

No. 1986-37

## AN ACT

HB 2081

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further providing for the organization and operation of the State Transportation Commission; and reestablishing the State Transportation Commission in conformity with the Sunset Act.

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

Section 1. Section 468 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended May 6, 1970 (P.L.356, No.120) and October 4, 1978 (P.L.972, No.192), is amended to read:

Section 468. State Transportation Commission.—(a) There is hereby created a State Transportation Commission which shall consist of fifteen members, one of whom shall be the Secretary of Transportation, **[ex officio,]** who shall be the chairman of the commission. The chairman *and minority chairman* of the Committee on **[Highways] Transportation** of the Senate and the chairman *and minority chairman* of the Committee on Transportation of the House of Representatives, respectively, shall be **[ex officio]** members of the commission.

(b) **[The] Subject to the provisions of subsection (h), the** Governor shall nominate and by and with the advice and consent of **[two-thirds] a majority** of all the members of the Senate, appoint ten of the remaining members of the commission, not more than five of whom shall be members of the same political party, for terms of six years: **Provided, That one of the two members who is to be appointed by virtue of his membership on the board of directors of a transportation authority shall be appointed for an initial term of four years].** Not more nor less than one appointed member of the commission shall be a resident of the counties of Philadelphia and Allegheny, respectively. At least one of the members of the commission shall hold at least a private pilot's license and derive part of his or her livelihood from aviation related activities or be otherwise actively involved in aviation. **[Effective with**

the first two appointments after the adoption of this act at] At least two of the appointees of the Governor shall be members of the board of directors of a transportation authority at the time of their appointment: Provided, That said authority appointees shall not be considered residents of either Philadelphia or Allegheny County for the purpose of the preceding sentence. The present members of the commission shall be entitled to complete their present terms and may be reappointed at the completion thereof.

(c) [The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint one member of the minority party in their respective houses to serve until February 1, 1971. Subsequent appointees shall serve for two year periods ending on January 31, of the odd-numbered years or until a successor is appointed whichever shall last occur. In the event a member so appointed is no longer a member of the house from which he was appointed, there shall be a vacancy in his position on the commission.] *Any member of the General Assembly who serves as a member of the State Transportation Commission pursuant to subsection (a) or this subsection shall have the power and may appoint a designee who shall have the same rights and privileges as a member when attending a meeting of the State Transportation Commission on behalf of the legislative member.*

(d) The members of the commission shall be reputable citizens of the Commonwealth, of mature judgment and broad business experience and shall not hold any other position as an employe of the Commonwealth. Any person appointed to fill a vacancy shall serve only for the unexpired term. [Any member of the commission may be appointed to succeed himself. All appointed members shall serve for their appointed terms and until their successors have been appointed and qualify.] *A member of the commission may be reappointed to succeed himself. All appointed members shall serve for their appointed terms and may serve for a period not to exceed six months until their successors have been appointed and qualify.* All vacancies shall be filled not later than sixty days after such vacancy occurs.

(e) No member of the commission, during his term of office shall directly or indirectly own, have any significant financial interest in, be associated with, or receive any fee, commission, compensation or anything of value from any person, firm, partnership, business association or corporation which supplies materials or services of any nature except services of an informational or advisory nature rendered as a public service and without profit to the Department of Transportation.

(f) Each member of the commission shall be deemed to have been appointed to represent the interests of the Commonwealth at large and shall not be deemed to be the representative of any region or district whatsoever.

(g) The members of the commission, other than *the secretary and the* legislative members, shall be entitled to receive seventy-five dollars (\$75) per diem for each day actually spent in the performance of his duties and all members shall be entitled to reimbursement for reasonable expenses as determined by rule or regulation of the commission.

(h) *Upon receipt of a written notice from the chairman of the State Transportation Commission stating that the named appointed member of*

*the commission has missed three consecutive regularly scheduled meetings of the commission without cause and excluding any meetings under section 2011(c), (d) or (e), the appointing authority may remove the member named in the written notice and may appoint a new member to fill the vacancy as provided in subsection (d).*

*(i) The Department of Transportation shall supply all necessary assistance to assist the State Transportation Commission in carrying out its duties and responsibilities.*

Section 2. Section 2011(a) and (f) of the act, amended May 6, 1970 (P.L.356, No.120), are amended to read:

Section 2011. State Transportation Commission.—(a) The commission shall hold **[regular]** *at least four regularly scheduled* meetings throughout the State, as may be determined and announced *in the January meeting*, which meetings shall be open to the public at all times. *At least two of these regularly scheduled meetings shall be held in different geographical regions of the State. Hearings for purposes of revising the twelve-year plan shall not count against the four regularly scheduled meetings.* The members shall meet at the call of the Secretary of Transportation at the State Capitol during the month of January, or as soon thereafter as possible, to organize as the State Transportation Commission. The commission shall biennially elect a secretary who shall be a member of said commission.

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*(f) The commission may adopt bylaws to govern the conduct of its affairs. The commission shall promulgate regulations not inconsistent with provisions of this section for the execution of the powers and duties herein delegated to them.*

Section 3. This act, with respect to the State Transportation Commission, constitutes the legislation required to reestablish an agency under the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 4. The presently confirmed members of the State Transportation Commission as of the effective date of this act shall continue to serve as commission members until their present terms of office expire, provided that any present commission member whose term has expired on or before the effective date of this act shall serve until a successor has been appointed and qualified, but no longer than six months after the effective date of this act.

Section 5. Each rule and regulation of the State Transportation Commission in effect on the effective date of this act and not inconsistent with this act shall remain in effect after such date until repealed or amended by the commission, provided that the commission shall immediately initiate the repeal or amendment of any rule or regulation which is inconsistent with the provisions of this act.

Section 6. This act shall take effect May 1, 1986, or immediately, whichever is later.

APPROVED—The 30th day of April, A. D. 1986.

DICK THORNBURGH