SENATE, No. 781

STATE OF NEW JERSEY
216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:
Senator  LORETTA WEINBERG
District 37 (Bergen)
Senator  JOSEPH PENNACCHIO
District 26 (Essex, Morris and Passaic)

SYNOPSIS
Makes various changes to law addressing meetings of public bodies to provide public with greater access to meetings and information about meetings.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel
AN ACT making various changes to the law addressing meetings of public bodies and amending P.L.2002, c.91 and amending and supplementing P.L.1975, c.231.

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

1. Section 2 of P.L.1975, c.231 (C.10:4-7) is amended to read as follows:
2. The Legislature finds and declares that the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process; that secrecy in public affairs fosters the risk of corruption and official misconduct, undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society, and hereby declares it to be the public policy of this State to insure the right of its citizens to have adequate advance notice of and the right to attend, and to review the minutes and recordings of, all meetings of public bodies at which any business affecting the public is discussed or acted upon in any way except only in those circumstances where otherwise the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

The Legislature further declares it to be the public policy of this State to insure that the aforesaid rights are implemented pursuant to the provisions of this act so that no confusion, misconstructions or misinterpretations may thwart the purposes hereof.

The Legislature, therefore, declares that it is the understanding and the intention of the Legislature that in order to be covered by the provisions of this act a public body must be organized by law and be collectively empowered as a multi-member voting body to spend public funds or affect persons' rights; that, therefore, informal or purely advisory bodies with no effective authority are not covered, nor are groupings composed of a public official with subordinates or advisors, who are not empowered to act by vote such as a mayor or the Governor meeting with department heads or cabinet members, that specific exemptions are provided for the Judiciary, parole bodies, the State Commission of Investigation, the Apportionment Commission and political party organization; that to be covered by the provisions of this act a meeting must be open to all the public body's members, and the members present must intend to discuss or act on the public body's business, except that a subcommittee of a public body may be subject to certain of the act's

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.
provisions that address adequate notice of meetings and records of
meetings; and therefore, typical partisan caucus meetings and
chance encounters of members of public bodies are neither covered
by the provisions of this act, nor are they intended to be so covered.
(cf: P.L.1981, c.176, s.1)

2. Section 3 of P.L.1975, c.231 (C.10:4-8) is amended to read
as follows:
3. As used in this act:
   a. "Public body" means a commission, authority, board,
council, committee or any other group of two or more persons
organized under the laws of this State, and collectively empowered
as a voting body to perform a public governmental function
affecting the rights, duties, obligations, privileges, benefits, or other
legal relations of any person, or collectively authorized to spend
public funds including the Legislature, but does not mean or include
the judicial branch of the government, any grand or petit jury, any
parole board or any agency or body acting in a parole capacity, the
State Commission of Investigation, the Apportionment Commission
established under Article IV, Section III, of the Constitution, or
any political party committee organized under Title 19 of the
Revised Statutes. “Public body” also means, but is not limited to,
an independent authority, redevelopment entity, or improvement
authority, as well as any quasi-governmental agency. “Public
body” also means, but is not limited to, the New Jersey League of
Municipalities, the New Jersey Association of Counties, the New
Jersey State Interscholastic Athletic Association, the New Jersey
School Boards Association, the Educational Information and
Resource Center, and any joint insurance fund established by two or
more public bodies, and any substantially similar successor
organization or association.
   b. "Meeting" means and includes any gathering whether
corporeal or by means of communication equipment, which is
attended by, or open to, all of the members of a public body, held
with the intent, on the part of the members of the body present, to
discuss or act as a unit upon the specific public business of that
body. Meeting does not mean or include any such gathering (1)
attended by less than an effective majority of the members of a quorum of a public body, or (2) attended by or open to all the
members of three or more similar public bodies at a convention or
similar gathering.
   c. "Public business" means and includes all matters which
relate in any way, directly or indirectly, to the performance of the
public body's functions or the conduct of its business.
   d. "Adequate notice" means written advance notice of at least
48 hours, excluding weekends and State holidays, giving the time,
date, location and, to the extent known, the agenda of any
regular, special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be (1) prominently posted on the public body’s Internet site, if the public body has established an Internet site, and in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, [telegrammed] faxed, mailed electronically, or hand delivered to at least two newspapers which newspapers shall be designated by the public body to receive such notices because they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings, one of which shall be the official newspaper, where any such has been designated by the public body or if the public body has failed to so designate, where any has been designated by the governing body of the political subdivision whose geographic boundaries are coextensive with that of the public body and (3) filed with the clerk of the municipality when the public body's geographic boundaries are coextensive with that of a single municipality, with the clerk of the county when the public body's geographic boundaries are coextensive with that of a single county, and with the Secretary of State if the public body has Statewide jurisdiction. For any other public body the filing shall be with the clerk or chief administrative officer of such other public body and each municipal or county clerk of each municipality or county encompassed within the jurisdiction of such public body. Where annual notice or revisions thereof in compliance with section 13 of this act set forth the location of any meeting, no further notice shall be required for such meeting, except for notice pertaining to agendas and formal action on the public body’s Internet site, if the body has established an Internet site, and posting in at least one public place reserved for such or similar announcements, transmittal to the newspapers described in paragraph (2) of this subsection and to any member of the public who shall have requested such notice. Notice shall not be considered “adequate notice” within the meaning of this subsection unless it includes the estimated starting time, as nearly so as can be established, for the beginning of the portion of any meeting from which the public is not excluded.

