

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 927 Session of 2015

INTRODUCED BY SCAVELLO, RAFFERTY, PILEGGI, EICHELBERGER, ARGALL, HUTCHINSON AND VULAKOVICH, JUNE 24, 2015

SENATOR RAFFERTY, TRANSPORTATION, AS AMENDED, SEPTEMBER 29, 2015

AN ACT

1 ~~Amending the act of June 12, 1931 (P.L.575, No.200), entitled~~ <--
2 ~~"An act providing for joint action by Pennsylvania and New~~
3 ~~Jersey in the development of the ports on the lower Delaware~~
4 ~~River, and the improvement of the facilities for~~
5 ~~transportation across the river; authorizing the Governor,~~
6 ~~for these purposes, to enter into an agreement with New~~
7 ~~Jersey; creating The Delaware River Joint Commission and~~
8 ~~specifying the powers and duties thereof, including the power~~
9 ~~to finance projects by the issuance of revenue bonds;~~
10 ~~transferring to the new commission all the powers of the~~
11 ~~Delaware River Bridge Joint Commission; and making an~~
12 ~~appropriation," further providing for the Delaware River~~
13 ~~Joint Commission; providing for majority approval; and~~
14 ~~prohibiting the entrance into a compact until passage of a~~
15 ~~similar act.~~

16 AMENDING THE ACT OF JUNE 25, 1931 (P.L.1352, NO.332), ENTITLED <--
17 "AN ACT PROVIDING FOR JOINT ACTION BY THE COMMONWEALTH OF
18 PENNSYLVANIA AND THE STATE OF NEW JERSEY IN THE
19 ADMINISTRATION, OPERATION, AND MAINTENANCE OF BRIDGES OVER
20 THE DELAWARE RIVER, AND FOR THE CONSTRUCTION OF ADDITIONAL
21 BRIDGE FACILITIES ACROSS SAID RIVER; AUTHORIZING THE
22 GOVERNOR, FOR THESE PURPOSES, TO ENTER INTO AN AGREEMENT WITH
23 THE STATE OF NEW JERSEY; CREATING A DELAWARE RIVER JOINT TOLL
24 BRIDGE COMMISSION AND SPECIFYING THE POWERS AND DUTIES
25 THEREOF, INCLUDING THE POWER TO FINANCE THE CONSTRUCTION OF
26 ADDITIONAL BRIDGES BY THE ISSUANCE OF REVENUE BONDS TO BE
27 REDEEMED FROM REVENUES DERIVED FROM TOLLS COLLECTED AT SUCH
28 BRIDGES; TRANSFERRING TO SAID COMMISSION ALL POWERS NOW
29 EXERCISED BY EXISTING COMMISSION CREATED TO ACQUIRE TOLL
30 BRIDGES OVER THE DELAWARE RIVER; AND MAKING AN
31 APPROPRIATION," FURTHER PROVIDING FOR THE DELAWARE RIVER
32 JOINT TOLL BRIDGE COMPACT; PROVIDING FOR MAJORITY APPROVAL;
33 AND PROHIBITING THE ENTRANCE INTO A COMPACT UNTIL PASSAGE OF
34 A SIMILAR ACT.

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

3 ~~Section 1. The Governor is authorized to enter into a~~ <--  
4 ~~supplemental compact or agreement, on behalf of the~~  
5 ~~Commonwealth, with the State of New Jersey, further amending and~~  
6 ~~supplementing the compact or agreement between the Commonwealth~~  
7 ~~and the State of New Jersey entitled "Agreement between the~~  
8 ~~Commonwealth of Pennsylvania and the State of New Jersey~~  
9 ~~creating The Delaware River Joint Commission as a body corporate~~  
10 ~~and politic and defining its powers and duties," which was~~  
11 ~~executed on behalf of the Commonwealth of Pennsylvania by its~~  
12 ~~Governor on July first, one thousand nine hundred and thirty~~  
13 ~~one, and on behalf of the State of New Jersey by the New Jersey~~  
14 ~~Interstate Bridge Commission by its members on July first, one~~  
15 ~~thousand nine hundred and thirty one, and which was consented to~~  
16 ~~by the Congress of the United States by Public Resolution Number~~  
17 ~~twenty six, being chapter two hundred fifty eight of the Public~~  
18 ~~Laws, Seventy second Congress, approved June fourteenth, one~~  
19 ~~thousand nine hundred and thirty two, which supplemental compact~~  
20 ~~and agreement shall be in substantially the following form:~~

21 ~~Supplemental agreement between the Commonwealth of~~  
22 ~~Pennsylvania and the State of New Jersey further amending and~~  
23 ~~supplementing the agreement entitled "Agreement between the~~  
24 ~~Commonwealth of Pennsylvania and the State of New Jersey~~  
25 ~~creating The Delaware River Joint Commission as a body corporate~~  
26 ~~and politic and defining its powers and duties," further~~  
27 ~~providing for The Delaware River Joint Commission, for~~  
28 ~~composition, for employees, for financing and for executive~~  
29 ~~sessions; providing for majority approval and contract~~  
30 ~~procedures; further providing for report; providing for~~

