

ASSEMBLY, No. 4117

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Requires all public bodies to allow public comment at every meeting.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the meetings of public bodies and amending
2 P.L.1975, c.231.

3

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 of
13 the public at any meeting, except that a **【municipal governing】** public
14 body, other than the Legislature, 【and a board of education】 shall be
15 required to set aside a portion of every meeting of the **【municipal**
16 **governing】** public body **【or board of education】**, the length of the
17 portion to be determined by the **【municipal governing】** public body
18 **【or board of education】**, for public comment on any governmental or
19 school district issue that a member of the public feels may be of
20 concern to the **【residents of the municipality or school district】**
21 public body.

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

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

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

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

43 (4) collective bargaining agreement, or the terms and conditions
44 which are proposed for inclusion in any collective bargaining
45 agreement, including the negotiation of the terms and conditions

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 thereof with employees or representatives of employees of the public
2 body;
3 (5) matter involving the purchase, lease, or acquisition of real
4 property with public funds, the setting of banking rates, or investment
5 of public funds, if it could adversely affect the public interest if
6 discussion of the matters were disclosed;
7 (6) tactics and techniques utilized in protecting the safety and
8 property of the public, provided that their disclosure could impair
9 that protection, or investigations of violations or possible violations
10 of the law;
11 (7) pending or anticipated litigation or contract negotiation other
12 than in subsection b. (4) herein in which the public body is, or may
13 become, a party, or matters falling within the attorney-client
14 privilege, to the extent that confidentiality is required in order for the
15 attorney to exercise his ethical duties as a lawyer;
16 (8) matter involving the employment, appointment, termination
17 of employment, terms and conditions of employment, evaluation of
18 the performance of, promotion, or disciplining of any specific
19 prospective public officer or employee or current public officer or
20 employee employed or appointed by the public body, unless all the
21 individual employees or appointees whose rights could be adversely
22 affected request in writing that the matter or matters be discussed at
23 a public meeting; or
24 (9) deliberations of a public body occurring after a public hearing
25 that may result in the imposition of a specific civil penalty upon the
26 responding party or the suspension or loss of a license or permit
27 belonging to the responding party as a result of an act or omission for
28 which the responding party bears responsibility.
29 (cf: P.L.2013, c.103, s.57)

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31 2. This act shall take effect immediately.
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34 STATEMENT
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36 This bill amends the "Open Public Meetings Act," N.J.S.A.10:4-6
37 et seq., to require all public bodies, other than the Legislature, to set
38 aside a portion of every meeting for public comment on any
39 governmental issue that a member of the public feels may be of
40 concern to that public body. At present, the law only requires
41 municipal governing bodies and boards of education to provide a
42 public comment period. Expanding this policy will increase public
43 interest and participation in civic affairs.