

ASSEMBLY, No. 523

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman ERIK PETERSON

District 23 (Hunterdon, Somerset and Warren)

Co-Sponsored by:

Assemblymen DiMaio, Rible, Assemblywoman McHose and Assemblyman Space

SYNOPSIS

Requires municipal governing bodies and boards of education to provide sufficient time for all requested public comment at open public meetings.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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1 AN ACT concerning public participation at open public meetings
2 and amending P.L.1975, c.231.

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

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7 1. Section 7 of P.L.1975, c.231 (C.10:4-12) is amended to read
8 as follows:

9 7. a. Except as provided by subsection b. of this section all
10 meetings of public bodies shall be open to the public at all times.
11 Nothing in this act shall be construed to limit the discretion of a
12 public body to permit, prohibit or regulate the active participation
13 of the public at any meeting, except that a municipal governing
14 body and a board of education shall be required to set aside a
15 portion of every meeting of the municipal governing body or board
16 of education~~],~~ the length of the portion to be determined by the
17 municipal governing body or board of education,~~]~~ sufficient to
18 accommodate all requests for public comment, of not less than three
19 minutes per speaker, on any governmental or school district issue
20 that a member of the public feels may be of concern to the residents
21 of the municipality or school district. Should the portion of the
22 meeting dedicated to public comment exceed the scheduled length
23 of the meeting itself, no vote shall be taken on the subject of the
24 comment until the next meeting, at which time the public comment
25 shall resume until all interested members of the public have had
26 opportunity to comment on the subject.

27 b. A public body may exclude the public only from that portion
28 of a meeting at which the public body discusses:

29 (1) Any matter which, by express provision of federal law or
30 State statute or rule of court shall be rendered confidential or
31 excluded from the provisions of subsection a. of this section.

32 (2) Any matter in which the release of information would impair
33 a right to receive funds from the Government of the United States.

34 (3) Any material the disclosure of which constitutes an
35 unwarranted invasion of individual privacy such as any records,
36 data, reports, recommendations, or other personal material of any
37 educational, training, social service, medical, health, custodial,
38 child protection, rehabilitation, legal defense, welfare, housing,
39 relocation, insurance and similar program or institution operated by
40 a public body pertaining to any specific individual admitted to or
41 served by such institution or program, including but not limited to
42 information relative to the individual's personal and family
43 circumstances, and any material pertaining to admission, discharge,
44 treatment, progress or condition of any individual, unless the
45 individual concerned (or, in the case of a minor or incompetent, his

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 guardian) shall request in writing that the same be disclosed
2 publicly.

3 (4) Any collective bargaining agreement, or the terms and
4 conditions which are proposed for inclusion in any collective
5 bargaining agreement, including the negotiation of the terms and
6 conditions thereof with employees or representatives of employees
7 of the public body.

8 (5) Any matter involving the purchase, lease or acquisition of
9 real property with public funds, the setting of banking rates or
10 investment of public funds, where it could adversely affect the
11 public interest if discussion of such matters were disclosed.

12 (6) Any tactics and techniques utilized in protecting the safety
13 and property of the public, provided that their disclosure could
14 impair such protection. Any investigations of violations or possible
15 violations of the law.

16 (7) Any pending or anticipated litigation or contract negotiation
17 other than in subsection b. (4) herein in which the public body is, or
18 may become a party.

19 Any matters falling within the attorney-client privilege, to the
20 extent that confidentiality is required in order for the attorney to
21 exercise his ethical duties as a lawyer.

22 (8) Any matter involving the employment, appointment,
23 termination of employment, terms and conditions of employment,
24 evaluation of the performance of, promotion or disciplining of any
25 specific prospective public officer or employee or current public
26 officer or employee employed or appointed by the public body,
27 unless all the individual employees or appointees whose rights
28 could be adversely affected request in writing that such matter or
29 matters be discussed at a public meeting.

30 (9) Any deliberations of a public body occurring after a public
31 hearing that may result in the imposition of a specific civil penalty
32 upon the responding party or the suspension or loss of a license or
33 permit belonging to the responding party as a result of an act or
34 omission for which the responding party bears responsibility.

35 (cf: P.L.2008, c.14, s.1)

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37 2. This act shall take effect immediately.

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STATEMENT

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42 This bill amends section 7 of the "Senator Byron M. Baer Open
43 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), to provide
44 that a municipal governing body and a board of education shall be
45 required to set aside a portion of every meeting sufficient to
46 accommodate all requests for public comment, of not less than three
47 minutes per speaker, on any governmental or school district issue

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2 of the municipality or school district. Should the portion of the
3 meeting dedicated to public comment exceed the scheduled length
4 of the meeting itself, no vote shall be taken on the subject of the
5 comment until the next meeting, at which time the public comment
6 shall resume until all interested members of the public have had
7 opportunity to comment on the subject.