e. “Agenda” means the list of all items of business to be discussed or voted on at a public meeting. For purposes of providing adequate notice, agendas shall include each individual item to be discussed or acted upon, and a brief description thereof, and shall identify the names of the parties to and approximate dollar amounts of any contracts, including employment contracts, to be discussed or acted upon. No public body shall act upon a matter that is not listed on the agenda for which notice was given 48 hours, excluding weekends and State holidays, prior to the meeting. In addition, a public body, upon the affirmative vote of a majority of the members present at a meeting, may add an item to the agenda
for that meeting provided that the minutes contain a statement that
did not appear on the agenda for that meeting, and why delaying
consideration of the item is not in the public interest, except that the
Legislature may add an item to its agenda at any time.

f. “Subcommittee” means any subordinate committee of a
public body, except the Legislature, regardless of label, that is
formally created by that body, comprised of two or more members,
but less than a quorum, of the public body, and recognized by the
public body as a subcommittee thereof.

g. “Quasi-governmental agency” means any association,
commission, agency, authority, organization, public-private entity,
or any other entity, in which one or more public agencies exercise
substantial control as evidenced by whether the public agency, as
defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1), maintains the
ability to review, approve, or reject the quasi-governmental
agency’s proposals or plans, holds a beneficial interest in the quasi-
governmental agency’s assets, is the source of funding of, or is
indebted to, or is a creditor of, or guarantor of the debts of, the
quasi-governmental agency. The term shall not include any
organization organized under paragraph (3) of subsection (c) of
section 501 of the federal Internal Revenue Code (26 U.S.C. §501)
that was not created by, or with the approval of, a public agency
solely for the purpose of assisting that public agency or any labor
organization or any contractor providing goods or services to a

h. “Quorum” means a majority of the full membership of a
public body or of a subcommittee.

3. Section 4 of P.L.1975, c.231 (C.10:4-9) is amended to read
as follows:

4. a. Except as provided by subsection b. of this section, or for
any meeting limited only to consideration of items listed in section
7. b. no public body, or subcommittee thereof, shall hold a meeting
unless adequate notice thereof has been provided to the public.

b. Upon the affirmative vote of [three quarters] two-thirds of
the members present a public body may hold a meeting
notwithstanding the failure to provide adequate notice if:

(1) such meeting is required in order to deal with matters of
such urgency and importance that a delay for the purpose of
providing adequate notice would be likely to result in substantial
harm to the public interest; and

(2) the meeting is limited to discussion of and acting with
respect to such matters of urgency and importance; and

(3) notice of such meeting is provided as soon as possible
following the calling of such meeting by posting written notice of
the same on the public body's Internet site, if the public body has
established an Internet site and in the public place described in
section 3. d. above, and also by notifying the two newspapers
described in section 3. d. by telephone, [telegram,] fax machine,
electronic mail, or by delivering a written notice of same to such
newspapers; and
(4) either (a) the public body could not reasonably have
foreseen the need for such meeting at a time when adequate notice
could have been provided; or (b) although the public body could
reasonably have foreseen the need for such meeting at a time when
adequate notice could have been provided, it nevertheless failed to
do so. (cf: P.L.1975, c.231, s.4)

