

ASSEMBLY, No. 2539

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Assemblyman EDWARD H. THOMSON

District 30 (Monmouth and Ocean)

SYNOPSIS

Provides for public comment period at certain sessions of each house of the Legislature.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/24/2020)

1 AN ACT providing for a public comment period at certain sessions
2 of each house of the Legislature and amending P.L.1975, c.231.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
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

14 (1) a municipal governing body and a board of education shall
15 be required to set aside a portion of every meeting of the municipal
16 governing body or board of education, the length of the portion to
17 be determined by the municipal governing body or board of
18 education, for public comment on any governmental or school
19 district issue that a member of the public feels may be of concern to
20 the residents of the municipality or school district~~].~~ ; and

21 (2) the Senate and General Assembly shall each be required to
22 set aside a portion of a session at least four times each year for
23 public comment. The Senate and General Assembly shall each
24 adopt reasonable rules governing the order and conduct of the
25 public comment period in that house, including, but not limited to,
26 rules for (a) designating the session at which public comment will
27 be taken; (b) the maximum time allotted to each speaker; (c) the
28 number of speakers per comment period; (d) maintaining order and
29 decorum; and (e) prohibiting personal comments concerning named
30 individuals during the public comment period.

31 b. A public body may exclude the public only from that portion
32 of a meeting at which the public body discusses any:

33 (1) matter which, by express provision of federal law, State
34 statute, or rule of court shall be rendered confidential or excluded
35 from the provisions of subsection a. of this section;

36 (2) matter in which the release of information would impair a
37 right to receive funds from the Government of the United States;

38 (3) material the disclosure of which constitutes an unwarranted
39 invasion of individual privacy such as any records, data, reports,
40 recommendations, or other personal material of any educational,
41 training, social service, medical, health, custodial, child protection,
42 rehabilitation, legal defense, welfare, housing, relocation,
43 insurance, and similar program or institution operated by a public
44 body pertaining to any specific individual admitted to or served by
45 an institution or program, including but not limited to, information

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 relative to the individual's personal and family circumstances, and
2 any material pertaining to admission, discharge, treatment,
3 progress, or condition of any individual, unless the individual
4 concerned (or, in the case of a minor or an incapacitated individual,
5 the individual's guardian) shall request in writing that the material
6 be disclosed publicly;

7 (4) collective bargaining agreement, or the terms and conditions
8 which are proposed for inclusion in any collective bargaining
9 agreement, including the negotiation of the terms and conditions
10 thereof with employees or representatives of employees of the
11 public body;

12 (5) matter involving the purchase, lease, or acquisition of real
13 property with public funds, the setting of banking rates, or
14 investment of public funds, if it could adversely affect the public
15 interest if discussion of the matters were disclosed;

16 (6) tactics and techniques utilized in protecting the safety and
17 property of the public, provided that their disclosure could impair
18 that protection, or investigations of violations or possible violations
19 of the law;

20 (7) pending or anticipated litigation or contract negotiation other
21 than in subsection b. (4) herein in which the public body is, or may
22 become, a party, or matters falling within the attorney-client
23 privilege, to the extent that confidentiality is required in order for
24 the attorney to exercise his ethical duties as a lawyer;

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

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

38 (cf: P.L.2013, c.103, s.57)

39
40 2. This act shall take effect on the 90th day after the date of
41 enactment.

42 43 44 STATEMENT

45
46 This bill would amend the "Senator Byron M. Baer Open Public
47 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.) to require the
48 Senate and General Assembly to each set aside a portion of a

1 session of that house at least four times a year for public comment.
2 Currently, the law requires municipal governing bodies and boards
3 of education, but not other public bodies, to allow a period for
4 public comment at each public meeting.
5 The bill would require that each house adopt reasonable rules
6 governing the order and conduct of the public comment period,
7 including, but not limited to, rules for designating the session at
8 which public comment will be taken, the maximum time allotted to
9 each speaker, the number of speakers per comment period,
10 maintaining order and decorum, and prohibiting personal comments
11 concerning named individuals.