

SENATE, No. 425

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senator LaROSSA

1 AN ACT providing that members of the Legislature shall have access
2 to certain information held by State agencies and supplementing
3 Title 52 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 agency" means any of the
9 principal departments in the Executive Branch of State Government,
10 any division, board, bureau, office, commission or other
11 instrumentality within or created by such department and any
12 independent State authority, commission, instrumentality or agency.

13 b. (1) Upon the request of any member of the Legislature, made
14 through the Office of Legislative Services, a State agency shall provide
15 the member with any accounting, fiscal, financial, statistical or
16 demographic facts or data concerning any subject obtained from any
17 source which is held in written, audio, video, electronic or other form
18 or format by the State agency or any officer or employee of the State
19 agency acting on behalf thereof.

20 (2) Upon the request of any member of the Legislature, made
21 through the Office of Legislative Services, a State agency having
22 possession of information concerning a current or former State officer
23 or employee shall provide this information to the member provided
24 that this information is already a matter of public record. Nothing
25 contained in this paragraph shall be considered as requiring the
26 disclosure of any information the confidentiality of which is protected
27 by any other law or regulation. Information received pursuant to this
28 paragraph shall not be used for the purpose of making political
29 solicitations.

30 c. Any information which a State agency is required to provide to
31 a member of the Legislature pursuant to this section shall be disclosed
32 as promptly as is possible in view of the nature and amount of the
33 information requested and the manner and location of storage.
34 Information shall be provided to the member through the Office of
35 Legislative Services in the form or format in which it is available to
36 State agencies and State officers and employees of the Executive
37 Branch. However, if disclosure in that form or format would result in

1 the disclosure of information the confidentiality of which is protected
2 by law, regulation or policy, the form or format may be modified to
3 prevent disclosure of that portion of the information which is
4 confidential.

5 Except as provided in paragraph 2 of subsection b. of this section,
6 if the form or format cannot be readily modified to prevent the
7 disclosure of confidential information, the State agency shall,
8 notwithstanding the provisions of any other law, regulation or policy
9 to the contrary, provide all of the information to the member after
10 clearly indicating which portion of the information is confidential and
11 to be protected from further disclosure. The member and each
12 employee of the Office of Legislative Services who receives
13 confidential information shall be subject to the same duty of
14 confidentiality as the State agency providing the information. Each
15 member or employee of the Office of Legislative Services receiving
16 such information shall certify in writing that the member or employee
17 is aware which portion of the information is confidential and that the
18 member or employee agrees to protect that portion of the information
19 from further disclosure.

20 d. Nothing contained in this section shall be construed as
21 restraining the manner in which a member of the Legislature may
22 request information from a State agency or allowing a State agency to
23 deny requested information to a member of the Legislature because the
24 information was not requested pursuant to this section.

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26 2. This act shall take effect immediately.

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STATEMENT

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31 This bill provides that upon the request of any member of the
32 Legislature made through the Office of Legislative Services (OLS), a
33 State agency shall provide the member with accounting, fiscal,
34 statistical or demographic facts or data obtained from any source
35 which is held in written, audio, video, electronic or other form or
36 format by the State agency or any officer or employer of the agency
37 acting on behalf thereof. It also provides that upon the request of a
38 member of the Legislature, made through OLS, a State agency shall
39 provide the member with information concerning a current or former
40 State officer or employee provided that this information is already a
41 matter of public record.

42 The bill requires a State agency to promptly comply with a
43 legislator's request. Information would be provided, through OLS, to
44 the legislator who requested it in the form or format in which it is
45 available to State agencies and officers and employees of the
46 Executive Branch. Where disclosure in that form or format would

1 result in the disclosure of confidential information, the form or format
2 may be modified to protect the confidential information. If the form
3 or format cannot be readily modified to prevent the disclosure of
4 confidential information, the State agency shall, nevertheless, provide
5 the information after carefully indicating which portion of the
6 information is confidential. The member and each employee OLS who
7 receives confidential information shall be subject to the same duty of
8 confidentiality as the State agency providing the information. Each
9 member or employee of OLS receiving such information shall certify
10 in writing that the member or employee is aware which portion of the
11 information is confidential and that the member or employee agrees to
12 protect that portion of the information from further disclosure.

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17 Provides that members of the Legislature shall have access to certain
18 information held by State agencies.