

# ASSEMBLY LOCAL GOVERNMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 1961**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 11, 1997

The Assembly Local Government Committee reports favorably and with committee amendments Senate Bill No. 1961.

As introduced by the sponsor, Senate Bill No. 1961 eliminates the requirement that copies of certain records be maintained on microfilm when another method of preservation is employed pursuant to R.S.47:1-5. As amended by the committee, the bill authorizes the Division of Archives and Records Management in the Department of State to promulgate rules, standards and procedures to govern preservation methods pursuant to R.S.47:1-5. The rules, standards and procedures promulgated by the division are required to be approved by the State Records Committee. Both the division and the State Records Committee would be required to consult with the Office of Telecommunications and Information Systems in the Department of the Treasury on the development of technical standards for record keeping. The committee amendments also permit the State Records Committee to adopt rules and regulations to authorize pilot programs for various individual counties in order to evaluate alternative technologies for the preservation of records.

The purpose of these amendments is that the committee has observed that laws previously have been enacted that create dedicated trust funds for the express purpose of modernizing and automating the operations of County Clerks and Registers of Deeds and Mortgages and that other laws have been enacted that permit the use of alternate forms of record retention and retrieval by counties and that direct the Department of State to promulgate regulations regarding the use of electronic forms of retaining records. With the dramatic increase in use of the "Internet" and the "World Wide Web" in the past several years by the public, consumers are being provided with the ability to access enormous amounts of information through home and public library computers. The use of optical imaging by governmental entities also has increased dramatically over the past several years to make available to the public over the Internet information such as the United Nations' database for all of its treaties and addenda to treaties. Therefore, the committee feels that it is in the interests of the State

and a public purpose to promote the availability of information on the Internet and the World Wide Web through legislation, such as this bill, while providing appropriate oversight to ensure that public records are not lost, altered or damaged in the conversion to and storage in electronic media. The committee also recognizes the importance of ensuring that in the event of a natural disaster or other unforeseen calamity, back-up copies of public records in this State can be utilized within a short period of time by the public. It is especially in the financial interest of the property taxpayers in the State to promote the most efficient use of current technology, such as the use of optical imaging and "write one, read many" times (WORM) technologies, by county governments since county officials are responsible for the storage of such records as deeds, mortgages and liens. To these ends the committee amended the bill to authorize the adoption of rules, standards and procedures to govern record preservation methods employed pursuant to R.S.47:1-5 and to permit the State Records Committee to adopt rules and regulations to authorize pilot programs for various individual counties in order to evaluate other alternative technologies for the preservation of records.