

[First Reprint]

**SENATE, No. 3758**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED MAY 11, 2021

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Co-Sponsored by:**

**Senator Diegnan**

**SYNOPSIS**

Allows individuals on active duty to participate remotely in certain governmental meetings.

**CURRENT VERSION OF TEXT**

As reported by the Senate Military and Veterans' Affairs Committee on November 15, 2021, with amendments.



**(Sponsorship Updated As Of: 5/20/2021)**

1 AN ACT allowing individuals serving on active duty to participate  
 2 remotely in certain governmental meetings and supplementing  
 3 various parts of the statutory law.

4  
 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 6 *of New Jersey:*

7  
 8 1. a. Notwithstanding any other provision of law, rule, or  
 9 regulation to the contrary, the governing body of a municipality may,  
 10 by resolution, authorize a governing body member who is serving on  
 11 active duty in a branch of the Armed Forces of the United States to  
 12 participate remotely in meetings of that governing body.

13 b. A governing body member who is serving on active duty who  
 14 participates remotely in a governing body meeting shall be included in  
 15 establishing a quorum for that governing body meeting.

16 c. <sup>1</sup>(1)<sup>1</sup> The Division of Local Government Services in the  
 17 Department of Community Affairs <sup>1</sup>shall, as soon as practicable  
 18 following the enactment of P.L. , c. (C. ) (pending before the  
 19 Legislature as this bill), <sup>1</sup>may, at the division's discretion,<sup>1</sup> develop  
 20 guidelines for use by, and provide advice to, municipal governing  
 21 bodies that choose to allow a governing body member serving on  
 22 active duty to participate remotely in governing body meetings. The  
 23 Department of Community Affairs shall publish <sup>1</sup>the <sup>1</sup>any<sup>1</sup>  
 24 guidelines developed pursuant to this subsection on the department's  
 25 Internet website.

26 <sup>1</sup>(2) The Division of Local Government Services in the  
 27 Department of Community Affairs shall, at the request of an  
 28 appropriate municipal governing body, provide guidance and advice to  
 29 the municipal governing body regarding the remote participation in  
 30 governing body meetings of a governing body member serving on  
 31 active duty.<sup>1</sup>

32 d. As used in this section, "active duty" means full-time duty  
 33 status in the active uniformed service of the United States, including  
 34 members of the National Guard and Reserve on active duty orders  
 35 pursuant to 10 U.S.C. chapters 1209 or 1211.

36  
 37 2. a. Notwithstanding any other provision of law, rule, or  
 38 regulation to the contrary, a board of county commissioners may, by  
 39 resolution, authorize a county commissioner who is serving on active  
 40 duty in a branch of the Armed Forces of the United States to  
 41 participate remotely in meetings of the board of county  
 42 commissioners.

43 b. A county commissioner who is serving on active duty who  
 44 participates remotely in a board of county commissioners meeting

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SMV committee amendments adopted November 15, 2021.

1 shall be included in establishing a quorum for that meeting of the  
2 board of county commissioners.

3 c. <sup>1</sup>(1)<sup>1</sup> The Division of Local Government Services in the  
4 Department of Community Affairs <sup>1</sup>【shall, as soon as practicable  
5 following the enactment of P.L. , c. (C. ) (pending before the  
6 Legislature as this bill)】 may, at the division’s discretion,<sup>1</sup> develop  
7 guidelines for use by, and provide advice to, boards of county  
8 commissioners that choose to allow a county commissioner serving on  
9 active duty to participate remotely in meetings of the board of county  
10 commissioners of the county. The Department of Community Affairs  
11 shall publish <sup>1</sup>【the】 any<sup>1</sup> guidelines developed pursuant to this  
12 subsection on the department’s Internet website.

13 <sup>1</sup>(2) The Division of Local Government Services in the  
14 Department of Community Affairs shall, at the request of a board of  
15 county commissioners, provide guidance and advice to the board of  
16 county commissioners regarding the remote participation in meetings  
17 of the board of county commissioners of a county commissioner  
18 serving on active duty.<sup>1</sup>

19 d. As used in this section, “active duty” means full-time duty  
20 status in the active uniformed service of the United States, including  
21 members of the National Guard and Reserve on active duty orders  
22 pursuant to 10 U.S.C. chapters 1209 or 1211.

23  
24 3. a. Notwithstanding any other provision of law, rule, or  
25 regulation to the contrary, a board of education may, by resolution  
26 authorize, a school board member who is serving on active duty in a  
27 branch of the Armed Forces of the United States to participate  
28 remotely in meetings of the board of education.

29 b. A school board member who is serving on active duty who  
30 participates in a board of education meeting remotely shall be included  
31 in establishing a quorum for that meeting of the board of education.

32 c. <sup>1</sup>(1)<sup>1</sup> The Office of School Ethics and Compliance in the  
33 Department of Education <sup>1</sup>【shall, as soon as practicable following the  
34 enactment of P.L. , c. (C. ) (pending before the Legislature as  
35 this bill)】 may, at its discretion,<sup>1</sup> develop guidelines for use by, and  
36 provide advice to, school boards of education that choose to allow a  
37 school board member serving on active duty to participate remotely in  
38 board of education meetings. The Department of Education shall  
39 publish <sup>1</sup>【the】 any<sup>1</sup> guidelines developed pursuant to this subsection  
40 on the department’s Internet website.

41 <sup>1</sup>(2) The Office of School Ethics and Compliance in the  
42 Department of Education shall, at the request of an appropriate board  
43 of education, provide guidance and advice to the board of education  
44 regarding the remote participation in board of education meetings of a  
45 school board member serving on active duty.<sup>1</sup>

46 d. As used in this section, “active duty” means full-time duty status  
47 in the active uniformed service of the United States, including

1 members of the National Guard and Reserve on active duty orders  
2 pursuant to 10 U.S.C. chapters 1209 or 1211.

3  
4 4. a. Notwithstanding the provisions of any law, rule or  
5 regulation to the contrary, a member of a board, commission,  
6 committee, task force, or similar multi-member entity created by  
7 law and allocated within a principal department of the Executive  
8 Branch of the State government or within any other State entity,  
9 who is serving on active duty in a branch of the Armed Forces of  
10 the United States, may be allowed to participate remotely in  
11 meetings of that State entity.

12 b. A member of a board, commission, committee, task force, or  
13 similar entity, described in subsection a. of this section, who is  
14 serving on active duty and who participates remotely in a meeting  
15 of that board, commission, committee, task force, or entity shall be  
16 included in establishing a quorum for that meeting.

17 c. The chair or staff member of a board, commission,  
18 committee, task force, or similar entity, described in subsection a.  
19 of this section, for whom the State already provides by law or  
20 otherwise may make arrangements to allow for the participation of a  
21 member serving on active duty.

22 d. As used in this section, “active duty” means full-time duty  
23 status in the active uniformed service of the United States,  
24 including members of the National Guard and Reserve on active  
25 duty orders pursuant to 10 U.S.C. chapters 1209 or 1211.

26  
27 5. This act shall take effect immediately.