

ASSEMBLY, No. 532

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman RONALD S. DANCER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Requires public bodies to allow public comment at every meeting.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the meetings of public bodies and amending
2 P.L.1975, c.231.

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 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 public body, other than the Legislature, shall be required to set
15 aside a portion of every meeting of the **[municipal governing]**
16 public body, the length of the portion to be determined by the
17 **[municipal governing]** public body, for public comment on any
18 governmental issue that a member of the public feels may be of
19 concern to the **[residents of the municipality]** public body.

20 b. A public body may exclude the public only from that portion
21 of a meeting at which the public body discusses:

22 (1) Any matter which, by express provision of Federal law or
23 State statute or rule of court shall be rendered confidential or
24 excluded from the provisions of subsection a. of this section.

25 (2) Any matter in which the release of information would impair
26 a right to receive funds from the Government of the United States.

27 (3) Any material the disclosure of which constitutes an
28 unwarranted invasion of individual privacy such as any records,
29 data, reports, recommendations, or other personal material of any
30 educational, training, social service, medical, health, custodial,
31 child protection, rehabilitation, legal defense, welfare, housing,
32 relocation, insurance and similar program or institution operated by
33 a public body pertaining to any specific individual admitted to or
34 served by such institution or program, including but not limited to
35 information relative to the individual's personal and family
36 circumstances, and any material pertaining to admission, discharge,
37 treatment, progress or condition of any individual, unless the
38 individual concerned (or, in the case of a minor or incompetent, his
39 guardian) shall request in writing that the same be disclosed
40 publicly.

41 (4) Any collective bargaining agreement, or the terms and
42 conditions which are proposed for inclusion in any collective
43 bargaining agreement, including the negotiation of the terms and
44 conditions thereof with employees or representatives of employees

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 of the public body.

2 (5) Any matter involving the purchase, lease or acquisition of
3 real property with public funds, the setting of banking rates or
4 investment of public funds, where it could adversely affect the
5 public interest if discussion of such matters were disclosed.

6 (6) Any tactics and techniques utilized in protecting the safety
7 and property of the public, provided that their disclosure could
8 impair such protection. Any investigations of violations or possible
9 violations of the law.

10 (7) Any pending or anticipated litigation or contract negotiation
11 other than in subsection b. (4) herein in which the public body is, or
12 may become a party.

13 Any matters falling within the attorney-client privilege, to the
14 extent that confidentiality is required in order for the attorney to
15 exercise his ethical duties as a lawyer.

16 (8) Any matter involving the employment, appointment,
17 termination of employment, terms and conditions of employment,
18 evaluation of the performance of, promotion or disciplining of any
19 specific prospective public officer or employee or current public
20 officer or employee employed or appointed by the public body,
21 unless all the individual employees or appointees whose rights
22 could be adversely affected request in writing that such matter or
23 matters be discussed at a public meeting.

24 (9) Any deliberations of a public body occurring after a public
25 hearing that may result in the imposition of a specific civil penalty
26 upon the responding party or the suspension or loss of a license or
27 permit belonging to the responding party as a result of an act or
28 omission for which the responding party bears responsibility.

29 (cf: P.L.2002, c.80, s.1)

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31 2. This act shall take effect immediately.

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STATEMENT

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36 This bill amends the "Open Public Meetings Act," N.J.S.A.10:4-
37 6 et seq., to require all public bodies, other than the Legislature, to
38 set aside a portion of every meeting for public comment on any
39 governmental issue that a member of the public feels may be of
40 concern to that public body. At present, the law only requires
41 municipal governing bodies to provide a public comment period.
42 Expanding this policy will increase public interest and participation
43 in civic affairs.