4. Section 1 of P.L.2002, c.91 (C.10:4-9.1) is amended to read
as follows:
1. In addition to the notice requirements of the "Open Public
Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), a public body
shall provide electronic notice of any meeting of the public
body through the Internet, if the public body maintains an Internet
site or pages on an Internet site.
As used in this section, "electronic notice" means advance notice
available to the public via electronic transmission of at least 48
hours, excluding weekends and State holidays, giving the time,
date, location and, to the extent known, the agenda of any
regular, special or rescheduled meeting, which notice shall
accurately state whether formal action may or may not be taken at
such meeting.
As used in this section, "Internet" means the international
computer network of both federal and non-federal interoperable
packet switched data networks.
(cf: P.L.2002, c.91, s.1)

5. Section 7 of P.L.1975, c.231 (C.10:4-12) is amended to read
as follows:
7. a. Except as provided by subsection b. of this section all
meetings of public bodies shall be open to the public at all times.
Except for communications that are purely administrative or
procedural in nature, no member of a public body, other than the
Legislature, during any meeting of that public body to which the
public is admitted, shall communicate privately, by means of
communication equipment, including electronic mail, instant
messaging or similar technologies, including directly or indirectly
through staff, with any other member of the public body about any
matter on the agenda for that meeting, and no member shall
communicate privately with any other person, other than staff or
legal counsel, about any matter on the agenda for that meeting by
means of communication equipment, including electronic mail, instant messaging or similar technologies. Nothing in this act shall be construed to limit the discretion of a public body to permit, prohibit or regulate the active participation of the public at any meeting, except that a [municipal governing] public body [and a board of education], other than the Legislature, shall be required to set aside a portion of every meeting of the [municipal governing] public body [or board of education, the length of the portion to be determined by the municipal governing body or board of education,] for public comment prior to consideration of items on the agenda by the public body at the meeting in question, with such comments being limited to items on the agenda and on any governmental [or school district] issue that a member of the public feels may be of concern to and within the authority of the residents of the municipality or school district public body. However, such comment period may be limited solely to items listed on the agenda so long as an additional public comment period is set aside at the meeting at which time a member of the public may discuss any issue he or she feels may be of concern to and within the authority of the public body. Each member of the public who wishes to speak shall be allowed to speak for at least three minutes during the comment period, provided that a public body may limit the amount of time that a member of the public may speak in excess of three minutes. A public body, other than the Legislature, may require members of the public to sign in before speaking, but only if signing in is permitted up to the start of the comment period and is limited to providing the person’s name and municipality of residence. A public body, other than the Legislature, shall permit all proceedings of any public meeting to be recorded, photographed, audiotaped, videotaped, broadcast or recorded for broadcast by any member of the public or news organization, subject only to such reasonable rules as the public body may adopt prior to the meeting to minimize undue disruption to its meetings.

A public body, other than the Legislature, shall set aside a total of at least one hour for public comments on agenda items and on issues that members of the public feel may be of concern to and within the authority of the public body, provided that a shorter time is permissible if all members of the public wishing to comment at a meeting have had the opportunity to be heard.

A member of the public may submit written comments expressing that individual’s opinion on any item on the agenda for a meeting of a public body, other than the Legislature, or on any issue that individual feels may be of concern to and within the authority of the public body, other than the Legislature. Written comments may be delivered to the public body in person, by postal mail, facsimile, or electronic mail prior to the start of a meeting and in a
quantity sufficient to ensure that each member of the public body will receive a copy thereof.

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

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

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

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

(4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

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

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

(7) Any [pending or anticipated litigation or contract negotiation] consultation with legal counsel concerning the legal rights and duties of the public body with regard to current litigation or litigation likely to be filed in which the public body is, or is likely to become, a party, or concerning current or anticipated contract negotiations, other than in subsection b. (4) herein in which the public body is, or may become a party.
Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee, prospective or current, employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Public bodies shall give written notice of at least two business days to any officer or employee, and any adversely affected individual or individuals, in advance of any proposed meeting at which his or her employment, appointment, termination, evaluation of the performance of, promotion or discipline may be discussed. The matter or matters pertaining to him or her shall be discussed in closed session unless the employee and any adversely affected individual or individuals, but not a third party representative, requests in writing that the matter or matters be discussed in open session. This paragraph shall not apply to a public body’s discussions or actions relating to tenure matters.

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

c. The grounds for exclusion of the public set forth in subsection b. of this section shall be construed strictly to minimize instances in which meetings or portions of meetings are closed to the public. The public may not be excluded from a public body’s discussion of actual contracts or final contracts.

