

SENATE, No. 3758

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 11, 2021

Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)

Co-Sponsored by:
Senator Diegnan

SYNOPSIS

Allows individuals on active duty to participate remotely in certain governmental meetings.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/20/2021)

1 AN ACT allowing individuals serving on active duty to participate
2 remotely in certain governmental meetings and supplementing
3 various parts of the statutory law.

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

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8 1. a. Notwithstanding any other provision of law, rule, or
9 regulation to the contrary, the governing body of a municipality
10 may, by resolution, authorize a governing body member who is
11 serving on active duty in a branch of the Armed Forces of the
12 United States to participate remotely in meetings of that governing
13 body.

14 b. A governing body member who is serving on active duty who
15 participates remotely in a governing body meeting shall be included
16 in establishing a quorum for that governing body meeting.

17 c. The Division of Local Government Services in the
18 Department of Community Affairs shall, as soon as practicable
19 following the enactment of P.L. , c. (C.) (pending before
20 the Legislature as this bill), develop guidelines for use by, and
21 provide advice to, municipal governing bodies that choose to allow
22 a governing body member serving on active duty to participate
23 remotely in governing body meetings. The Department of
24 Community Affairs shall publish the guidelines developed pursuant
25 to this subsection on the department's Internet website.

26 d. As used in this section, "active duty" means full-time duty
27 status in the active uniformed service of the United States,
28 including members of the National Guard and Reserve on active
29 duty orders pursuant to 10 U.S.C. chapters 1209 or 1211.

30
31 2. a. Notwithstanding any other provision of law, rule, or
32 regulation to the contrary, a board of county commissioners may, by
33 resolution, authorize a county commissioner who is serving on
34 active duty in a branch of the Armed Forces of the United States to
35 participate remotely in meetings of the board of county
36 commissioners.

37 b. A county commissioner who is serving on active duty who
38 participates remotely in a board of county commissioners meeting
39 shall be included in establishing a quorum for that meeting of the
40 board of county commissioners.

41 c. The Division of Local Government Services in the
42 Department of Community Affairs shall, as soon as practicable
43 following the enactment of P.L. , c. (C.) (pending before
44 the Legislature as this bill), develop guidelines for use by, and
45 provide advice to, boards of county commissioners that choose to
46 allow a county commissioner serving on active duty to participate
47 remotely in meetings of the board of county commissioners of the

1 county. The Department of Community Affairs shall publish the
2 guidelines developed pursuant to this subsection on the
3 department's Internet website.

4 d. As used in this section, "active duty" means full-time duty
5 status in the active uniformed service of the United States,
6 including members of the National Guard and Reserve on active
7 duty orders pursuant to 10 U.S.C. chapters 1209 or 1211.

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9 3. a. Notwithstanding any other provision of law, rule, or
10 regulation to the contrary, a board of education may, by resolution
11 authorize, a school board member who is serving on active duty in a
12 branch of the Armed Forces of the United States to participate
13 remotely in meetings of the board of education.

14 b. A school board member who is serving on active duty who
15 participates in a board of education meeting remotely shall be
16 included in establishing a quorum for that meeting of the board of
17 education.

18 c. The Office of School Ethics and Compliance in the
19 Department of Education shall, as soon as practicable following the
20 enactment of P.L. , c. (C.) (pending before the Legislature
21 as this bill), develop guidelines for use by, and provide advice to,
22 school boards of education that choose to allow a school board
23 member serving on active duty to participate remotely in board of
24 education meetings. The Department of Education shall publish the
25 guidelines developed pursuant to this subsection on the
26 department's Internet website.

27 d. As used in this section, "active duty" means full-time duty
28 status in the active uniformed service of the United States,
29 including members of the National Guard and Reserve on active
30 duty orders pursuant to 10 U.S.C. chapters 1209 or 1211.

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32 4. a. Notwithstanding the provisions of any law, rule or
33 regulation to the contrary, a member of a board, commission,
34 committee, task force, or similar multi-member entity created by
35 law and allocated within a principal department of the Executive
36 Branch of the State government or within any other State entity,
37 who is serving on active duty in a branch of the Armed Forces of
38 the United States, may be allowed to participate remotely in
39 meetings of that State entity.

40 b. A member of a board, commission, committee, task force, or
41 similar entity, described in subsection a. of this section, who is
42 serving on active duty and who participates remotely in a meeting
43 of that board, commission, committee, task force, or entity shall be
44 included in establishing a quorum for that meeting.

45 c. The chair or staff member of a board, commission,
46 committee, task force, or similar entity, described in subsection a.
47 of this section, for whom the State already provides by law or

1 otherwise may make arrangements to allow for the participation of a
2 member serving on active duty.

3 d. As used in this section, “active duty” means full-time duty
4 status in the active uniformed service of the United States,
5 including members of the National Guard and Reserve on active
6 duty orders pursuant to 10 U.S.C. chapters 1209 or 1211.

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8 5. This act shall take effect immediately.

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STATEMENT

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13 This bill allows individuals who are on active duty in a branch of
14 the United States Armed Forces to participate remotely in certain
15 governmental meetings.

16 The bill provides that the governing body of a municipality may,
17 by resolution, allow a member of the governing body who is serving
18 on active duty to participate remotely in meetings of the governing
19 body. Furthermore, a governing body member who is serving on
20 active duty who participates remotely is required to be included in
21 the quorum of that governing body meeting. Under the bill, the
22 Director of the Division of Local Government Services in the
23 Department of Community Affairs (DCA) would be required to
24 develop guidelines and provide advice, as may be necessary, to
25 allow active duty service members to participate in meetings of
26 these governing bodies. DCA would be required to publish the
27 guidelines on DCA’s Internet website.

28 Under the bill, a board of county commissioners may, by
29 resolution, allow a county commissioner who is serving on active
30 duty to participate remotely in meetings of the board of county
31 commissioners. Furthermore, a county commissioner who is
32 serving on active duty who participates remotely is required to be
33 included in the quorum of the meeting of the board of county
34 commissioners. The Director of the Division of Local Government
35 Services in DCA would be required to develop guidelines and
36 provide advice, as may be necessary, to allow active duty service
37 members to participate in meetings of the board of county
38 commissioners. DCA would be required to publish the guidelines
39 on DCA’s Internet website.

40 The bill provides that a board of education may, by resolution,
41 allow a school board member who is serving on active duty to
42 participate remotely in meetings of the board of education.
43 Furthermore, a school board member who is serving on active duty
44 who participates remotely is required to be included in the quorum
45 of that school board meeting. The Office of School Ethics and
46 Compliance in the Department of Education (DOE) would be
47 required to develop guidelines and provide advice, as may be
48 necessary, to allow active duty service members to participate in

1 meetings of the board of education. DOE would be required to
2 publish the guidelines on DOE's Internet website.

3 Under the bill, a member of a State board, commission,
4 committee, task force, or similar multi-member entity, created by
5 law and allocated within a principal department of the Executive
6 Branch of the State government or within any other State entity,
7 who is serving on active duty in a branch of the Armed Forces of
8 the United States, may be allowed to participate remotely in
9 meetings of that State entity. Additionally, a member of a board,
10 commission, committee, task force, or similar entity who attends a
11 meeting remotely would be included in the quorum for that
12 meeting. Furthermore, either the chair or staff member of a board,
13 commission, committee, task force, or similar entity for whom the
14 State already provides by law or otherwise may make arrangements
15 to allow for the participation of a member serving on active duty.