

32:3-4.5

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 32:3-4.5 (Delaware River Port Authority---
open public meetings)

LAWS OF: 1991 CHAPTER: 400

Bill No: S2219

Sponsor(s): Dalton

Date Introduced: Pre-filed

Committee: Assembly: Independent Authorities

Senate: State Government

Amended during passage: No

Date of Passage: Assembly: January 6, 1992

Senate: March 8, 1990

Date of Approval: January 17, 1992

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/dgw

P.L.1991, CHAPTER 400, approved January 17, 1992
1990 Senate No. 2219

1 AN ACT concerning the Delaware River Port Authority and
2 directing the authority to provide for its meetings to be open
3 to the public and the news media.
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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
11 and 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; 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
19 reasons the Delaware River Port Authority shall develop rules
20 and regulations concerning the right of the public and members
21 of the news media to be present at meetings of the authority as
22 herein provided.

23 2. As used in this act:

24 "Board" means the Board of Commissioners of the Delaware
25 River Port Authority;

26 "Meeting" means any gathering of a majority of the board at
27 which the effect of the discussions held or the actions taken by
28 the commissioners present is to discuss or act as a unit upon the
29 specific public business of the authority. "Meeting" does not
30 mean a gathering (1) attended by less than an effective majority
31 of the commissioners, or (2) attended by or open to all the
32 members of three or more similar public bodies at a convention
33 or similar gathering;

34 "News media" means persons representing major wire
35 services, television news services, radio news services and
36 newspapers, whether located in this State or in any other state.

37 "Port Authority" means the Delaware River Port Authority;

38 "Public business" means matters which relate in any way,
39 directly or indirectly, to the performance of the functions of the
40 Delaware River Port Authority or the conduct of its business.

41 3. a. Notwithstanding any inconsistent provisions of any

1 general or special law, all meetings of the Port Authority are
2 declared to be public meetings and shall be open to the public
3 and members of the news media, individually and collectively,
4 for the purpose of observing the full details of all phases of the
5 deliberation, policy-making and decision-making of the board.

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

19 4. a. It shall be the duty of the board to insure that true and
20 accurate minutes are kept of board meetings and that such
21 minutes are promptly made available to the members of the
22 public and the news media.

23 b. The commissioners of the Port Authority shall appoint a
24 public meeting information officer who shall be responsible for
25 responding to requests from the public and the news media for
26 information concerning the scheduling, attendance and minutes
27 of board meetings.

28 5. Any rules or regulations adopted pursuant to section 3 of
29 this act shall become a part of the minutes of the Port
30 Authority and shall be subject to the approval of the Governor
31 of New Jersey and the Governor of Pennsylvania.

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

37 7. Any official or employee of the Port Authority who
38 willfully engages in a continuous and repetitive pattern of
39 violating the provisions of this act shall be subject to removal
40 from his office or employment.

41 8. This act shall take effect upon the enactment into law by
42 the State of Pennsylvania legislation having an identical effect
43 with this act, but if the State of Pennsylvania has already
44 enacted such legislation, this act shall take effect immediately.

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47 **AUTHORITIES AND REGIONAL AGENCIES**

48
49 Directs the Delaware River Port Authority to provide for its
50 meetings to be open to the public and the news media.

STATEMENT

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This bill provides that meetings of the Delaware River Port Authority 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 Port Authority 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 Port Authority 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 Port Authority 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.

AUTHORITIES AND REGIONAL COMMISSIONS

Directs the Delaware River Port Authority to provide for its meetings to be open to the public and the news media.

ASSEMBLY INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

SENATE, No. 2219

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 1990

The Assembly Independent Authorities Committee favorably reports Senate Bill No. 2219.

As reported, this bill provides that meetings of the Delaware River Port Authority shall be public meetings and shall be open to the public and the news media. The Board of Commissioners of the Delaware River Port Authority shall 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. The bill stipulates that in the event of a conflict between these two laws, the Port Authority shall incorporate into its rules and regulations the provisions of that law which grants the greatest rights to the public and the news media.

The board is required to keep accurate minutes of its meetings and to make them available to the public and the news media. The authority is directed to appoint a public meeting information officer who shall respond to requests from the public and the news media concerning board meetings. The 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 appeal the denial in the courts. Any official or employee of the Port Authority 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.

This act shall take effect upon the enactment into law by the state of Pennsylvania of legislation having an identical effect with this act.

SENATE STATE GOVERNMENT AND FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2219

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1990

The Senate State Government and Federal and Interstate Relations Committee reports favorably Senate, No. 2219.

This bill provides that meetings of the Delaware River Port Authority shall be public meetings and shall be open to the public and the news media. The Board of Commissioners of the Delaware River Port Authority shall 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. The bill stipulates that in the event of a conflict between these two laws, the Port Authority shall incorporate into its rules and regulations the provisions of that law which grants the greatest rights to the public and the news media.

The board is required to keep accurate minutes of its meetings and to make them available to the public and the news media. The authority is directed to appoint a public meeting information officer who shall respond to requests from the public and the news media concerning board meetings. The 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 appeal the denial in the courts. Any official or employee of the Port Authority 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.

This act shall take effect upon the enactment into law by the state of Pennsylvania of legislation having an identical effect with this act.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.