1 ~~conflicts of interest, for master plan and creating the Port~~  
2 ~~Authority Transit Corporation Commuter's Council; further~~  
3 ~~providing for definitions; authorizing the Governor to apply for~~  
4 ~~approval; prohibiting the entrance into a compact until passage~~  
5 ~~of a similar act; and making editorial changes.~~

6 ~~The Commonwealth of Pennsylvania and the State of New Jersey~~  
7 ~~do solemnly covenant and agree, each with the other, that the~~  
8 ~~compact or agreement entitled "Agreement between the~~  
9 ~~Commonwealth of Pennsylvania and the State of New Jersey~~  
10 ~~creating The Delaware River Joint Commission as a body corporate~~  
11 ~~and politic and defining its powers and duties," which was~~  
12 ~~executed on behalf of the Commonwealth of Pennsylvania by its~~  
13 ~~Governor on July first, one thousand nine hundred and thirty~~  
14 ~~one, and on behalf of the State of New Jersey by the New Jersey~~  
15 ~~Interstate Bridge Commission by its members on July first, one~~  
16 ~~thousand nine hundred and thirty one, and which was consented to~~  
17 ~~by the Congress of the United States by Public Resolution Number~~  
18 ~~twenty six, being chapter two hundred fifty eight of the Public~~  
19 ~~Laws, Seventy second Congress, approved June fourteenth, one~~  
20 ~~thousand nine hundred and thirty two, be amended as follows:~~

21 ~~(1) That Article II of the compact, as amended April 3,~~  
22 ~~1992 (P.L.57, No.19), be amended to read:~~

23 ~~ARTICLE II~~

24 ~~The commission shall consist of sixteen commissioners, eight~~  
25 ~~resident voters of the Commonwealth of Pennsylvania, and eight~~  
26 ~~resident voters of the State of New Jersey, who shall serve~~  
27 ~~without compensation.~~

28 ~~The commissioners for the State of New Jersey shall be~~  
29 ~~appointed by the Governor of New Jersey with the advice and~~  
30 ~~consent of the Senate of New Jersey, for terms of five years,~~

1 ~~and in case of a vacancy occurring in the office of commissioner~~  
2 ~~during a recess of the Legislature, it may be filled by the~~  
3 ~~Governor by an ad interim appointment, which shall expire at the~~  
4 ~~end of the next regular session of the Senate unless a successor~~  
5 ~~shall be sooner appointed and qualify and, after the end of the~~  
6 ~~session, no ad interim appointment to the same vacancy shall be~~  
7 ~~made unless the Governor shall have submitted to the Senate a~~  
8 ~~nomination to the office during the session and the Senate shall~~  
9 ~~have adjourned without confirming or rejecting it; and no person~~  
10 ~~nominated for any such vacancy shall be eligible for an ad~~  
11 ~~interim appointment to such office if the nomination shall have~~  
12 ~~failed of confirmation by the Senate.~~

13 ~~Six of the eight commissioners for the Commonwealth of~~  
14 ~~Pennsylvania shall be appointed by the Governor of Pennsylvania~~  
15 ~~for terms of five years. The Auditor General and the State~~  
16 ~~Treasurer of said Commonwealth shall, ex officio, be~~  
17 ~~commissioners for said Commonwealth, each having the privilege~~  
18 ~~of appointing a representative to serve in his place at any~~  
19 ~~meeting of the commission which he does not attend personally.~~

20 ~~Any commissioner who is an elected public official shall have~~  
21 ~~the privilege of appointing a representative to serve and act in~~  
22 ~~his place at any meeting of the commission which he does not~~  
23 ~~attend personally.~~

24 ~~Pennsylvania commissioners who are not ex officio members of~~  
25 ~~the commission shall be confirmed by a majority of the members~~  
26 ~~elected to the Pennsylvania Senate.~~

27 ~~All commissioners shall continue to hold office after the~~  
28 ~~expiration of the terms for which they are appointed or elected~~  
29 ~~until their respective successors are appointed and qualify, but~~  
30 ~~no period during which any commissioner shall hold over shall be~~

1 ~~deemed to be an extension of his term of office for the purpose~~  
2 ~~of computing the date on which his successor's term expires.~~

3 ~~Section 2. The Governor shall not enter into a supplemental~~  
4 ~~compact or agreement on behalf of the Commonwealth of~~  
5 ~~Pennsylvania until passage by the State of New Jersey of a~~  
6 ~~substantially similar act embodying a supplemental compact or~~  
7 ~~agreement between the two states.~~

8 ~~Section 3. The Governor shall publish the date of execution~~  
9 ~~of any supplemental compact or agreement referenced in section 2~~  
10 ~~as a notice in the Pennsylvania Bulletin.~~

11 ~~Section 4. The supplemental compact or agreement authorized~~  
12 ~~by this act shall become operative and effective upon~~  
13 ~~publication of the notice provided for under section 3 of this~~  
14 ~~act.~~

