

ASSEMBLY, No. 1245

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen AZZOLINA and RUSSO

1 AN ACT providing for electronic access to certain public records of  
2 the executive and the judicial branches of State Government, and  
3 supplementing Title 47 of the Revised Statutes.

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

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8 1. a. As used in this section, "State electronic public record"  
9 means records which are available in electronic form and are required  
10 by law to be made, maintained or kept on file by any board, body,  
11 agency, department, commission or official of the executive or judicial  
12 branch of the State government, or by any board, body, commission  
13 or authority established by law within or in but not of the executive or  
14 judicial branch of the State government, or by any official acting for  
15 or on behalf thereof, except as otherwise provided by any other  
16 statute, resolution of either or both houses of the Legislature,  
17 executive order of the Governor, rule of court, any federal law,  
18 regulation or order, or by any regulation promulgated under the  
19 authority of any statute or executive order of the Governor. State  
20 electronic public record shall not include the records of any county,  
21 municipality or instrumentality thereof or any board, body, agency,  
22 department, commission, or authority created by any county,  
23 municipality or instrumentality thereof.

24 b. The chief executive officer, or the designee thereof, of any  
25 board, body, agency, department or commission within the executive  
26 branch of the State government, or the chief executive officer, or the  
27 designee thereof, of any board, body, commission or authority  
28 established by law within or in but not of the executive branch of the  
29 State government, and the Chief Justice of the Supreme Court of New  
30 Jersey of the judicial branch of the State government, or the designee  
31 thereof, except as otherwise provided pursuant to the provisions of  
32 any statute, resolution of either or both houses of the Legislature,  
33 executive order of the Governor, rule of court, any federal law,  
34 regulation or order, or by any regulation promulgated under the  
35 authority of any statute or executive order of the Governor, may

1 determine which State electronic public records , if any, shall be made  
2 available to the public through the largest nonproprietary cooperative  
3 public computer network in full text format, with a minimum of  
4 document-level indexing features. Each board, body, agency,  
5 department, commission or official of the executive or judicial branch  
6 of the State government or any board, body, commission or authority  
7 established by law within or in but not of the executive or judicial  
8 branch of the State government shall be solely responsible for creating  
9 and maintaining its State electronic public records.

10 c. Each board, body, agency, department, commission or official  
11 of the executive or judicial branch of the State government or any  
12 board, body, commission or authority established by law within or in  
13 but not of the executive or judicial branch of the State government,  
14 shall take all appropriate measures to protect the security of  
15 information deemed to be State electronic public records and shall  
16 enter into an agreement with the appropriate office in State  
17 Government responsible for computer security and guidelines to devise  
18 and maintain a security system for the protection of all electronic  
19 records made, maintained or kept on file by that board, body, agency,  
20 department, commission or official of the executive or judicial branch  
21 of the State government or that board, body, commission or authority  
22 established by law within or in but not of the executive or judicial  
23 branch of the State government.

24 d. Each board, body, agency, department, commission or official  
25 of the executive or judicial branch of the State government or any  
26 board, body, commission or authority established by law within or in  
27 but not of the executive or judicial branch of the State government,  
28 may impose a fee or usage charge based solely on the actual direct  
29 cost of providing the information as a condition of gaining access to  
30 the State electronic public records specified in subsection a. of this  
31 section through the network described in subsection b. of this section;  
32 however, no fees or usage charges shall be imposed on any other  
33 board, body, agency, department, commission or official of the State  
34 government, any board, body, commission or authority established by  
35 law within or in but not of the State government, or any  
36 publicly-supported library of this State.

37 e. Nothing contained in this section shall be construed as  
38 prohibiting a private individual or entity from using State electronic  
39 public records specified in subsection a. to provide, either  
40 commercially or on a voluntary basis, services which provide for  
41 electronic access to those records .

42 f. Each board, body, agency, department, commission or official of  
43 the executive or judicial branch of the State government or any board,  
44 body, commission or authority established by law within or in but not  
45 of the executive or judicial branch of the State government, may  
46 respectively adopt, pursuant to the "Administrative Procedure Act,"

1 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary  
2 to effectuate the purposes of this act .

3 g. Within two years of the effective date of this act, the appropriate  
4 office in State Government responsible for computer security and  
5 guidelines shall prepare and transmit a report to the Governor and the  
6 Legislature on the progress of State agencies and instrumentalities in  
7 making State electronic public records available through the largest  
8 nonproprietary cooperative public computer network.

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10 2. This act shall take effect immediately but shall be inoperative  
11 until January 1, 2001, but any board, body, agency, department,  
12 commission or official of the executive or judicial branch of the State  
13 government or any board, body, commission or authority established  
14 by law within or in but not of the executive or judicial branch of the  
15 State government, or any official acting for or on behalf thereof may  
16 take such anticipatory administrative action in advance as shall be  
17 necessary for the implementation of this act and shall make appropriate  
18 plans to have State electronic public records available to the public  
19 through the largest nonproprietary cooperative public computer  
20 network on and after January 1, 2001.

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#### STATEMENT

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25 This bill authorizes the executive and judicial branches of State  
26 Government, as well as boards, bodies, commissions and authorities  
27 established by law, to make available to the public, in electronic form,  
28 certain State public records. These records would be provided  
29 through the largest nonproprietary cooperative public computer  
30 network (Internet) in full text format.

31 Each entity within the executive and judicial branches of State  
32 Government would be solely responsible for creating and maintaining  
33 its electronic public records. Each such entity is to take all  
34 appropriate measures to protect the security of documents deemed  
35 State electronic public records and enter into an agreement with the  
36 appropriate State Government office responsible for computer security  
37 to devise and maintain a security system for the protection of those  
38 records.

39 A fee or usage charge, based upon the actual direct cost of  
40 providing this information, may be imposed by State Government for  
41 the privilege of gaining electronic access to the information; other  
42 entities within State Government and publicly-supported libraries  
43 would be exempt from the charge.

44 The bill would allow private persons to offer fee-based or voluntary  
45 services providing electronic access to the public records covered by  
46 the legislation.

1       Each branch is authorized to adopt rules and regulations to  
2 effectuate the purposes of the legislation.

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7       Permits certain public records of executive and judicial branch of State  
8 government to be available on Internet.