

SENATE, No. 228

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

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

Introduced Pending Technical Review by Legislative Counsel.



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. Any meeting conducted by means of
26 communication or other electronic equipment pursuant to this
27 subsection shall be open to the public in a manner consistent with
28 section 7 of P.L.1975, c.231 (C.10:4-12).

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

43 c. This section shall not be construed to limit any authorization
44 under law to perform the functions as specified herein irrespective
45 of any emergency.

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

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12 2. This act shall take effect immediately.

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STATEMENT

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

21 Under current law, remote meetings, voting, and public comment
22 are only permitted during a state of emergency, public health
23 emergency, or state of local disaster emergency. This bill removes
24 that restriction. Under the bill, any meeting conducted by means of
25 communication or other electronic equipment must be open to the
26 public in a manner consistent with N.J.S.A.10:4-12.

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