

S167

S167 (A3685) - Requires government records to be made available on the Internet

The bill is on the Senate State Government, Wagering, Tourism & Historic Preservation Committee meeting agenda for Monday, November 16, 2015 at 1:00 PM in Committee Room 7, 2nd Floor, State House Annex, Trenton New Jersey.

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STATEMENT BY NJFOG:

S-167 says that all public records must be made available on the Internet in searchable format. The bill doesn't specify if this means all records or only records that were produced to the public via Open Public Records Act (OPRA) requests. The bill is therefore both mechanically unsound and impractical. To further demonstrate that point, the bill as written could require that all municipal emails be made available on the Internet.

In lieu of the broad language in the bill, a better idea is to list specific sets of records that must be put on the Internet as text searchable -- e.g., all purchase orders, invoices, bill lists, payroll and overtime records, minutes, agendas and referenced documents, and so forth. NJFOG recommends this approach.

NJFOG further recommends that the timeframe for release of public documents be tightened. The current bill wording -- "as soon as possible" -- is too vague and is subject to interpretation and delay. Scanning documents is a simple process that should allow for quick release of materials to improve transparency and to allow for timely public review. We feel that 10 days is sufficient time to post a document online from the time it is created, with the exception of agenda materials, as noted below.

With respect to meeting agendas and supplementary materials referenced in an agenda, the bill should specify that agendas and materials are to be made available online a minimum of 48 hours prior to the meeting. Supplementary materials may include, but aren't limited to, resolutions, proposed ordinances, bill lists, contracts, memorandums of agreement, and so forth. The legislation should also make clear that proposed ordinances are to be made public a minimum of 48 hours prior to their introduction in order to allow for public review and comment and amendments prior to publication of the ordinance.

Further, the bill as currently written does not require that a governmental entity maintain a website, where currently no such requirement may exist, nor does the bill establish that a website presence will be maintained by the State for the benefit of local governments to allow for their compliance with this proposed law. This should be addressed in the bill.