15 ~~Section 5. This act shall take effect immediately.~~

16 SECTION 1. ARTICLE I INTRODUCTORY PARAGRAPH OF SECTION 1 OF <--  
17 THE ACT OF JUNE 25, 1931 (P.L.1352, NO.332), REFERRED TO AS THE  
18 DELAWARE RIVER JOINT TOLL BRIDGE COMPACT, AMENDED JULY 6, 1953  
19 (P.L.369, NO.84), IS AMENDED TO READ:

20 THERE IS HEREBY CREATED A BODY CORPORATE AND POLITIC, TO BE  
21 KNOWN AS THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION  
22 (HEREINAFTER IN THIS AGREEMENT CALLED THE 'COMMISSION'), WHICH  
23 SHALL CONSIST OF THE COMMISSIONERS, ON BEHALF OF THE  
24 COMMONWEALTH OF PENNSYLVANIA, PROVIDED FOR BY THE ACT, APPROVED  
25 THE EIGHTH DAY OF MAY, ONE THOUSAND NINE HUNDRED AND NINETEEN  
26 (PAMPHLET LAWS, ONE HUNDRED FORTY-EIGHT), AND ITS SUPPLEMENTS  
27 AND AMENDMENTS, FOR THE ACQUISITION OF TOLL BRIDGES OVER THE  
28 DELAWARE RIVER, AND OF COMMISSIONERS, ON BEHALF OF THE STATE OF  
29 NEW JERSEY, PROVIDED FOR BY THE ACT, APPROVED THE FIRST DAY OF  
30 APRIL, ONE THOUSAND NINE HUNDRED AND TWELVE (CHAPTER, TWO

1 HUNDRED NINETY-SEVEN), AND ITS SUPPLEMENTS AND AMENDMENTS, FOR  
2 THE ACQUISITION OF TOLL BRIDGES OVER THE DELAWARE RIVER, WHICH  
3 SAID COMMISSIONS HAVE HERETOFORE BEEN ACTING AS A JOINT  
4 COMMISSION BY VIRTUE OF RECIPROCAL LEGISLATION.

5 NO ACTION OF THE COMMISSION SHALL BE BINDING UNLESS A  
6 MAJORITY OF THE MEMBERS OF THE COMMISSION FROM PENNSYLVANIA AND  
7 A MAJORITY OF THE MEMBERS OF THE COMMISSION FROM NEW JERSEY  
8 SHALL VOTE IN FAVOR THEREOF.

9 PENNSYLVANIA COMMISSION MEMBERS WHO ARE NOT EX-OFFICIO  
10 MEMBERS OF THE COMMISSION SHALL BE CONFIRMED BY A MAJORITY OF  
11 THE MEMBERS ELECTED TO THE PENNSYLVANIA SENATE.

12 IN THE EVENT THAT ANY EX-OFFICIO MEMBER OF THE COMMISSION  
13 FROM PENNSYLVANIA SHALL FOR ANY REASON BE ABSENT FROM A MEETING  
14 OF THE COMMISSION, A DEPUTY OR OTHER PERSON IN HIS DEPARTMENT,  
15 DESIGNATED BY HIM FOR SUCH PURPOSE, SHALL BE AUTHORIZED TO ACT  
16 AT SUCH MEETING FOR AND IN BEHALF OF SUCH ABSENT MEMBER AND TO  
17 VOTE IN HIS PLACE ON ALL MATTERS WHICH MAY BE PRESENTED FOR  
18 CONSIDERATION AT SUCH MEETING. SUCH DESIGNATION SHALL BE SIGNED  
19 BY SUCH EX-OFFICIO MEMBER AND FILED WITH THE SECRETARY OF THE  
20 COMMISSION AND SHALL CONTINUE IN EFFECT UNTIL THE EXPIRATION OF  
21 THE TERM OF OFFICE OF SUCH MEMBER OR UNTIL ANOTHER DESIGNATION  
22 SHALL BE MADE.

23 THE COMMISSION SHALL CONSTITUTE THE PUBLIC CORPORATE  
24 INSTRUMENTALITY OF THE COMMONWEALTH OF PENNSYLVANIA AND THE  
25 STATE OF NEW JERSEY FOR THE FOLLOWING PUBLIC PURPOSES, AND SHALL  
26 BE DEEMED TO BE EXERCISING AN ESSENTIAL GOVERNMENTAL FUNCTION IN  
27 EFFECTUATING SUCH PURPOSES, TO WIT:

28 \* \* \*

29 SECTION 2. THE GOVERNOR SHALL NOT ENTER INTO A SUPPLEMENTAL  
30 COMPACT OR AGREEMENT ON BEHALF OF THE COMMONWEALTH OF

1 PENNSYLVANIA UNTIL PASSAGE BY THE STATE OF NEW JERSEY OF A  
2 SUBSTANTIALLY SIMILAR ACT EMBODYING A SUPPLEMENTAL COMPACT OR  
3 AGREEMENT BETWEEN THE TWO STATES.

4 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.