

# SENATE STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### SENATE, No. 343

# STATE OF NEW JERSEY

DATED: MARCH 14, 1996

The Senate State Government Committee reports favorably Senate, No. 343.

This bill revises provisions of the "Open Public Meetings Act" concerning the records of certain public meetings and the enforcement of the Act.

Specifically, the bill:

1) adds a requirement, applicable only to public bodies of the State and the several counties, that sound recordings be made of all or any portion of a public meeting from which the public is excluded and provides that these recordings are to be retained by the public body for a reasonable time as necessary for their use in litigation or in the enforcement of the Act, or to permit public access once the basis for the original exclusion of the public from the discussion so recorded no longer exists;

2) amends the provisions of the Act authorizing the institution of proceedings in lieu of prerogative writ to void any action by a public body at a meeting which does not conform to the requirements of the Act, so that under the amendment, such a lawsuit would not be subject to dismissal on grounds that the matters in question no longer present a case or controversy;

3) provides that reasonable attorney's fees, up to a maximum of \$10,000, are to be awarded to any person who prevails: a) in a suit challenging an action taken by a public body on the grounds that it is void for failure to comply with the Act; or b) in an action for an injunction to insure compliance with the provisions of the Act and the cost of any such attorney's fee would be paid by the public body;

4) amends the civil penalty provisions of the Act so that fines may be imposed on members of public bodies for negligent violations of the act as well as knowing violations so that a public body member's conduct would be deemed negligent if it involved gross negligence; and

5) authorizes appointing authorities to remove appointed members of public bodies for repeated violations of the Act which result in a significant denial of the public's statutory right of access.

This bill was pre-filed for introduction in the 1996 session pending technical review. As reported, this bill includes the changes required by technical review which has been performed.