

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 2082

### STATE OF NEW JERSEY 214th LEGISLATURE

DATED: JANUARY 13, 2012

#### SUMMARY

- Synopsis:** Permits publication of legal notices by governments and individuals on official government website instead of newspaper.
- Type of Impact:** Indeterminate fiscal impact.
- Agencies Affected:** State agencies and local governments.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate Fiscal Impact – See comments below		
<b>Local Cost</b>	Indeterminate Fiscal Impact – See comments below		

- The Office of Legislative Services notes that the enactment of Assembly Bill No. 2082 (1R) would have an indeterminate fiscal impact on State agencies and local governments that authorize the publication of legal notices on the Internet rather than in an official newspaper.
- Detailed information on local government expenditures associated with the publication of official notices is not readily available because they are not listed as a separate line-item in local unit budgets. Those government agencies that authorize the publication of legal notices on the Internet rather than in an official newspaper will likely experience a reduction in these costs.
- To the extent that the State and local governments have to hire additional personnel to handle intake and processing of local notice publication requests, or increase their information technology capacity in order to provide for the establishment of a public notice website, these entities may incur additional costs.

## **BILL DESCRIPTION**

Assembly Bill No. 2082 (1R) authorizes individuals, as well as local, county, and State government units, including school districts, to meet publication requirements for legal notices by posting such notices on officially designated searchable government websites, so long as Internet accessibility and reliability requirements are met. A local government agency must adopt an annual resolution or ordinance, as appropriate, authorizing the agency to post its legal notices on the Internet. Under the amended bill, a local government agency is defined as any public entity under the laws of New Jersey required to publish legal notices.

The local government or agency must also publish a notice in a newspaper that includes the full text of the resolution or ordinance authorizing Internet publication and the URL of the public notice website. Any local government agency which elects to publish notices on the Internet would be required to also post the notice of any public meeting, the minutes of any governing body meeting, the full text of any resolution or ordinance to be considered by the governing body, the municipal code, all public contracts, and the results of any litigation to which the agency was a party, provided that the posting of the litigation information does not violate any agreed to or court ordered confidentiality provisions. Nothing in this bill alters existing notice content and publication time frame requirements or eliminates an individual or government entity's ability to meet publication requirements through newspaper publication as set forth under current law.

Under the provisions of the amended bill, Internet publication is only available to local governments when they can establish that free public Internet access is available in the jurisdiction. The amended bill further requires that a link to the notice webpage be prominently displayed on the homepage of the publishing government entity and that the notice webpage address be advertised, along with a listing of free public Internet access locations, in one or more newspapers within the jurisdiction. Additionally, publication websites must be accessible online at least 98 percent of the time on a continuous basis and the government entity must provide free copies of such notices when an interest person is unable to access the official website. Notice websites are required to have search capabilities and other features to improve content accessibility. The bill does not limit the length of time that a legal notice can remain posted on a official website, except to set minimum requirements for Internet publication.

The bill requires an individual wishing to publish a legal notice on an official website to contact the appropriate local, county, or State government entity to formally request that the legal notice be published. Such publication is only available when the applicable government entity maintains a notice website or otherwise publishes legal notices pursuant to the provisions of this bill. Proof of publication of all Internet published legal notices shall be ascertained in the same manner as if the notices had been published in a print newspaper. Certificates of publication may be stored electronically and government agencies would be prohibited from charging a fee for the production of a copy of that document. Finally, the bill amends various provisions of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.) to reflect the new Internet publication and notice requirements imposed by the bill.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services notes that the enactment of Assembly Bill No. 2082 (1R) would have an indeterminate fiscal impact on State agencies and local governments that authorize the publication of legal notices on the Internet rather than in an official newspaper. Detailed information on local government expenditures associated with the publication of official notices is not readily available because these amounts are not listed as a separate line-item in local unit budgets.

According to the New Jersey Press Association, local governments spend approximately \$20 million on the legally required publication of official notices. Approximately 60 percent of this amount is reimbursed to the local governments by private entities. \$8 million is funded by the local governments only. Those municipal governments that choose to publish legal notices on the Internet rather than in an official newspaper will likely save some portion of this amount.

However, to the extent that the State and local governments have to hire additional personnel to handle intake and processing of local notice publication requests, or increase their information technology capacity in order to provide for the establishment of a public notice website, these entities may incur additional costs. This bill is silent as to whether an ordinance permitting the publication of legal notices on the Internet within a jurisdiction may include a provision requiring the payment of posting fees.

*Section: Local Government*

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).