

32:8-24

LEGISLATIVE HISTORY CHECKLIST
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(Delaware River Joint Toll Bridge
Commission--open meetings)

NJSA: 32:8-24

LAWS OF: 1994 **CHAPTER:** 178

BILL NO: A1234

SPONSOR(S): DeCroce and others

DATE INTRODUCED: January 27, 1994

COMMITTEE: **ASSEMBLY:** Transportation & Communications
SENATE: Transportation

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** February 17, 1994
SENATE: November 10, 1994

DATE OF APPROVAL: December 20, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

P.L.1994, CHAPTER 178, approved December 20, 1994
1994 Assembly No. 1234

1 AN ACT concerning the Delaware River Joint Toll Bridge
2 Commission and directing the commission to provide for its
3 meetings to be open to the public and the news media.
4

5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

7 1. a. The Legislature hereby finds that the public's
8 awareness of and participation in governmental actions is
9 essential to maintaining a free society; that the more open a
10 government is with its citizens, the greater the understanding and
11 participation of the public in government; that the public's
12 fundamental right to know the process of governmental
13 decision-making and to review the reasons for those decisions is
14 thwarted when the public's access to governmental meetings is
15 blocked; and that government and the agencies created thereby
16 must insure that their actions remain fully accountable to the
17 public.

18 b. The Legislature declares that for these public policy reasons
19 the Delaware River Joint Toll Bridge Commission shall develop
20 rules and regulations concerning the right of the public and
21 members of the news media to be present at meetings of the
22 commission as herein provided.

23 2. As used in this act:

24 "Board" means the Board of Commissioners of the Delaware
25 River Joint Toll Bridge Commission;

26 "Commission" means the Delaware River Joint Toll Bridge
27 Commission;

28 "Meeting" means any gathering, whether corporeal or by means
29 of communications equipment, which is attended by, or open to,
30 the board, held with the intent, on the part of the board members
31 present, to discuss or act as a unit upon the specific public
32 business of the commission. "Meeting" does not mean a
33 gathering: (1) attended by less than an effective majority of the
34 commissioners; or (2) attended by or open to all the members of
35 three or more similar public bodies at a convention or similar
36 gathering;

37 "News media" means major wire services, television news
38 services, radio news services and newspapers, whether located in
39 this State or in any other state, and personnel representing any
40 such service.

41 "Public business" means matters which relate in any way,
42 directly or indirectly, to the performance of the functions of the
43 Delaware River Joint Toll Bridge Commission or the conduct of
44 its business.

45 3. a. Notwithstanding any inconsistent provisions of any

1 general or special law, all meetings of the commission are
2 declared to be public meetings and shall be open to the public and
3 members of the news media, individually and collectively, for the
4 purpose of observing the full details of all phases of the
5 deliberation, policy-making and decision-making of the board to
6 the extent that meetings and deliberations are open to the public
7 under the "Open Public Meetings Act," P.L.1976, c.231 (C.10:4-6
8 et seq.) and the "Sunshine Act," number 84 of the laws of
9 Pennsylvania of 1986.

10 b. The board shall adopt, within six months of the effective
11 date of this act, appropriate rules and regulations concerning
12 proper notice to the public and the news media of its meetings
13 and the right of the public and the news media to be present at
14 its meetings. The rules and regulations adopted pursuant to this
15 section shall provide for the same notice and right of the public
16 and news media to be present as well as any other rights and
17 duties provided in the "Open Public Meetings Act," P.L.1976,
18 c.231 (C.10:4-6 et seq.) and the "Sunshine Act," number 84 of the
19 laws of Pennsylvania of 1986. To the extent that these laws
20 conflict, the commission shall incorporate into the rules and
21 regulations the provisions of that law which provides for the
22 greatest rights to the public and the news media.

23 4. a. It shall be the duty of the board to insure that true and
24 accurate minutes are kept of board meetings and that such
25 minutes are promptly made available to the members of the
26 public and the news media.

27 b. The board shall appoint a public meeting information officer
28 who shall be responsible for responding to requests from the
29 public and the news media for information concerning the
30 scheduling, attendance and minutes of board meetings.

