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RWH 3/11/08

P.L. 2006, CHAPTER 70, *approved August 2, 2006*
Senate, No. 1959

1 AN ACT renaming the Open Public Meetings Act in honor of its
2 sponsor, Senator Byron M. Baer, and amending and
3 supplementing P.L.1975, c.231.
4

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

7
8 1. (New section) The Legislature finds and declares that:

9 **WHEREAS**, It has long been recognized that openness in government
10 promotes citizen participation in public affairs, increases public
11 confidence in government, and makes public officials more
12 accountable to the electorate; and

13 **WHEREAS**, The founders of our nation acknowledged the need for
14 public access in the development of public policy, a concept
15 expressed by James Madison who observed that popular
16 government without popular information is “a Prologue to a Farce
17 or a Tragedy; or perhaps both;” and

18 **WHEREAS**, Openness in the conduct of government affairs helps to
19 prevent actual or perceived corruption because, as Woodrow
20 Wilson stated, “corruption thrives in secret places and avoids public
21 places;” and

22 **WHEREAS**, In keeping with this tradition, Senator Byron M. Baer
23 sponsored the New Jersey “Open Public Meetings Act” in the mid-
24 1970’s to guarantee the public’s right to attend meetings of public
25 bodies at which public business is discussed or acted upon and to
26 have adequate notice of these meetings; and

27 **WHEREAS**, In enacting this law, the Legislature declared that the right
28 of the public to attend meetings of public bodies was “vital” to the
29 democratic process and that “secrecy in public affairs undermines
30 the faith of the public in government and the public’s effectiveness
31 in fulfilling its role in a democratic society;” and

32 **WHEREAS**, Senator Baer has long been known as the “Father of the
33 Open Public Meetings Act” because of his instrumental role in the
34 enactment of this groundbreaking legislation which greatly
35 enhanced public access to State and local government decision-
36 making and which promoted a national trend toward making
37 government-held information more available to the public; and

38 **WHEREAS**, By 1981, every other state and the federal government, in
39 large part because of New Jersey’s example, had enacted similar
40 laws intended to promote public confidence in government and the
41 political process; and

42 **WHEREAS**, For his role in promoting greater openness in government,
43 Senator Baer was recently inducted into the “State Open
44 Government Hall of Fame;” and

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.

1 WHEREAS, It is appropriate, therefore, to recognize Senator Baer by
2 renaming the “Open Public Meetings Act” in his honor.

3

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

6 1. This act shall be known and may be cited as the “Senator
7 Byron M. Baer Open Public Meetings Act.”

8 (cf: P.L.1975, c.231, s.1)

9

10 3. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill renames the “Open Public Meeting Act” in honor of its
16 sponsor, Senator Byron M. Baer.

17

18

19

20

21 _____
22 Renames “Open Public Meetings Act” in honor of Senator Byron
M. Baer.

SENATE, No. 1959

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED JUNE 8, 2006

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator LORETTA WEINBERG

District 37 (Bergen)

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman ROBERT M. GORDON

District 38 (Bergen)

Co-Sponsored by:

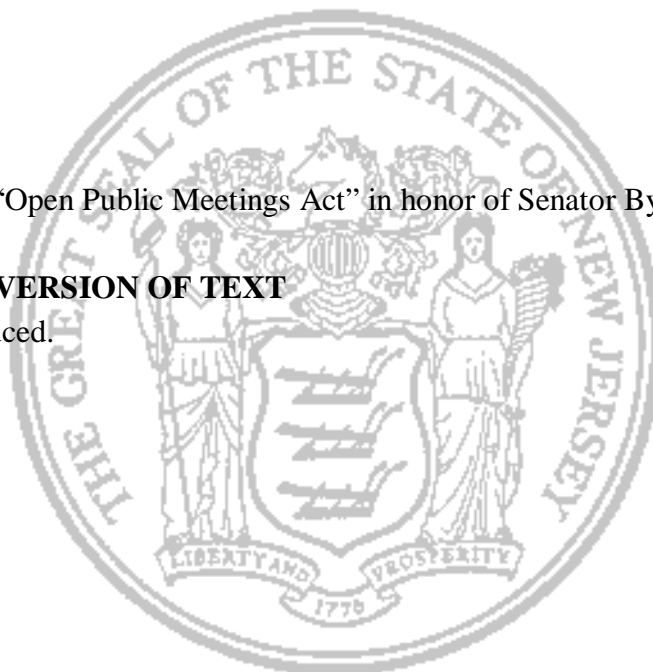
Senators Coniglio, Scutari, Assemblymen McKeon and Conaway

