

# ASSEMBLY, No. 4119

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 2, 2022

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**SYNOPSIS**

Allows public bodies to conduct meetings by electronic means.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 11/14/2022)

1 AN ACT concerning the conduct of public meetings and amending  
2 P.L.2020, c.11.

3

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

6

7 1. Section 1 of P.L.2020, c.11 (C.10:4-9.3) is amended to read  
8 as follows:

9 1. a. Notwithstanding the provisions of the “Senator Byron M.  
10 Baer Open Public Meetings Act,” P.L.1975, c.231 (C.10:4-6 et  
11 seq.), or any other provision of law, rule, or regulation to the  
12 contrary, **[during a period declared pursuant to the laws of this**  
13 **State as a state of emergency, public health emergency, or state of**  
14 **local disaster emergency,]** a public body shall be permitted to  
15 perform, either in whole or in part, any of the following by means  
16 of communication or other electronic equipment:

17 (1) conduct a meeting and any public business to be conducted  
18 thereat,

19 (2) cause a meeting to be open to the public,

20 (3) vote, or

21 (4) receive public comment.

22 A public body shall not be deemed to have violated any  
23 provision of P.L.1975, c.231 (C.10:4-6 et seq.) in performing such  
24 functions by means of communication or other electronic equipment  
25 as provided in this subsection.

26 b. Notwithstanding any other provision of law, rule, or  
27 regulation to the contrary, during **[such periods of emergency]** a  
28 period declared pursuant to the laws of this State as a state of  
29 emergency, public health emergency, or state of local disaster  
30 emergency, a public body may elect to provide electronic notice  
31 pursuant to section 1 of P.L.2002, c.91 (C.10:4-9.1) in lieu of the  
32 adequate notice required under P.L.1975, c.231 (C.10:4-6 et seq.),  
33 and shall not be deemed to have violated any provision of law  
34 thereunder in providing such electronic notice. To the extent  
35 practicable, a public body providing only electronic notice of a  
36 meeting pursuant to this subsection shall limit public business  
37 discussed or effectuated thereat to matters necessary for the  
38 continuing operation of government and which relate to the  
39 applicable emergency declaration.

40 c. This section shall not be construed to limit any authorization  
41 under law to perform the functions as specified herein irrespective  
42 of any emergency.

43 d. The Department of Community Affairs, and, with regard to  
44 any board of education, the State Board of Education, may adopt  
45 rules and regulations to effectuate the purposes of this act,  
46 P.L.2020, c.11 (C.10:4-9.3). The rules and regulations established

**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 pursuant to this section shall be effective immediately upon filing  
2 with the Office of Administrative Law for a period not to exceed 18  
3 months, and may, thereafter, be amended, adopted or readopted in  
4 accordance with the provisions of the "Administrative Procedure  
5 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).  
6 (cf: P.L.2020, c.11, s.1)  
7

8 2. This act shall take effect immediately.  
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10

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STATEMENT

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13 This bill permits a public body to conduct a meeting and public  
14 business, cause a meeting to be open to the public, vote, and receive  
15 public comment by means of communication or other electronic  
16 equipment.

17 Under current law, remote meetings, voting, and public comment  
18 are only permitted during a state of emergency, public health  
19 emergency, or state of local disaster emergency. This bill removes  
20 that restriction.

21 "Public body" is defined under the "Senator Byron M. Baer  
22 Open Public Meetings Act" to be a commission, authority, board,  
23 council, committee, or any other group of two or more persons  
24 organized under the laws of this State, and collectively empowered  
25 as a voting body to perform a public governmental function  
26 affecting the rights, duties, obligations, privileges, benefits, or other  
27 legal relations of any person, or collectively authorized to spend  
28 public funds including the Legislature, but does not mean or include  
29 the judicial branch of the government, any grand or petit jury, any  
30 parole board or any agency or body acting in a parole capacity, the  
31 State Commission of Investigation, the Apportionment Commission  
32 established under Article IV, Section III, of the Constitution, or any  
33 political party committee organized under Title 19 of the Revised  
34 Statutes.