

ASSEMBLY, No. 3850

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

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Assemblywoman BETTYLOU DECROCE

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SYNOPSIS

Allows public bodies to conduct meetings, and provide notice, by electronic means during periods of emergency.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/19/2020)

1 AN ACT concerning the conduct of public meetings during periods
2 of emergency and supplementing P.L.1975, c.231 (C.10:4-6 et
3 seq.).

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

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8 1. a. Notwithstanding any other provision of law, rule, or
9 regulation to the contrary, during a period declared pursuant to the
10 laws of this State as a state of emergency, public health emergency,
11 or state of local disaster emergency, a public body shall be
12 permitted to perform any of the following by means of
13 communication or other electronic equipment:

14 (1) conduct a meeting and any public business to be conducted
15 thereat,

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

17 (3) vote, or

18 (4) receive public comment.

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

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

35 c. This section shall not be construed to limit any authorization
36 under law to perform the functions as specified herein irrespective
37 of any emergency.

38 d. The Department of Community Affairs, and, with regard to
39 any board of education, the State Board of Education, may adopt
40 rules and regulations to effectuate the purposes of this act, P.L. ,
41 c. (C.) (pending before the Legislature as this bill). The rules
42 and regulations established pursuant to this section shall be
43 effective immediately upon filing with the Office of Administrative
44 Law for a period not to exceed 18 months, and may, thereafter, be
45 amended, adopted or readopted in accordance with the provisions of
46 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
47 et seq.).

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill explicitly authorizes a public body to conduct a meeting
7 and public business, cause a meeting to be open to the public, vote,
8 and receive public comment by means of communication or other
9 electronic equipment during a state of emergency, public health
10 emergency, or state of local disaster emergency. The bill also
11 allows a public body to provide notice of meetings electronically
12 through the internet during that time, but requires that public bodies
13 who exercise this option limit, to the extent practicable, the public
14 business conducted at that meeting to matters necessary for the
15 continuing operation of government and that relate to the applicable
16 emergency declaration. The bill does not modify any current
17 authorization under law to do anything permitted under the bill
18 during periods when such declarations of emergency are not in
19 effect.

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