED BY SCARNATI, VULAKOVICH, RAFFERTY, WARD, WHITE,
HUTCHINSON, ALLOWAY, VANCE AND BROWNE, JUNE 3, 2013AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 29, 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

1 Transportation Regionalization and Privatization Study.
2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

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

8 Section 6. (a) Subject to the provisions of section 6.1,
9 the powers of an authority shall be exercised by a board,
10 composed of [the number of members, not more than nine, as shall
11 be fixed by the county council of the county where the authority
12 is located. The county executive of that county shall appoint
13 the members of the board, one of whom shall at all times be a
14 member of the county council, all of whom shall be residents of
15 such county and citizens of the United States, whose terms of
16 office shall commence on the date of appointment, one member
17 shall serve for one year, one for two years, one for three
18 years, and one for four years, and one for five years, from the
19 first day of January next succeeding the date of approval of
20 this act, and terms of other members shall be staggered in a
21 similar manner but in no instance shall exceed five years.
22 Thereafter, whenever a vacancy has occurred or is about to occur
23 by reason of the expiration of the term of any member, the
24 county executive shall appoint a member for a term of five years
25 to succeed the member whose term has expired or is about to
26 expire. Members shall hold office until their successors have
27 been appointed, and may succeed themselves.] eleven members.

28 (b) The terms of members serving on the board on the
29 effective date of this subsection shall expire in 60 days.
30 Nothing in this subsection shall be construed to prohibit a

1 current member from being reappointed by an appointing authority
2 under this act.

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

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

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

8 (3) ~~Four~~ SIX members appointed by the county executive of <--
9 the county where the authority is located composed of the
10 following:

11 (i) ~~Two~~ FOUR appointees by the county executive of the <--
12 county where the authority is located.

13 (ii) Two appointees who are recommended by the organizations
14 in subsection (g) by the county executive of the county where
15 the authority is located subject to confirmation by a majority
16 vote of the members of the county council.

17 ~~(4) Two appointees who are recommended by the organizations~~ <--
18 ~~in subsection (g) by the caucus of county council members in the~~
19 ~~county where the authority is located who are not of the same~~
20 ~~political party affiliation as the county executive.~~

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

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

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

27 (ii) One individual shall be appointed by the Minority
28 Leader of the Senate.

29 (iii) One individual shall be appointed by the Speaker of
30 the House of Representatives.

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

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

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

11 (f) A member appointed by the county executive and county <--
12 council shall serve an initial term as follows to be immediately
13 followed thereafter by a four-year term:

14 (1) The TWO appointees under subsection (c)(3)(i) shall <--
15 serve an initial term of two or three years YEARS AND TWO <--
16 APPOINTEES UNDER SUBSECTION (C)(3)(I) SHALL SERVE AN INITIAL
17 TERM OF THREE YEARS, as designated by the county executive.

18 (2) The appointees under subsection (c)(3)(ii) shall serve
19 an initial term of two years.

20 (3) The appointees under subsection (c)(4) shall serve an <--
21 initial term of one year.

22 (g) The appointments made by the county executive under
23 subsection (c)(3)(ii) and the appointments made by the caucus of <--
24 county council members under subsection (c)(4) shall be made in
25 accordance with the following:

26 (1) The county executive and the caucus of county council <--
27 members shall select from a list of recommendations submitted by
28 each of the following organizations to the appropriate
29 appointing authority:

30 (i) The Allegheny Conference.

1 (ii) The Southwestern Pennsylvania Commission.

2 (iii) ~~The Allegheny Council of Governments~~ COUNCILS OF <--
3 GOVERNMENT WITH CONSTITUENT MEMBERS IN THE COUNTY.

4 (iv) The Committee for Accessible Transportation.

5 ~~(2) The caucus of county council members shall be granted~~ <--
6 ~~the first and fourth selections under this subsection.~~

7 ~~(3) The county executive shall be granted the second and~~
8 ~~third selections under this subsection.~~

9 ~~(4) The county executive and the caucus of county council~~
10 ~~members shall coordinate their appointments to ensure that all~~
11 ~~of the organizations listed under paragraph (1) are represented~~
12 ~~simultaneously on the board.~~

13 (2) (RESERVED). <--

14 (h) Except for an appointee under subsection (c)(1) who
15 shall be a resident of this Commonwealth, appointees shall be
16 residents of the county where the authority is located and have
17 expertise or substantial experience in budgeting, finance,
18 economic development, transportation or mass transit operations.

19 (i) Appointing authorities shall appoint initial board
20 members within sixty days of the effective date of this
21 subsection.

22 (j) Members' initial terms shall commence sixty days
23 following the effective date of this subsection.

24 (k) No member shall serve more than three consecutive terms
25 including initial terms.

26 (1) (1) A member shall NOT receive [such] compensation for <--
27 his services [as the county executive shall determine and] BUT <--
28 shall be entitled to the necessary expenses, including traveling
29 expenses incurred in the performance of his duties.

30 (2) Within ninety days after the [creation of the authority]

1 effective date of this paragraph, the board shall meet and
2 organize by electing from their number a chairman, a vice
3 chairman, and such other officers as the board may determine.

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

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

11 (4.1) THE CONSENT OF AT LEAST SEVEN MEMBERS OF THE BOARD
12 SHALL BE NECESSARY TO TAKE ACTION ON BEHALF OF THE AUTHORITY. <--

13 (4.2) BOARD ACTION ON THE FOLLOWING MATTERS WILL BE TABLED
14 UPON MOTION AND SECONDED BY THE TWO BOARD MEMBERS APPOINTED
15 PURSUANT TO SUBSECTION (C) (2) BY OFFICERS OF THE GENERAL
16 ASSEMBLY WHO ARE NOT OF THE SAME POLITICAL PARTY AFFILIATION AS
17 THE COUNTY EXECUTIVE:

18 (I) ADOPTING BYLAWS.

19 (II) APPOINTING A CHIEF EXECUTIVE OFFICER.

20 (III) AUTHORIZING BONDS, OTHER BORROWING AND LEASES.

21 (IV) APPROVING CONTRACTS WHICH WILL ENTAIL EXPENDITURES IN
22 EXCESS OF FIVE MILLION DOLLARS.

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

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

30 (7) The board shall have full authority to manage and

1 operate the business of the authority and to prescribe, amend
2 and repeal by-laws, rules and regulations governing the manner
3 in which the business of the authority may be conducted and the
4 powers granted to it may be exercised and embodied.

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

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

11 (m) If a vacancy occurs by reason of the death, resignation
12 or removal of a member, the [county executive] designated
13 appointing authority shall appoint a successor to fill the
14 unexpired term within sixty days.

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

16 Section 15. (a) The Department of Transportation shall
17 study the consolidation of the authority with other local
18 transportation organizations within geographical proximity as a
19 means of reducing annual expenses or increasing annual revenues.
20 The study shall examine the creation of service regions to
21 determine whether consolidation would reduce annual expenses or
22 increase annual revenues.

23 (b) The department shall study the potential privatization
24 of authority services as a means of reducing annual expenses or
25 increasing annual revenues.

26 (c) The department shall submit a report on its findings and
27 recommendations to the Governor, the General Assembly and the
28 authority within ~~one hundred eighty~~ TWO HUNDRED SEVENTY days of <--
29 the effective date of this section.

30 Section 3. This act shall take effect immediately.