

10:4-7 & 10:4-8

LEGISLATIVE HISTORY CHECKLIST

(Open Public Meetings Act--include only those public bodies created by statutory law--exclude Apportionment Commission)

NJSA 10:4-7 and 10:4-8

LAWS 1981

CHAPTER 176

Bill No. S3227

Sponsor(s) Feldman and Weiss

Date Introduced May 4, 1981

Committee: Assembly -----

Senate -----

Amended during passage Yes No Substituted for A3397 (not attached since identical to S3227)

Date of Passage: Assembly June 15, 1981

Senate May 14, 1981

Date of approval June 19, 1981

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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CHAPTER 176 LAWS OF N. J. 1981
APPROVED 6-19-81

SENATE, No. 3227

STATE OF NEW JERSEY

INTRODUCED MAY 4, 1981

By Senators FELDMAN and WEISS

(Without Reference)

AN ACT to amend the "Open Public Meetings Act," approved
October 21, 1975 (P. L. 1975, c. 231).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 2 of P. L. 1975, c. 231 (C. 10:4-7) is amended to read
2 as follows:

3 2. The Legislature finds and declares that the right of the public
4 to be present at all meetings of public bodies, and to witness in
5 full detail all phases of the deliberation, policy formulation, and
6 decision making of public bodies, is vital to the enhancement and
7 proper functioning of the democratic process; that secrecy in public
8 affairs undermines the faith of the public in government and the
9 public's effectiveness in fulfilling its role in a democratic society,
10 and hereby declares it to be the public policy of this State to insure
11 the right of its citizens to have adequate advance notice of and the
12 right to attend all meetings of public bodies at which any business
13 affecting the public is discussed or acted upon in any way except
14 only in those circumstances where otherwise the public interest
15 would be clearly endangered or the personal privacy or guaranteed
16 rights of individuals would be clearly in danger of unwarranted
17 invasion.

18 The Legislature further declares it to be the public policy
19 of this State to insure that the aforesaid rights are implemented
20 pursuant to the provisions of this act so that no confusions, mis-
21 constructions or misinterpretations may thwart the purposes
22 hereof.

23 The Legislature, therefore, declares that it is the understanding
24 and the intention of the Legislature that in order to be covered
25 by the provisions of this act a public body must be organized by
26 law and be collectively empowered as a multi-member voting body
27 to spend public funds or affect persons' rights; that, therefore,
28 informal or purely advisory bodies with no effective authority are

29 not covered, nor are groupings composed of a public official with
30 subordinates or advisors, who are not empowered to act by vote
31 such as a mayor or the Governor meeting with department heads
32 or cabinet members, that specific exemptions are provided for the
33 Judiciary, parole bodies, the State Commission of Investigation,
34 *the Apportionment Commission* and political party organizations;
35 that to be covered by the provisions of this act a meeting must be
36 open to all the public body's members, and the members present
37 must intend to discuss or act on the public body's business; and
38 therefore, typical partisan caucus meetings and chance encounters
39 of members of public bodies are neither covered by the provisions
40 of this act, nor are they intended to be so covered.

1 2. Section 3 of P. L. 1975, c. 231 (C. 10:4-8) is amended to read
2 as follows:

3 3. As used in this act:

4 a. "Public body" means a commission, authority, board, council,
5 committee or any other group of two or more persons organized
6 under the laws of this State, and collectively empowered as a voting
7 body to perform a public governmental function affecting the rights,
8 duties, obligations, privileges, benefits, or other legal relations of
9 any person, or collectively authorized to spend public funds in-
10 cluding the Legislature, but does not mean or include the judicial
11 branch of the government, any grand or petit jury, any parole
12 board or any agency or body acting in a parole capacity, the State
13 Commission of Investigation, *the Apportionment Commission*
14 *established under Article IV, Section III, of the Constitution*, or
15 any political party committee organized under Title 19 of the
16 Revised Statutes.

17 b. "Meeting" means and includes any gathering whether
18 corporeal or by means of communication equipment, which is
19 attended by, or open to, all of the members of a public body, held
20 with the intent, on the part of the members of the body present,
21 to discuss or act as a unit upon the specific public business of that
22 body. Meeting does not mean or include any such gathering (1)
23 attended by less than an effective majority of the members of a
24 public body, or (2) attended by or open to all the members of three
25 or more similar public bodies at a convention or similar gathering.

26 c. "Public business" means and includes all matters which relate
27 in any way, directly or indirectly, to the performance of the public
28 body's functions or the conduct of its business.

29 d. "Adequate notice" means written advance notice of at least
30 48 hours, giving the time, date, location and, to the extent known,
31 the agenda of any regular, special or rescheduled meeting, which

32 notice shall accurately state whether formal action may or may
33 not be taken and which shall be (1) prominently posted in at least
34 one public place reserved for such or similar announcements, (2)
35 mailed, telephoned, telegrammed, or hand delivered to at least two
36 newspapers which newspapers shall be designated by the public
37 body to receive such notices because they have the greatest likeli-
38 hood of informing the public within the area of jurisdiction of the
39 public body of such meetings, one of which shall be the official
40 newspaper, where any such has been designated by the public body
41 or if the public body has failed to so designate, where any has been
42 designated by the governing body of the political subdivision whose
43 geographic boundaries are coextensive with that of the public body
44 and (3) filed with the clerk of the municipality when the public
45 body's geographic boundaries are coextensive with that of a single
46 municipality, with the clerk of the county when the public body's
47 geographic boundaries are coextensive with that of a single county,
48 and with the Secretary of State if the public body has Statewide
49 jurisdiction. For any other public body the filing shall be with the
50 clerk or chief administrative officer of such other public body and
51 each municipal or county clerk of each municipality or county
52 encompassed within the jurisdiction of such public body. Where
53 annual notice or revisions thereof in compliance with section 13
54 of this act sets forth the location of any meeting, no further notice
55 shall be required for such meeting.

1 3. This act shall take effect immediately and shall be retroactive
2 to January 1, 1981.

STATEMENT

This bill amends the Open Public Meetings Act to make clear the legislative intent in the enactment of that act only include as public bodies those created under *statutory* law and not the Constitution. The Apportionment Commission is a body created by the Constitution and was never intended to be included as a "public body" under the Act.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

JUNE 24, 1981

FOR FURTHER INFORMATION

KATHRYN FORSYTH

Governor Brendan Byrne has signed S-3227 and S-1489.

S-3227, sponsored by Senator Matthew Feldman (D-Bergen) amends the 1975 Open Public Meetings Act to specifically exclude the Apportionment Commission from its provisions. The bill is retroactive to January 1, 1981.

S-1489, sponsored by former Senator Bernard J. Dwyer (D-Middlesex) amends the education statutes to change references to "custodian of school monies" to "treasurer of school monies," a designation thought to more accurately describe the function.

The person filling that position in a school district is responsible for receipts and disbursements and for keeping proper records of those receipts and disbursements.

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- 23 All members attaining 65 years of age by July 1, 1980, shall file
24 their applications for retirement by July 1, 1981.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.