

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 254

Session of
1979

INTRODUCED BY BELL, FEBRUARY 20, 1979

REFERRED TO STATE GOVERNMENT, FEBRUARY 20, 1979

A SUPPLEMENT

1 To the act of June 12, 1931 (P.L.575, No.200), entitled "An act
2 providing for joint action by Pennsylvania and New Jersey in
3 the development of the ports on the lower Delaware River, and
4 the improvement of the facilities for transportation across
5 the river; authorizing the Governor, for these purposes, to
6 enter into an agreement with New Jersey; creating The
7 Delaware River Joint Commission and specifying the powers and
8 duties thereof, including the power to finance projects by
9 the issuance of revenue bonds; transferring to the new
10 commission all the powers of the Delaware River Bridge Joint
11 Commission; and making an appropriation," providing that the
12 commission shall hold meetings and hearings open to the
13 public and providing penalties.

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

16 Section 1. The Governor is hereby authorized to enter into a
17 supplemental compact or agreement, on behalf of the Commonwealth
18 of Pennsylvania, with the State of New Jersey, further amending
19 and supplementing the compact or agreement between the
20 Commonwealth of Pennsylvania and the State of New Jersey
21 entitled "Agreement between the Commonwealth of Pennsylvania and
22 the State of New Jersey creating The Delaware River Joint
23 Commission as a body corporate and politic and defining its
24 powers and duties," which was executed on behalf of the

1 Commonwealth of Pennsylvania by its Governor on July first, one
2 thousand nine hundred and thirty-one, and on behalf of the State
3 of New Jersey by the New Jersey Interstate Bridge Commission by
4 its members on July first, one thousand nine hundred and thirty-
5 one, and which was consented to by the Congress of the United
6 States by Public Resolution Number twenty-six, being chapter two
7 hundred fifty-eight of the Public Laws, Seventy-second Congress,
8 approved June fourteenth, one thousand nine hundred and thirty-
9 two, which supplemental compact and agreement shall be in
10 substantially the following form:

11 "Supplemental agreement between the Commonwealth of
12 Pennsylvania and the State of New Jersey further amending and
13 supplementing the agreement entitled 'Agreement between the
14 Commonwealth of Pennsylvania and the State of New Jersey
15 creating The Delaware River Joint Commission as a body corporate
16 and politic and defining its powers and duties,' enlarging the
17 public purposes of the Delaware River Port Authority and
18 extending its jurisdiction, powers and duties, and defining such
19 additional purposes, jurisdiction, powers and duties."

20 The Commonwealth of Pennsylvania and the State of New Jersey
21 do hereby solemnly covenant and agree, each with the other, as
22 follows:

23 Said compact or agreement is further amended and supplemented
24 by adding thereto, as part thereof, following Article XII-B
25 thereof, a new article reading as follows:

26 Article XII-C

27 (1) All meetings or hearings of the commission at which
28 formal action is scheduled or taken are public meetings and
29 shall be open to the public at all times. No formal action shall
30 be valid unless such formal action is taken during a public

1 meeting.

2 (2) No public meeting of the commission shall be adjourned,
3 begun, recessed or interrupted in any way for the purpose of an
4 executive session except as hereinafter provided. An executive
5 session may be held during the course of a properly constituted
6 public meeting upon notification to the public present by the
7 presiding officer that for a period not to exceed thirty minutes
8 the meeting will be in recess for the purpose of:

9 (i) Considering dismissal or disciplining of, or hearing
10 complaints or charges brought against a public elected officer,
11 employee, or other public agent unless such person requests a
12 public hearing.

13 (ii) Considering actions of the deliberating body with
14 respect to labor negotiations.

15 (3) The minutes of a public meeting of the commission shall
16 be taken and promptly recorded and shall be a public record
17 under and subject to the act of June 21, 1957 (P.L.390, No.212),
18 referred to as the Right-to-know Law.

19 (4) (a) The commission shall hold all public meetings at
20 specified times and places of which public notice shall be
21 given.

22 (b) Public notice of the schedule of regular meetings shall
23 be given once for each calendar year or fiscal year, and shall
24 show the regular dates and times for meetings and the place at
25 which meetings are held. Public notice of each special meeting
26 or hearing and of each rescheduled regular or special meeting or
27 hearing shall be given of the date, time and place of each
28 meeting as the case may be. Public notice shall be given by: (i)
29 publishing the notice once in a newspaper of general
30 circulation, as defined by 45 Pa.C.S. § 101 (relating to

1 definitions), which is published and circulated in all political
2 subdivisions which may be affected by any formal action taken at
3 the meeting or hearing, or such newspaper of general circulation
4 which has a bona fide paid circulation equal to or greater than
5 any newspaper published in the said political subdivision; and
6 (ii) posting a copy of the notice prominently at the principal
7 office of the agency holding the meeting or at the public
8 building in which the meeting is to be held.

