

# ASSEMBLY, No. 1701

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman ROBERT D. CLIFTON**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Co-Sponsored by:**

**Assemblyman Conaway**

**SYNOPSIS**

Requires BPU to allow public comment at public meetings; establishes requirements for public meetings concerning installation of natural gas conductors and related facilities.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 5/13/2016)**

A1701 DANCER, CLIFTON

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1 AN ACT concerning Board of Public Utilities public meetings,  
2 amending P.L.1975, c.231 and supplementing Title 48 of the  
3 Revised Statutes.

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

7  
8 1. Section 7 of P.L.1975, c.231 (C.10:4-12) is amended to read  
9 as follows:

10 7. a. Except as provided by subsection b. of this section all  
11 meetings of public bodies shall be open to the public at all times.  
12 Nothing in **[this act]** P.L.1975, c.231 (C.10:4-6 et seq) shall be  
13 construed to limit the discretion of a public body to permit, prohibit,  
14 or regulate the active participation of the public at any meeting,  
15 except that a municipal governing body **[and]** a board of  
16 education, and the Board of Public Utilities shall be required to set  
17 aside a portion of every meeting of the municipal governing body  
18 **[or]** a board of education, or the Board of Public Utilities, the  
19 length of the portion to be determined by the municipal governing  
20 body **[or]** a board of education, or the Board of Public Utilities, for  
21 public comment on any governmental **[or]** school district, or  
22 public utility-related issue that a member of the public feels may be  
23 of concern to the residents of the municipality or school district, or  
24 customers of the public utility.

25 b. A public body may exclude the public only from that portion  
26 of a meeting at which the public body discusses any:

27 (1) matter which, by express provision of federal law, State  
28 statute, or rule of court shall be rendered confidential or excluded  
29 from the provisions of subsection a. of this section;

30 (2) matter in which the release of information would impair a  
31 right to receive funds from the Government of the United States;

32 (3) material the disclosure of which constitutes an unwarranted  
33 invasion of individual privacy such as any records, data, reports,  
34 recommendations, or other personal material of any educational,  
35 training, social service, medical, health, custodial, child protection,  
36 rehabilitation, legal defense, welfare, housing, relocation,  
37 insurance, and similar program or institution operated by a public  
38 body pertaining to any specific individual admitted to or served by  
39 an institution or program, including but not limited to, information  
40 relative to the individual's personal and family circumstances, and  
41 any material pertaining to admission, discharge, treatment,  
42 progress, or condition of any individual, unless the individual  
43 concerned (or, in the case of a minor or an incapacitated individual,

**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 the individual's guardian) shall request in writing that the material  
2 be disclosed publicly;

3 (4) collective bargaining agreement, or the terms and conditions  
4 which are proposed for inclusion in any collective bargaining  
5 agreement, including the negotiation of the terms and conditions  
6 thereof with employees or representatives of employees of the  
7 public body;

8 (5) matter involving the purchase, lease, or acquisition of real  
9 property with public funds, the setting of banking rates, or  
10 investment of public funds, if it could adversely affect the public  
11 interest if discussion of the matters were disclosed;

12 (6) tactics and techniques utilized in protecting the safety and  
13 property of the public, provided that their disclosure could impair  
14 that protection, or investigations of violations or possible violations  
15 of the law;

16 (7) pending or anticipated litigation or contract negotiation other  
17 than in subsection b. (4) herein in which the public body is, or may  
18 become, a party, or matters falling within the attorney-client  
19 privilege, to the extent that confidentiality is required in order for  
20 the attorney to exercise his ethical duties as a lawyer;

21 (8) matter involving the employment, appointment, termination  
22 of employment, terms and conditions of employment, evaluation of  
23 the performance of, promotion, or disciplining of any specific  
24 prospective public officer or employee or current public officer or  
25 employee employed or appointed by the public body, unless all the  
26 individual employees or appointees whose rights could be adversely  
27 affected request in writing that the matter or matters be discussed at  
28 a public meeting; or

29 (9) deliberations of a public body occurring after a public  
30 hearing that may result in the imposition of a specific civil penalty  
31 upon the responding party or the suspension or loss of a license or  
32 permit belonging to the responding party as a result of an act or  
33 omission for which the responding party bears responsibility.  
34 (cf: P.L.2013, c.103, s.57)

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36 2. (New Section) No later than 60 days after a municipality  
37 has notified the board that a gas public utility has applied to the  
38 municipality to lay conductors and install related facilities for  
39 conducting natural gas, pursuant to R.S.48:9-17, the board shall  
40 hold at least one public meeting in that municipality prior to the  
41 consideration of the application. The board shall not be required to  
42 hold the meeting if the gas public utility has previously been  
43 approved by the board to lay conductors and install related facilities  
44 for conducting natural gas in that municipality.

45 Notwithstanding the requirements of the "Senator Byron M. Baer  
46 Open Public Meetings Act," P.L.1973, c.231 (C.10:4-6 et seq.):

47 a. each public meeting required pursuant to this section shall be  
48 attended by: (1) the appropriate professional staff of the board; (2)

1 at least one commissioner of the board; and (3) at least one  
2 representative from the natural gas public utility;

3 b. public notice of the time and place of a public meeting  
4 required pursuant to this section shall be: (1) conspicuously posted  
5 in a newspaper of general circulation in the municipality at least 72  
6 hours before the public meeting; (2) conspicuously posted on the  
7 board's official Internet website at least five business days prior to  
8 the public meeting; and (3) mailed to the municipal clerk and the  
9 county clerk of the municipality and county in which the proposed  
10 installation is to occur; and

11 c. the board shall be required to reserve a portion of each  
12 public meeting required pursuant to this section for public comment  
13 on any issue relating to the laying of conductors and installation of  
14 related facilities for conducting natural gas. Any commissioner in  
15 attendance shall not unreasonably limit the length of the public  
16 comment portion of the public meeting.

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18 3. This act shall take effect immediately but shall remain  
19 inoperative for 30 days following the date of enactment.  
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STATEMENT

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24 This bill amends existing law to require the New Jersey Board of  
25 Public Utilities (board) to reserve a portion of each of the board's  
26 public meetings for public comment.

27 This bill also requires the board to hold at least one public  
28 meeting within 60 days of a municipality notifying the board that a  
29 gas public utility has applied to lay conductors and install related  
30 facilities for conducting gas within the municipality. A public  
31 meeting is required only when the gas public utility has not been  
32 previously approved by the board to lay conductors and install  
33 related facilities for this purpose.

34 The bill requires the public meeting be attended by: (1)  
35 appropriate professional staff of the board; (2) at least one  
36 commissioner from the board; and (3) at least one representative  
37 from the gas public utility. This bill requires that public notice of  
38 the time and place of a public meeting be: (1) conspicuously posted  
39 in a newspaper of general circulation within the municipality at  
40 least 72 hours before the public meeting; (2) conspicuously posted  
41 on the board's official Internet website at least five business days  
42 prior to the public meeting; and (3) mailed to the municipal clerk  
43 and the county clerk of the municipality and county in which the  
44 proposed installation is to occur.

45 This bill also requires the board to reserve a portion of each  
46 public meeting for public comment on any issue relating to the  
47 laying of conductors and installation of related facilities for  
48 conducting natural gas.

**A1701 DANCER, CLIFTON**

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1       The purpose of the bill is to facilitate greater public awareness of  
2       and opportunities for public participation in the expansion of certain  
3       utility services within the communities of this State and to increase  
4       government transparency in general.