

SENATE, No. 2603

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 12, 2022

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Allows public bodies to conduct meetings by electronic means.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/19/2022)

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:

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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,

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 P.L.2020, c.11 (C.10:4-9.3). The rules and regulations established
2 pursuant to this section shall be effective immediately upon filing
3 with the Office of Administrative Law for a period not to exceed 18
4 months, and may, thereafter, be amended, adopted or readopted in
5 accordance with the provisions of the "Administrative Procedure
6 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
7 (cf: P.L.2020, c.11, s.1)

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9 2. This act shall take effect immediately.

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STATEMENT

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

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

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