9 (c) Public notice shall be given at least three days prior
10 to the time of the first regularly scheduled meeting in the case
11 of regular meetings, and at least twenty-four hours prior to the
12 time of the meeting in the case of special or rescheduled
13 meetings or hearings.

14 (d) Publication in the legal periodical in the county shall
15 not be required. The commission shall supply, on request, copies
16 of the public notice thereof to any newspaper of general
17 circulation in Pennsylvania or New Jersey and to any radio and
18 television station which regularly broadcasts into either state.

19 (e) Paragraphs (1) and (4) of this article shall not apply
20 when the commission holds a meeting to deal with an actual
21 emergency involving a clear and present danger to life or
22 property. Members of the commission shall not be in violation of
23 these sections when such meetings are held.

24 (f) "Giving public notice" shall include mailing notice of
25 the time, place and date of a meeting provided the notified
26 party supplies a stamped, self-addressed envelope prior to the
27 meeting.

28 (5) Nothing in this article shall prohibit the commission
29 from adopting by formal action such rules and regulations as
30 necessary for the conduct of its meetings. Additionally, the

1 members of the commission may at the time of any disturbance
2 which would render the ordinary conduct of the meeting
3 unfeasible and when order cannot be restored, authorize the
4 presiding officer, by majority vote, to enforce such rules and
5 regulations to the extent necessary to restore order. Such rules
6 and regulations shall not be made to violate the intent of this
7 article.

8 (6) Any member of the commission who participates in a
9 meeting or hearing knowing that it is being held or conducted in
10 such a way to intentionally prevent an interested party from
11 attending or with the intent and purpose of violating this
12 article is guilty of a summary offense and upon conviction
13 thereof shall be sentenced to pay a fine not exceeding \$100 plus
14 costs of prosecution.

15 (7) The Commonwealth Court shall have original jurisdiction
16 of actions in Pennsylvania to render declaratory judgments or to
17 enforce this article, by injunction or other remedy deemed
18 appropriate by the court. The action may be brought by any
19 person in Pennsylvania in the judicial district where such
20 person resides or has his principal place of business, if the
21 action which is contested affected said judicial district.

22 (8) As used in this article:

23 "Commission," means the Delaware River Port Authority or any
24 of its committees or subcommittees.

25 "Formal action," means the taking of any vote on any
26 resolution, rule, order, motion, regulation, or ordinance or the
27 setting of any official policy.

28 (9) All acts and parts of acts are repealed in so far as
29 they are inconsistent herewith, excepting those statutes which
30 specifically provide for the confidentiality of information.

1 Section 2. Upon its signature on behalf of the State of New
2 Jersey and the Commonwealth of Pennsylvania, the supplemental
3 compact or agreement hereinabove set forth shall become binding
4 and shall have the force and effect of a statute of the
5 Commonwealth of Pennsylvania; and the commission referred to in
6 such supplemental compact or agreement shall thereupon become
7 vested with all the powers, rights and privileges and be subject
8 to the duties and obligations provided for therein, as though
9 the same were specifically authorized and imposed by statute;
10 and the Commonwealth of Pennsylvania shall be bound by all of
11 the obligations assumed by it under such supplemental compact or
12 agreement, and the Governor shall transmit an original signed
13 copy thereof to the Secretary of the Commonwealth for filing in
14 his office.

15 Section 3. The Governor is hereby authorized to apply, on
16 behalf of the Commonwealth of Pennsylvania, to the Congress of
17 the United States for its consent and approval to such
18 supplemental compact or agreement, but in the absence of such
19 consent and approval, the commission referred to in such
20 supplemental compact or agreement shall have all of the powers
21 which the Commonwealth of Pennsylvania and the State of New
22 Jersey may confer upon it without the consent and approval of
23 Congress.

24 Section 4. Except where specifically amended or repealed by
25 this act, the provisions of the agreement authorized by the act,
26 approved the twelfth day of June, one thousand nine hundred and
27 thirty-one (Pamphlet Laws 575), the provisions of the agreement
28 authorized by the act, approved the eighteenth day of July, one
29 thousand nine hundred and fifty-one (Pamphlet Laws 1010), the
30 provisions of the agreement authorized by the act, approved the

1 tenth day of August, one thousand nine hundred and fifty-one
2 (Pamphlet Laws 1206) and the provisions of the agreement
3 authorized by the act, approved the eleventh day of June, one
4 thousand nine hundred and sixty-three are maintained in full
5 force and effect.

6 Section 5. If any provision of this act or the application
7 thereof to any person or circumstance is held invalid, such
8 invalidity shall not affect other provisions or applications of
9 the act which can be given effect without the invalid provision
10 or application, and to this end the provisions of this act are
11 declared to be severable.

12 Section 6. This act shall take effect immediately; but the
13 Governor shall not enter into the supplemental compact or
14 agreement hereinabove set forth on behalf of the Commonwealth of
15 Pennsylvania until passage by the State of New Jersey of a
16 substantially similar act embodying the supplemental compact or
17 agreement between the two states.