

SENATE, No. 3346

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 12, 2021

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

SYNOPSIS

Requires certain public bodies to provide minimum time for public comment at certain public meetings.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring certain public bodies to provide a minimum time
2 for public comment period at certain public meetings, and
3 amending P.L.1975, c.231.

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

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

10 7. a. Except as provided by subsection b. of this section all
11 meetings of public bodies shall be open to the public at all times.
12 Nothing in this act shall be construed to limit the discretion of a
13 public body to permit, prohibit, or regulate the active participation
14 of the public at any meeting, except that a **【municipal governing】**
15 public body **【and a board of education】**, other than the Legislature,
16 shall be required to set aside a portion of every meeting of the
17 **【municipal governing】** public body **【or board of education, the**
18 length of the portion to be determined by the municipal governing
19 body or board of education,】 for public comment **【on】** prior to
20 consideration of items on the agenda by the public body at the
21 meeting, with such comments being limited to items on the agenda
22 and to any governmental **【or school district】** issue that a member of
23 the public feels may be of concern to the **【residents of the**
24 municipality or school district】 public body. Each member of the
25 public shall be allowed to speak for at least three minutes per
26 comment period.

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

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

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

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

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 the individual's guardian) shall request in writing that the material
2 be disclosed publicly;

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

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

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

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

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

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

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

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36 2. This act shall take effect on the 60th day after the date of
37 enactment.

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40 STATEMENT

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42 Currently, the "Open Public Meetings Act," N.J.S.A.10:4-6 et
43 seq., OPMA, only requires municipal governing bodies and local
44 boards of education to provide a public comment period. Under the
45 bill, OPMA will require all public bodies, other than the
46 Legislature, to set aside a portion of every meeting for public
47 comment on the items on the meeting agenda and any governmental
48 issue that a member of the public feels may be of concern to that

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- 1 public body. Under the bill, members of the public will be given at
- 2 least three minutes to speak per public comment period.