SYNOPSIS

Renames "Open Public Meetings Act" in honor of Senator Byron M. Baer.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/23/2006)

S1959 CODEY, WEINBERG

2

1 AN ACT renaming the Open Public Meetings Act in honor of its
2 sponsor, Senator Byron M. Baer, and amending and
3 supplementing P.L.1975, c.231.

4

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

7

8 1. (New section) The Legislature finds and declares that:

9 **WHEREAS**, It has long been recognized that openness in government
10 promotes citizen participation in public affairs, increases public
11 confidence in government, and makes public officials more
12 accountable to the electorate; and

13 **WHEREAS**, The founders of our nation acknowledged the need for
14 public access in the development of public policy, a concept
15 expressed by James Madison who observed that popular
16 government without popular information is “a Prologue to a Farce
17 or a Tragedy; or perhaps both;” and

18 **WHEREAS**, Openness in the conduct of government affairs helps to
19 prevent actual or perceived corruption because, as Woodrow
20 Wilson stated, “corruption thrives in secret places and avoids public
21 places;” and

22 **WHEREAS**, In keeping with this tradition, Senator Byron M. Baer
23 sponsored the New Jersey “Open Public Meetings Act” in the mid-
24 1970’s to guarantee the public’s right to attend meetings of public
25 bodies at which public business is discussed or acted upon and to
26 have adequate notice of these meetings; and

27 **WHEREAS**, In enacting this law, the Legislature declared that the right
28 of the public to attend meetings of public bodies was “vital” to the
29 democratic process and that “secrecy in public affairs undermines
30 the faith of the public in government and the public’s effectiveness
31 in fulfilling its role in a democratic society;” and

32 **WHEREAS**, Senator Baer has long been known as the “Father of the
33 Open Public Meetings Act” because of his instrumental role in the
34 enactment of this groundbreaking legislation which greatly
35 enhanced public access to State and local government decision-
36 making and which promoted a national trend toward making
37 government-held information more available to the public; and

38 **WHEREAS**, By 1981, every other state and the federal government, in
39 large part because of New Jersey’s example, had enacted similar
40 laws intended to promote public confidence in government and the
41 political process; and

42 **WHEREAS**, For his role in promoting greater openness in government,
43 Senator Baer was recently inducted into the “State Open
44 Government Hall of Fame;” and

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.

S1959 CODEY, WEINBERG

3

1 **WHEREAS**, It is appropriate, therefore, to recognize Senator Baer by
2 renaming the “Open Public Meetings Act” in his honor.

3

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

6 1. This act shall be known and may be cited as the “Senator
7 Byron M. Baer Open Public Meetings Act.”

8 (cf: P.L.1975, c.231, s.1)

9

10 3. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill renames the “Open Public Meeting Act” in honor of its
16 sponsor, Senator Byron M. Baer.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1959

STATE OF NEW JERSEY

DATED: JUNE 12, 2006

The Senate State Government Committee reports favorably Senate, No. 1959.

This bill renames the “Open Public Meeting Act” in honor of its sponsor, Senator Byron M. Baer.