31 5. Any rules or regulations adopted pursuant to section 3 of
32 this act shall become a part of the minutes of the commission and
33 shall be subject to the approval of the Governor of New Jersey
34 and the Governor of Pennsylvania if the approval of the minutes
35 shall be provided for by the law of either state.

36 6. Any person denied any right granted by sections 3 or 4 of
37 this act may appeal the denial to the Superior Court of New
38 Jersey, the Court of Common Pleas of the Commonwealth of
39 Pennsylvania, or any court of competent jurisdiction within one
40 year of the date that the cause of action arises.

41 7. Any official or employee of the commission who willfully
42 engages in a continuous and repetitive pattern of violating the
43 provisions of this act shall be subject to removal from office or
44 employment.

45 8. This act shall take effect upon the enactment into law by
46 the Commonwealth of Pennsylvania of legislation having an
47 identical effect with this act, but if the Commonwealth of
48 Pennsylvania has already enacted such legislation, this act shall
49 take effect immediately.

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52 **STATEMENT**

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54 This bill provides that meetings of the Delaware River Joint

1 Toll Bridge Commission are public meetings and shall be open to
2 the public and the news media. This bill directs the Board of
3 Commissioners of the Delaware River Joint Toll Bridge
4 Commission to adopt rules and regulations to insure that the
5 public and the news media will have notice of and access to its
6 meetings as provided in New Jersey's "Open Public Meetings
7 Act," P.L.1976, c.231 (C.10:4-6 et seq.) and Pennsylvania's
8 "Sunshine Act," number 84 of the laws of Pennsylvania of 1986.
9 This bill further directs that in the event of a conflict between
10 these two laws the commission shall incorporate into the rules
11 and regulations the provisions of that law which provides for the
12 greatest rights to the public and the news media. This bill also
13 provides that if a person is denied access to an open public
14 meeting or is refused timely receipt of the minutes, that person
15 may seek redress of the denial in the courts. Since the
16 commission is a bi-State agency, enactment of legislation
17 identical in effect to this bill in Pennsylvania is required before
18 the provisions of this bill will take effect.

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24 provide for its meetings to be open to the public and the news
25 media.

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2 declared to be public meetings and shall be open to the public and
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ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1234

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 1994

The Assembly Transportation and Communications Committee favorably reports Assembly Bill No. 1234.

This bill provides that meetings of the Delaware River Joint Toll Bridge Commission are public meetings and shall be open to the public and the news media. This bill directs the Board of Commissioners of the Delaware River Joint Toll Bridge Commission to adopt rules and regulations to insure that the public and the news media will have notice of and access to its meetings as provided in New Jersey's "Open Public Meetings Act," P.L.1976, c.231 (C.10:4-6 et seq.) and Pennsylvania's "Sunshine Act," number 84 of the laws of Pennsylvania of 1986. This bill further directs that in the event of a conflict between these two laws the 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. This bill also provides that if a person is denied access to an open public meeting or is refused timely receipt of the minutes, that person may seek redress of the denial in the courts. Since the commission is a bi-State agency, enactment of legislation identical in effect to this bill in Pennsylvania is required before the provisions of this bill will take effect.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1234

STATE OF NEW JERSEY

DATED: MARCH 21, 1994

The Senate Transportation Committee favorably reports Assembly Bill No. 1234.

This bill provides that meetings of the Delaware River Joint Toll Bridge Commission are public meetings and shall be open to the public and the news media. This bill directs the Board of Commissioners of the Delaware River Joint Toll Bridge Commission to adopt rules and regulations to insure that the public and the news media will have notice of and access to its meetings as provided in New Jersey's "Open Public Meetings Act," P.L.1976, c.231 (C.10:4-6 et seq.) and Pennsylvania's "Sunshine Act," number 84 of the laws of Pennsylvania of 1986. This bill further directs that in the event of a conflict between these two laws the 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. This bill also provides that if a person is denied access to an open public meeting or is refused timely receipt of the minutes, that person may seek redress of the denial in the courts. Since the commission is a bi-State agency, enactment of legislation identical in effect to this bill in Pennsylvania is required before the provisions of this bill will take effect.

This bill is identical to S632, released by the committee on the same date.