

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1199 Session of 2022

INTRODUCED BY ROBINSON, MENSCH, VOGEL, BREWSTER, STEFANO, BARTOLOTTA, HUTCHINSON AND PITTMAN, APRIL 21, 2022

AS AMENDED ON THIRD CONSIDERATION, JUNE 14, 2022

AN ACT

1 Amending the act of December 14, 1992 (P.L.818, No.133),
2 entitled "An act establishing the Port of Pittsburgh
3 Commission; providing for its powers and duties; and making a
4 repeal," further providing for DEFINITIONS AND FOR commission <--
5 and governing body; AND MAKING EDITORIAL CHANGES. <--

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

8 Section 1. Section 3(b)(2) of the act of December 14, 1992 <--
9 (P.L.818, No.133), known as the Port of Pittsburgh Commission-
10 Act, is amended and the subsection is amended by adding-
11 paragraphs to read:

12 SECTION 1. THE DEFINITION OF "PORT DISTRICT" IN SECTION 2 OF <--
13 THE ACT OF DECEMBER 14, 1992 (P.L.818, NO.133), KNOWN AS THE
14 PORT OF PITTSBURGH COMMISSION ACT, IS AMENDED TO READ:

15 SECTION 2. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
17 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 * * *

1 "PORT DISTRICT." THE COMBINED GEOGRAPHICAL TERRITORY OF THE
2 COUNTIES OF ALLEGHENY, ARMSTRONG, BEAVER, BLAIR, BUTLER, CAMBRIA
3 CLARION, FAYETTE, GREENE, INDIANA, LAWRENCE, WASHINGTON AND
4 WESTMORELAND.

5 * * *

6 SECTION 2. SECTION 3(B)(2) AND (D) OF THE ACT ARE AMENDED
7 AND SUBSECTION (B) IS AMENDED BY ADDING PARAGRAPHS TO READ:

8 Section 3. Commission and governing body.

9 * * *

10 (b) Governing body.--

11 * * *

12 [(2) The governing body shall be composed of 15 members
13 who shall be appointed in the following manner and who shall
14 be residents of this Commonwealth and serve at the pleasure
15 of their respective appointing authority:

16 (i) One member shall be appointed by the President
17 pro tempore of the Senate for a term concurrent with the
18 term of such appointing authority.

19 (ii) One member shall be appointed by the Minority
20 Leader of the Senate for a term concurrent with the term
21 of such appointing authority.

22 (iii) One member shall be appointed by the Speaker
23 of the House of Representatives for a term concurrent
24 with the term of such appointing authority.

25 (iv) One member shall be appointed by the Minority
26 Leader of the House of Representatives for a term
27 concurrent with the term of such appointing authority.

28 (v) Four members initially appointed by the Governor
29 for terms of one, two, three and four years,
30 respectively, provided that their respective successors

1 shall each be appointed for a term of four years. The
2 initial term of each member shall be designated by the
3 Governor at the time of appointment.

4 (vi) Seven members appointed by the Governor for a
5 term of four years, provided that one member shall be
6 appointed from each list of at least three nominees
7 submitted to the Governor respectively by the Waterways
8 Association of Pittsburgh, the River Terminal Operator's
9 Association, the Association for the Development of
10 Inland Navigation in America's Ohio Valley and the county
11 commissioners jointly of those counties within the port
12 district which are not members of the Southwestern
13 Pennsylvania Regional Planning Commission; and three
14 members shall be appointed from a list of at least five
15 nominees submitted to the Governor by the Southwestern
16 Pennsylvania Regional Planning Commission. Each list
17 shall be submitted to the Governor within 30 days of the
18 effective date of this act, and the Governor shall select
19 a member from each list within 30 days of receipt of each
20 list or else may request one substitute list of nominees
21 from any entity who prepares a list. If each entity
22 permitted to submit a list fails to submit a list of
23 nominees within 30 days of the effective date of this act
24 or fails to submit a substitute list within 30 days of
25 receipt of a request to do so, the Governor may appoint
26 at his discretion such member or members for which a list
27 of nominees was not submitted. Whenever a vacancy occurs
28 prior to the completion of the term of office of a member
29 appointed pursuant to this paragraph, the entity which
30 prepared the list for the board member whose seat has

1 become vacant shall submit a list of nominees to replace
2 that member to the Governor who shall select a person to
3 fill the vacancy in the manner provided for in this
4 paragraph for the selection of original appointments.]

