

No. 1996-69

A SUPPLEMENT

SB 1348

To the act of June 25, 1931 (P.L.1352, No.332), entitled "An act providing for joint action by the Commonwealth of Pennsylvania and the State of New Jersey in the administration, operation, and maintenance of bridges over the Delaware River, and for the construction of additional bridge facilities across said river; authorizing the Governor, for these purposes, to enter into an agreement with the State of New Jersey; creating a Delaware River Joint Toll Bridge Commission and specifying the powers and duties thereof, including the power to finance the construction of additional bridges by the issuance of revenue bonds to be redeemed from revenues derived from tolls collected at such bridges; transferring to said commission all powers now exercised by existing commission created to acquire toll bridges over the Delaware River; and making an appropriation," directing the Delaware River Joint Toll Bridge Commission to provide for its meetings to be open to the public and the news media.

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

Section 1. Legislative findings and declaration of policy.

The General Assembly finds and declares as follows:

(1) That the public's awareness of and participation in governmental actions is essential to maintaining a free society; that the more open a government is with its citizens, the greater the understanding and participation of the public in government; that the public's fundamental right to know the process of governmental decision making and to review the reasons for those decisions is thwarted when the public's access to governmental meetings is blocked; and that government and the agencies created thereby must insure that their actions remain fully accountable to the public.

(2) That for these public policy reasons the Delaware River Joint Toll Bridge Commission shall develop rules and regulations concerning the right of the public and members of the news media to be present at meetings of the Delaware River Joint Toll Bridge Commission as herein provided.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The Board of Commissioners of the Delaware River Joint Toll Bridge Commission.

"Commission." The Delaware River Joint Toll Bridge Commission.

"Meeting." Any gathering, whether corporeal or by means of communications equipment, which is attended by or open to the board, held

with the intent, on the part of the board members present, to discuss or act as a unit upon the specific public business of the Delaware River Joint Toll Bridge Commission. The term does not include a gathering:

(1) attended by less than an effective majority of the commissioners;

or

(2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

“News media.” Major wire services, television news services, radio news services and newspapers, whether located in this Commonwealth or in any other state, and personnel representing any such service.

“Public business.” Matters which relate in any way, directly or indirectly, to the performance of the functions of the Delaware River Joint Toll Bridge Commission or the conduct of its business.

Section 3. Meetings to be open.

Notwithstanding any inconsistent provisions of any general or special law, all meetings of the Delaware River Joint Toll Bridge Commission are declared to be public meetings and shall be open to the public and members of the news media, individually and collectively, for the purpose of observing the full details of all phases of the deliberation, policy making and decision making of the board to the extent that meetings and deliberations are open to the public under the Open Public Meetings Act, P.L.1976, c.231 (C.10:4-6 et seq.) and the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

Section 4. Rules and regulations.

The board shall adopt, within six months of the effective date of this act, appropriate rules and regulations concerning proper notice to the public and the news media of its meetings and the right of the public and the news media to be present at its meetings. The rules and regulations adopted pursuant to this section shall provide for the same notice and right of the public and news media to be present as well as any other rights and duties provided in the Open Public Meetings Act, P.L.1976, c.231 (C.10:4-6 et seq.) and the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act. To the extent that these laws conflict, the Delaware River Joint Toll Bridge Commission shall incorporate into the rules and regulations the provisions of that law which provides for the greatest rights to the public and the news media.

Section 5. Minutes and public information.

(a) General rule.—It shall be the duty of the Board of Commissioners of the Delaware River Joint Toll Bridge Commission to insure that true and accurate minutes are kept of board meetings and that such minutes are promptly made available to the members of the public and the news media.

(b) Public information.—The board shall designate an individual who shall be responsible for responding to requests from the public and the news media for information concerning the scheduling, attendance and minutes of board meetings.

Section 6. Appeal.

Any person denied any right granted under this act may appeal the denial to a court of common pleas of the Commonwealth, the Superior Court of New Jersey or any court of competent jurisdiction within one year of the date that the cause of action arises.

Section 7. Enforcement.

Any official or employee of the Delaware River Joint Toll Bridge Commission who willfully engages in a continuous and repetitive pattern of violating the provisions of this act shall be subject to removal from office or employment.

Section 8. Applicability.

This act shall apply upon the enactment into law by the State of New Jersey of legislation having an identical effect with this act, but if the State of New Jersey has already enacted such legislation, this act shall apply immediately.

Section 9. Effective date.

This act shall take effect immediately.

APPROVED—The 1st day of July, A.D. 1996.

THOMAS J. RIDGE