(cf: P.L.2008, c.14, s.1)

6. Section 8 of P.L.1975, c.231 (C.10:4-13) is amended to read as follows:

8. No public body shall exclude the public from any meeting to discuss any matter described in subsection 7. b. until the public body shall first adopt a resolution, at a meeting to which the public shall be admitted:

a. Stating as specifically as possible the general nature of the subject to be discussed and the specific basis for excluding the public; and

b. Stating as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public.

(cf: P.L.1975, c.231, s.8)
Section 9 of P.L.1975, c.231 (C.10:4-14) is amended to read as follows:

9. The Legislature shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with section 7 of P.L.1975, c.231 (C.10:4-12). Each public body, other than the Legislature, shall cause the public body to keep comprehensive minutes of all its meetings, including any portion of a meeting from which the public was excluded pursuant to section 7 of P.L.1975, c.231 (C.10:4-12), showing, at a minimum, the time and place, the members present, the subjects considered, the actions taken, including all motions made, the identities of the moving and seconding members, the vote of each member and each member’s stated reasons, if any, for his or her action or vote, the identity of each member of the public who spoke and a summary of what was said, and any other information required to be shown in the minutes by law, which Minutes shall be made available to the public as soon as possible but not later than 60 days after the meeting, or by the second meeting of the public body occurring after the meeting for which the minutes were prepared, whichever occurs later, to the extent that making such matters public shall not be inconsistent with section 7 of P.L.1975, c.231 (C.10:4-12). Any member of a public body, other than the Legislature, who becomes aware of a meeting held in violation of this act, including electronic communications among members of a public body or subcommittee, constituting a quorum thereof, that do not address a purely administrative matter, shall inform the presiding member who shall ensure that minutes of such meetings shall be made, and such electronic communications, if any, shall be included with the minutes of the meeting. Each public body, other than the Legislature, that possesses sound recording devices that are available and functioning shall cause to be recorded by those sound recording devices only the public portions of all meetings of that public body, including any emergency meeting held pursuant to section 4 of P.L.1975, c.231 (C.10:4-9), and shall maintain possession of the recordings for a period of time to be determined by the State Records Committee to permit their use in litigation, to enforce the provisions of P.L.1975, c.231 (C.10:4-6 et seq.), or for public access. The unedited recordings shall be promptly made available to the public, but not later than the 5th business day following the meeting, to the extent that making such matters public shall not be inconsistent with section 7 of this act.

A subcommittee of a public body, other than the Legislature, shall prepare reports of its meetings which shall be filed with the
public body pursuant to a schedule prepared by the public body, except that every subcommittee shall be required to file at least one report with the public body. A report shall include a statement of the number of meetings of the subcommittee held since its last report, the names of the members of the subcommittee, and a concise statement of the matters discussed. A report of a subcommittee shall be available for public access in the same manner, and subject to the same limitations on access, as minutes of a meeting of a public body.

(cf: P.L.1975, c.231, s.9)

8. Section 10 of P.L.1975, c.231 (C.10:4-15) is amended to read as follows:

10. a. Any action taken by a public body at a meeting which does not conform with the provisions of this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court, which proceeding may be brought by any person within 45 calendar days after the action sought to be voided has been made public date of the public meeting at which the minutes memorializing the action sought to be voided are approved; provided, however, that a public body may take corrective or remedial action by acting de novo at a public meeting held in conformity with this act and other applicable law regarding any action which may otherwise be voidable pursuant to this section; and provided further that any action for which advance published notice of at least 48 hours, excluding weekends and State holidays, is provided as required by law shall not be voidable solely for failure to conform with any notice required in this act.

b. Any party, including any member of the public, may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge any action taken by a public body on the grounds that such action is void for the reasons stated in subsection a. of this section, and if the court shall find that the action was taken at a meeting which does not conform to the provisions of this act, the court shall declare such action void. Any party, other than a public body, that prevails in an action brought pursuant to this section may be awarded the amount of reasonable attorney’s fees incurred in bringing the action. The cost of any attorney’s fee awarded by the court shall be paid by the public body.

