

No. 1988-176

AN ACT

SB 1053

Amending the act of September 30, 1985 (P.L.240, No.61), entitled "An act to facilitate vehicular traffic within and across the Commonwealth by providing for the construction, reconstruction, improvement, operation and maintenance of toll roads and the conversion of existing toll-free roads to toll roads in Pennsylvania; conferring powers and imposing duties on the Pennsylvania Turnpike Commission; providing for membership on the Pennsylvania Turnpike Commission; authorizing issuance of turnpike revenue bonds, notes or other obligations of the commission, payable solely from revenues of the commission, including tolls, or from such other funds as may be available to the commission for that purpose, to pay the costs of such toll roads including the acquisition and other costs of toll-free roads and for refunding purposes; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, notes or other obligations, and for the cost of maintenance, operation and repair of the toll roads including toll-free roads converted to toll roads; making such turnpike revenue bonds, notes or other obligations exempt from taxation; constituting the same legal investments in certain instances; requiring suits against the commission to be brought in the courts in which such actions may be brought against the Commonwealth; prescribing conditions on which toll roads shall be turned over to the Department of Transportation; providing for grade separations, grade changes, relocations, restorations and vacations of public roads and State highways affected by the toll roads; providing for the purchasing or condemnation of land and procedure for determining damages in condemnation; granting certain powers and authority to municipalities and agencies of the Commonwealth to cooperate with the commission; conferring powers and imposing duties on the Department of Transportation; authorizing the Secretary of Transportation to enter into negotiations with the United States Department of Transportation, the Federal Highway Administration or any other Federal agency regarding the conversion of toll-free highways constructed in the Commonwealth using Federal funds to toll roads; and authorizing the Secretary of Transportation to enter into agreements on behalf of the Commonwealth and the commission with the United States Department of Transportation, the Federal Highway Administration or any other Federal agency with respect to obtaining Federal funds for resurfacing, restoring, rehabilitating or reconstructing toll roads in Pennsylvania," further providing for appointments to the commission and officers of the commission and their salaries; reestablishing the Pennsylvania Turnpike Commission; and providing for an interim audit.

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

Section 1. The heading and subsection (b) of section 5 of the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, are amended and the section is amended by adding a subsection to read:

Section 5. Pennsylvania Turnpike Commission membership, *compensation* and term of office.

* * *

(b) Appointment after June 4, 1987.—Notwithstanding any other law to the contrary, after June 4, 1987, any vacancy in the membership of the commission shall be filled by appointment of the Governor by and with the advice and consent of [a majority] *two-thirds* of the members elected to the Senate. Such appointed member shall serve for a term of four years. Upon the expiration of this term, an appointed member may continue to hold office for 90 days or until his successor shall be duly appointed and qualified, whichever period is shorter, but shall not continue to hold office thereafter unless reappointed in accordance with law.

* * *

(g) *Compensation.*—*The annual salary of the Chairman of the Pennsylvania Turnpike Commission shall be \$28,500, and the annual salary of the remaining members of the Pennsylvania Turnpike Commission shall be \$26,000. These salaries shall be paid in equal installments every other week.*

Section 2. This act, with respect to the Pennsylvania Turnpike 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 3. The presently confirmed members of the existing Pennsylvania Turnpike Commission, as of the effective date of this act, shall continue to serve as members until their present terms of office expire.

Section 4. Each rule, regulation or fee of the Pennsylvania Turnpike Commission in effect as of the effective date of this act shall remain in effect until repealed or amended by the Pennsylvania Turnpike Commission.

Section 5. During calendar year 1989, the Legislative Budget and Finance Committee shall conduct an audit to determine whether the management issues raised during the previous Sunset Act audit have been addressed and corrected. This audit shall be completed no later than November of 1989.

Section 6. This act shall take effect immediately.

APPROVED—The 21st day of December, A. D. 1988.

ROBERT P. CASEY