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"New law boosts open meetings," 9-6-2002 Star Ledger, p. 37

P.L. 2002, CHAPTER 80, *approved September 5, 2002*
Assembly, No. 332

1 **AN ACT** concerning public participation at municipal meetings and
2 amending P.L.1975, c.231.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 7 of P.L.1975, c.231 (C.10:4-12) is amended to read as
8 follows:

9 7. a. Except as provided by subsection b. of this section all
10 meetings of public bodies shall be open to the public at all times.
11 Nothing in this act shall be construed to limit the discretion of a public
12 body to permit, prohibit or regulate the active participation of the
13 public at any meeting, except that a municipal governing body shall be
14 required to set aside a portion of every meeting of the municipal
15 governing body, the length of the portion to be determined by the
16 municipal governing body, for public comment on any governmental
17 issue that a member of the public feels may be of concern to the
18 residents of the municipality.

19 b. A public body may exclude the public only from that portion of
20 a meeting at which the public body discusses:

21 (1) Any matter which, by express provision of Federal law or State
22 statute or rule of court shall be rendered confidential or excluded from
23 the provisions of subsection a. of this section.

24 (2) Any matter in which the release of information would impair a
25 right to receive funds from the Government of the United States.

26 (3) Any material the disclosure of which constitutes an unwarranted
27 invasion of individual privacy such as any records, data, reports,
28 recommendations, or other personal material of any educational,
29 training, social service, medical, health, custodial, child protection,
30 rehabilitation, legal defense, welfare, housing, relocation, insurance
31 and similar program or institution operated by a public body pertaining
32 to any specific individual admitted to or served by such institution or
33 program, including but not limited to information relative to the
34 individual's personal and family circumstances, and any material
35 pertaining to admission, discharge, treatment, progress or condition of
36 any individual, unless the individual concerned (or, in the case of a
37 minor or incompetent, his guardian) shall request in writing that the
38 same be disclosed publicly.

39 (4) Any collective bargaining agreement, or the terms and
40 conditions which are proposed for inclusion in any collective
41 bargaining agreement, including the negotiation of the terms and

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

Matter underlined thus is new matter.

1 conditions thereof with employees or representatives of employees of
2 the public body.

3 (5) Any matter involving the purchase, lease or acquisition of real
4 property with public funds, the setting of banking rates or investment
5 of public funds, where it could adversely affect the public interest if
6 discussion of such matters were disclosed.

7 (6) Any tactics and techniques utilized in protecting the safety and
8 property of the public, provided that their disclosure could impair such
9 protection. Any investigations of violations or possible violations of
10 the law.

11 (7) Any pending or anticipated litigation or contract negotiation
12 other than in subsection b. (4) herein in which the public body is, or
13 may become a party.

14 Any matters falling within the attorney-client privilege, to the extent
15 that confidentiality is required in order for the attorney to exercise his
16 ethical duties as a lawyer.

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

25 (9) Any deliberations of a public body occurring after a public
26 hearing that may result in the imposition of a specific civil penalty
27 upon the responding party or the suspension or loss of a license or
28 permit belonging to the responding party as a result of an act or
29 omission for which the responding party bears responsibility.

30 (cf: P.L.1975, c.231, s.7)

31

32 2. This act shall take effect immediately.

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37 _____
Permits public comment at meetings of municipal governing body.

ASSEMBLY, No. 332

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblyman KEVIN J. O'TOOLE

District 40 (Bergen, Essex and Passaic)

Co-Sponsored by:

Assemblyman Geist and Assemblywoman Weinberg

SYNOPSIS

Permits public comment at meetings of municipal governing body.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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30 2. This act shall take effect immediately.

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33 STATEMENT
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35 This bill would require a municipal governing body to set aside a
36 portion of every meeting of the governing body subject to the
37 requirements of the "Open Public Meetings Act," P.L.1975, c.231
38 (C.10:4-6 et seq.) for public comment. The governing body would
39 have the discretion to set the length of time for the public comment
40 portion of the meeting. Public comment would be permitted on any
41 governmental issue of concern to the residents of the municipality and
42 would not be limited to items on the agenda for that meeting. Any
43 governmental matter, whether municipal, county, State, federal, school
44 or local authority, should be permitted.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 332

STATE OF NEW JERSEY

DATED: MARCH 4, 2002

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 332.

This bill would require a municipal governing body to set aside a portion of every meeting of the governing body subject to the requirements of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.) for public comment. The governing body would have the discretion to set the length of time for the public comment portion of the meeting. Public comment would be permitted on any governmental issue of concern to the residents of the municipality and would not be limited to items on the agenda for that meeting. Any governmental matter, whether municipal, county, State, federal, school or local authority, should be permitted to be discussed during the public comment period.

This bill was prefiled for introduction in the 2002 session pending technical review. As reported, the bill includes changes required by technical review, which has been performed.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 332

STATE OF NEW JERSEY

DATED: MAY 30, 2002

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 332.

This bill would require a period of public comment at every public meeting of a municipal governing body. The governing body would have discretion to set the length of time for the public comment portion of the meeting. Public comment would be permitted on any governmental issue that a member of the public feels may be of concern to the residents of the municipality and would not be limited to items on the agenda for that meeting.

This bill is identical to Senate Bill No. 1255, which also was reported by the committee on May 30, 2002.

SENATE, No. 1255

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 7, 2002

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris)

Co-Sponsored by:

Senators Baer and Inverso

SYNOPSIS

Permits public comment at meetings of municipal governing body.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2002)

S1255 BUCCO

2

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SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1255

STATE OF NEW JERSEY

DATED: MAY 30, 2002

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1255.

This bill would require a period of public comment at every public meeting of a municipal governing body. The governing body would have discretion to set the length of time for the public comment portion of the meeting. Public comment would be permitted on any governmental issue that a member of the public feels may be of concern to the residents of the municipality and would not be limited to items on the agenda for that meeting.

This bill is identical to Assembly Bill No. 332, which also was reported by the committee on May 30, 2002.