(cf: P.L.1975, c.231, s.10)

9. Section 11 of P.L.1975, c.231 (C.10:4-16) is amended to read as follows:

11. Any person, including a member of the public, may apply to the Superior Court for injunctive orders or other remedies to insure compliance with the provisions of this act, and the court shall issue such orders and provide such remedies as shall be necessary to
insure compliance with the provisions of this act. Any party, other than a public body, that prevails in an action brought pursuant to this section, may be awarded the amount of reasonable attorney’s fees incurred in bringing the action. The cost of any attorney’s fee awarded by the court shall be paid by the public body. (cf: P.L.1975, c.231, s.11)

10. Section 12 of P.L.1975, c.231 (C.10:4-17) is amended to read as follows:

12. Any person who knowingly violates any of the foregoing sections of this act shall be fined $100.00 for the first offense and no less than $100.00 nor more than $500.00 for any subsequent offense, recoverable by the State by . A fine shall be paid by the individual found to have committed the violation out of that individual’s personal funds. Under no circumstances shall public funds be used to pay a fine or to reimburse a person who has paid, or will pay, a fine for the cost of that fine. The Attorney General or county prosecutor, or any member of the public, shall have standing to bring an action in Superior Court to prove that a violation of P.L.1975, c.231 (C.10:4-6 et seq.) has occurred.

An action may be brought in a summary proceeding under “the penalty enforcement law” (N.J.S.2A:58-1 et seq.) the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction to enforce said penalty upon complaint of the Attorney General or the county prosecutor or any member of the public. Whenever a member of a public body or any member of the staff of the public body, believes that a meeting of such body is being held in violation of the provisions of this act, he shall immediately state this at the meeting together with specific reasons for his belief which shall be recorded in the minutes of that meeting, and if the meeting is one from which the public is excluded, the member’s or staff member’s statement and reasons shall also be announced at and recorded in the minutes of the next meeting of the public body at which the public is not excluded. Whenever such a member’s or staff member’s objections to the holding of such meeting are overruled by the majority of those present, such a member or staff member may continue to participate at such meeting without penalty provided he has complied with the duties imposed upon him by this section. (cf: P.L.1994, c.58, s.41)

11. Section 13 of P.L.1975, c.231 (C.10:4-18) is amended to read as follows:

13. At least once each year, within 7 days following the annual organization or reorganization meeting of a public body, or if there be no such organization or reorganization meeting in the year, then by not later than January 10 of such year every public body shall
post and maintain posted throughout the year on the public body’s
Internet site, if the public body has established an Internet site, and
in the place reserved for such or similar announcements described
in subsection 3. d. (1), mail to the newspapers described in
subsection 3. d. (2), submit to the persons described in subsection 3.
d. (3), for the purpose of public inspection a schedule of the regular
meetings of the public body to be held during the succeeding year.
Such schedule shall contain the location of each meeting to the
extent it is known, and the time and date of each meeting. In the
event that such schedule is thereafter revised, the public body,
within 7 days following such revision, shall post, mail and submit
such revision in the manner described above.
(cf: P.L.1975, c.231, s.13)

12. Section 14 of P.L.1975, c.231 (C.10:4-19) is amended to
read as follows:

14. Any person may request that a public body mail or
electronically mail to him, at his option, notice of agendas of all
meetings, copies of any regular meeting schedule or revision
described in section 13 of this act and any advance written notice
described in subsection 3. d. of this act of any regular, special or
rescheduled meeting of such body, and upon prepayment by such
person of a reasonable sum, if any has been fixed by resolution of
the public body to cover the costs of providing such notice, the
public body shall mail to such person written advance notice of all
of its meetings within the time prescribed by subsection 3. d. herein,
subject only to the exceptions set forth in subsection 4. b. herein.
Such resolution may provide that notice requested by the news
media shall be mailed to such news media free of charge. If a
person requests advance written notice by electronic mail, no
payment shall be required. All requests for notices made under this
section shall terminate at midnight on December 31 of each year,
but shall be subject to renewal upon a new request to the public
body.
(cf: P.L.1975, c.231, s.14)

13. (New section) In the case of State agencies, other than the
Legislature, the Secretary of State, through the Department of State,
shall create and maintain an Internet site for the posting of
information, including the time, date, location, and purpose, of
public hearings and meetings of State agencies. Each State agency
shall promptly notify the Secretary of State and submit the
necessary information concerning that agency’s public hearings and
meetings. The secretary shall maintain on that site an electronic
public bulletin board that includes a monthly calendar consisting of
the meeting notices and agendas of all State agencies, boards and
commissions. The public bulletin board shall also include links to
other information of interest to the public, including, but not limited
to, Executive Branch press releases, State budget information,
bidding opportunities, election law enforcement information, and
financial and ethics disclosure information. The Internet site
created pursuant to this section shall also post information that is
provided to the Secretary of State by a public body pursuant to
section 16 of P.L. , c. (C. ) (pending before the Legislature
as this bill). All information posted pursuant to this section shall
remain posted for a period of time determined by the State Records
Committee.

