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P.L. 2020, CHAPTER 11, ***approved March 20, 2020***
Assembly, No. 3850

AN ACT concerning the conduct of public meetings during periods of emergency and supplementing P.L.1975, c.231 (C.10:4-6 et seq.).

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

1. a. Notwithstanding any other provision of law, rule, or regulation to the contrary, during a period declared pursuant to the laws of this State as a state of emergency, public health emergency, or state of local disaster emergency, a public body shall be permitted to perform any of the following by means of communication or other electronic equipment:

(1) conduct a meeting and any public business to be conducted thereat,

(2) cause a meeting to be open to the public,

(3) vote, or

(4) receive public comment.

A public body shall not be deemed to have violated any provision of P.L.1975, c.231 (C.10:4-6 et seq.) in performing such functions by means of communication or other electronic equipment as provided in this subsection.

b. Notwithstanding any other provision of law, rule, or regulation to the contrary, during such periods of emergency, a public body may elect to provide electronic notice pursuant to section 1 of P.L.2002, c.91 (C.10:4-9.1) in lieu of the adequate notice required under P.L.1975, c.231 (C.10:4-6 et seq.), and shall not be deemed to have violated any provision of law thereunder in providing such electronic notice. To the extent practicable, a public body providing only electronic notice of a meeting pursuant to this subsection shall limit public business discussed or effectuated thereat to matters necessary for the continuing operation of government and which relate to the applicable emergency declaration.

c. This section shall not be construed to limit any authorization under law to perform the functions as specified herein irrespective of any emergency.

d. The Department of Community Affairs, and, with regard to any board of education, the State Board of Education, may adopt rules and regulations to effectuate the purposes of this act, P.L. , c. (C.) (pending before the Legislature as this bill). The rules and regulations established pursuant to this section shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

2. This act shall take effect immediately.

STATEMENT

This bill explicitly authorizes a public body to conduct a meeting and public business, cause a meeting to be open to the public, vote, and receive public comment by means of communication or other electronic equipment during a state of emergency, public health emergency, or state of local disaster emergency. The bill also allows a public body to provide notice of meetings electronically through the internet during that time, but requires that public bodies who exercise this option limit, to the extent practicable, the public

business conducted at that meeting to matters necessary for the continuing operation of government and that relate to the applicable emergency declaration. The bill does not modify any current authorization under law to do anything permitted under the bill during periods when such declarations of emergency are not in effect.

"Public body" is defined under the "Senator Byron M. Baer Open Public Meetings Act" to be 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.

Allows public bodies to conduct meetings, and provide notice, by electronic means during periods of emergency.