

# ASSEMBLY, No. 2511

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblyman ERIK PETERSON**

**District 23 (Hunterdon, Somerset and Warren)**

**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  
48 that a member of the public feels may be of concern to the residents

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