14. (New section) At least quarterly, a public body, other than
the Legislature, shall conduct a review of the minutes of any
previous meeting when any part has been withheld from public
access. The review shall determine whether any part of any minutes
that have been withheld from public access can now be made
accessible to the public. If the public body determines that any part
of previously withheld minutes can now be disclosed to the public,
it shall make that part thereof accessible to the public.

15. (New section) In addition to any other penalties imposed by
law, an appointed member of a public body may be removed from
the public body by the appointing authority because of two or more
violations of P.L.1975, c.231 (C.10:4-6 et seq.) that result in a
significant denial of the public’s right of access as provided by that
act upon a determination by a court of competent jurisdiction that a
denial of access was significant.

16. (New section) a. Every public body, other than the
Legislature, that maintains or publishes an Internet site, or
maintains or publishes web pages on an Internet site operated by a
government or non-public entity, shall have posted on that site: the
public body’s annual schedule of regular meetings and its agendas
of those meetings and revisions thereto; notice of any meeting held
without adequate notice pursuant to one of the exceptions to the
adequate notice requirement listed in subsection b. of section 4 of
P.L.1975, c.231 (C.10:4-9); the minutes, prepared pursuant to
section 9 of P.L.1975, c.231 (C.10:4-14), of each meeting of the
public body, including the minutes of the closed portion of any
meeting to the extent that those minutes have been made available
to the public, which shall remain posted on the site for a period of at
least five years from the date of posting; resolutions and ordinances,
to the extent they are not already set forth in the minutes; any
resolution adopted by the public body for the purpose of complying
with the provisions of section 8 of P.L.1975, c.231 (C.10:4-13),
which shall remain posted on the site for a period of at least five
years from the date of posting; and, in the case of municipalities and counties, their ordinances.

b. A public body that does not maintain or publish an Internet site and does not maintain or publish web pages on an Internet site operated by a government or non-public entity shall promptly provide the information specified in subsection a. of this section to the Secretary of State for posting on the Internet site created pursuant to section 13 of P.L. , c. (C. ) (pending before the Legislature as this bill). For the purposes of P.L.1975, c. 231 (C.10:4-6 et seq.), the Internet site to which the information is submitted shall be deemed established by each submitting public body.

c. A public body that is subject to subsection a. of this section may comply therewith by providing the information specified in subsection a. of this section to the Secretary of State and providing a link thereto on its own website.

d. Public bodies that maintain an Internet site or pages on that site pursuant to this section shall provide any requestor with free paper copies of any information that is required to be posted on the Internet site but is not so posted.

e. All information posted pursuant to this section shall remain posted for a period of time determined by the State Records Committee.

17. (New section) When a public body provides information on the Internet, it shall make a reasonable effort to make the existence and location of its site or pages known to members of the public within its jurisdiction by, at a minimum, including such information in its required written public notices, agendas, and minutes and by announcing it at its public meetings.

18. (New section) A public body shall determine whether meetings of subcommittees shall be open to the public. For a meeting of a subcommittee that will be open to the public, the public body shall provide adequate notice of that meeting.

A public body shall keep reports of meetings of subcommittees in the manner required by section 9 of P.L.1975, c.231 (C.10:4-14); however, other requirements applicable to meetings of public bodies shall not apply to meetings of subcommittees.

19. This act shall take effect on the 120th day after the date of enactment.
STATEMENT

This bill revises the “Senator Byron M. Baer Open Public Meetings Act,” N.J.S.A.10:4-6 et seq., to provide greater public access to meetings of public bodies and to information about those meetings. The bill clarifies and expands the public’s right to receive notice of meetings of public bodies, to be present at such meetings and, under certain circumstances, to be heard at meetings, as well as to have access to minutes of meetings. It extends the scope of the act to apply certain of its provisions to subcommittees and to include certain quasi-governmental entities. The bill also addresses issues relating to communications among members of a public body, the recording of meetings, the posting of meeting-related information on the Internet, the use of closed sessions, and penalties for violations.