5 (2.1) The governing body shall be composed of the
6 following members, who must be individuals 18 years of age or
7 older and residents of this Commonwealth, who shall serve at
8 the pleasure of the respective appointing authority, and who
9 shall be appointed in the following manner:

10 (i) Four members appointed by the Governor for a
11 term of four years.

12 (ii) Three members appointed by the Governor from a
13 list of at least five nominees submitted to the Governor
14 by the Southwestern Pennsylvania Regional Planning
15 Commission for a term of two years and until reappointed
16 or a successor is appointed.

17 (iii) One member appointed by the Governor from a
18 list of at least three nominees submitted to the Governor
19 by the Port of Pittsburgh Commission board for a term of
20 two years and until reappointed or a successor is
21 appointed.

22 (iv) One member appointed by the President pro
23 tempore of the Senate for a term concurrent with the term
24 of the appointing authority.

25 (v) One member appointed by the Speaker of the House
26 of Representatives for a term concurrent with the term of
27 the appointing authority.

28 (vi) One member appointed by the Minority Leader of
29 the Senate for a term concurrent with the term of the
30 appointing authority.

1 (vii) One member appointed by the Minority Leader of
2 the House of Representatives for a term concurrent with
3 the term of the appointing authority.

4 (viii) One member nominated by the Port of
5 Pittsburgh Executive Committee and appointed by the Port
6 of Pittsburgh Commission board for a term of two years
7 and until reappointed or a successor is appointed.

8 (2.2) If each entity permitted to submit a list under
9 paragraph (2.1) fails to submit a list of nominees within 30
10 days of the effective date of this paragraph or fails to
11 submit a substitute list within 30 days of receipt of a
12 request to do so, the Governor may appoint the member or
13 members for which a list of nominees was not submitted.
14 Whenever a vacancy occurs prior to the completion of the term
15 of office of a member appointed under this paragraph, the
16 entity which prepared the list for the board member whose
17 seat has become vacant shall submit a list of nominees to
18 replace that member to the Governor, and the Governor shall
19 select a person to fill the vacancy in the manner provided
20 for in this paragraph for the selection of original
21 appointments.

22 * * *

23 (D) PUBLIC MEETINGS AND RECORDS.--THE COMMISSION SHALL BE <--
24 SUBJECT TO THE ACT OF [JUNE 21, 1957 (P.L.390, NO.212), REFERRED
25 TO] FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW
26 LAW, AND [THE ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS THE
27 SUNSHINE ACT] 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

28 SECTION 3. SECTION 13(B) OF THE ACT IS AMENDED TO READ:
29 SECTION 13. INTEREST OF OFFICERS AND EMPLOYEES.

30 * * *

1 (B) RESTRICTED ACTIVITIES AND FINANCIAL INTERESTS.--THE
2 PROVISIONS OF THE ACT OF JULY 19, 1957 (P.L.1017, NO.451), KNOWN
3 AS THE STATE ADVERSE INTEREST ACT, AND [THE ACT OF OCTOBER 4,
4 1978 (P.L.883, NO.170), REFERRED TO AS THE PUBLIC OFFICIAL AND
5 EMPLOYEE ETHICS LAW] 65 PA.C.S. CH. 11 (RELATING TO ETHICS
6 STANDARDS AND FINANCIAL DISCLOSURE), ARE HEREBY MADE
7 SPECIFICALLY APPLICABLE TO MEMBERS AND OFFICERS AND EMPLOYEES OF
8 THE COMMISSION. FOR THE PURPOSES OF APPLICATION OF SUCH ACTS,
9 EMPLOYEES OF THE COMMISSION SHALL BE REGARDED AS PUBLIC
10 EMPLOYEES OF THE COMMONWEALTH, AND MEMBERS AND OFFICERS OF THE
11 COMMISSION SHALL BE REGARDED AS PUBLIC OFFICIALS OF THE
12 COMMONWEALTH, WHETHER OR NOT THEY RECEIVE COMPENSATION.

13 * * *

14 Section 2 4. This act shall take effect in 60 days.

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