ASSEMBLY, No. 3251

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 1, 2006

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman ROBERT M. GORDON

District 38 (Bergen)

SYNOPSIS

Renames Open Public Meetings Act for its sponsor, Senator Byron M. Baer.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/9/2006)

A3251 ROBERTS, VAINIERI HUTTLE

2

1 AN ACT renaming the Open Public Meetings Act for its sponsor,
2 Senator Byron M. Baer, and 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 1 of P.L.1975, c.231 (C.10:4-6) is amended to read as
8 follows:

9 1. This act shall be known and may be cited as the "Senator
10 Byron M. Baer Open Public Meetings Act."

11 (cf: P.L.1975, C.231, S.1)

12

13 2. This act shall take effect immediately.

14

15

16

STATEMENT

17

18 This bill renames the Open Public Meetings Act in honor of its
19 sponsor, Senator Byron M. Baer. In the mid-1970's, Senator Baer
20 was instrumental in the enactment of this groundbreaking
21 legislation which greatly enhanced public access to State and local
22 government decision-making and which promoted a nationwide
23 trend toward making government-held information more available
24 to the public. Senator Baer has long been known as "the Father of
25 the Open Public Meetings Act."

26 The Open Public Meetings Act ensures the public's right to
27 attend meetings of public bodies at which public business is
28 discussed or acted upon and to have adequate advance notice of
29 these meetings. The right to be present at a public meeting includes
30 the right "to witness in full detail all phases of the deliberation,
31 policy formulation, and decision making" of a public body. In
32 enacting the law, the Legislature declared that the right of the
33 public to attend meetings of public bodies was "vital" to the
34 democratic process and that "secrecy in public affairs undermines
35 the faith of the public in government and the public's effectiveness
36 in fulfilling its role in a democratic society."

37 Senator Baer's sponsorship of this legislation followed in a
38 tradition that began with the founders of the republic who
39 recognized that public access to certain types of government-held
40 information is essential to the democratic process. Openness in
41 government promotes citizen participation in public affairs,
42 increases public confidence in government, and makes public
43 officials more accountable to the electorate. James Madison called
44 popular government without popular information "a Prologue to a
45 Farce or a Tragedy; or perhaps both." Madison also observed that,

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.

A3251 ROBERTS, VAINIERI HUTTLE

3

1 "Knowledge will forever govern ignorance: And a people who mean
2 to be their own Governors, must arm themselves with the power
3 which knowledge gives." Alexis DeTocqueville similarly
4 recognized the benefits of citizen participation in government: "It is
5 by taking a share in legislation that the American learns to know the
6 law; it is by governing that he becomes educated about the
7 formalities of government. The great work of society is daily
8 performed before his eyes, and so to say, under his hands."
9 Openness in the conduct of government affairs also helps to prevent
10 actual or perceived corruption because, as Woodrow Wilson said,
11 "corruption thrives in secret places and avoids public places."

12 By 1981, every other state, as well as the federal government,
13 in large part because of New Jersey's example, had enacted similar
14 laws intended to promote public confidence in government and the
15 political process. There is, perhaps, no more fitting way to honor
16 Senator Baer than to include his name in the title of this most
17 significant legislative accomplishment.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3251

STATE OF NEW JERSEY

DATED: JUNE 1, 2006

The Assembly State Government Committee reports favorably Assembly Bill No. 3251.

This bill renames the Open Public Meetings Act in honor of its sponsor, Senator Byron M. Baer.

The Open Public Meetings Act ensures the public's right to attend meetings of public bodies at which public business is discussed or acted upon and to have adequate advance notice of these meetings. The right to be present at a public meeting includes the right "to witness in full detail all phases of the deliberation, policy formulation, and decision making" of a public body. In enacting the 1975 law, the Legislature declared that the right of the public to attend meetings of public bodies is "vital" to the democratic process and that "secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society."

Senator Baer was instrumental in the enactment of this groundbreaking legislation which enhanced public access to State and local government decision-making and which led a nationwide trend toward making government-held information more available to the public.

STATEMENT TO
ASSEMBLY, No. 3251

with Assembly Floor Amendments
(Proposed By Assemblyman CRYAN)

ADOPTED: JUNE 8, 2006

These Assembly amendments add a findings and declarations section to the bill.