

SENATE, No. 445

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

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District 26 (Morris and Passaic)

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SYNOPSIS

“Transparency in Government Act;” provides for establishment of State public finance website.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 5/22/2009)

1 AN ACT providing for the establishment of a State public finance
2 website and designated as the Transparency in Government Act,
3 supplementing chapter 18A of Title 52 of the Revised Statutes.
4

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

7
8 1. This act shall be known and may be cited as the
9 “Transparency in Government Act.”
10

11 2. As used in this act,

12 “Chief Technology Officer” means the person appointed by and
13 serving at the pleasure of the Governor who is responsible for the
14 day-to-day operations of the Office of Information Technology.

15 “Public Finance Transparency Committee” means the committee
16 established pursuant to section 4 of P.L. , c. (C.) (pending
17 before the Legislature as this bill).

18 “Searchable website” means an Internet website that allows the
19 general public to search and aggregate data and information
20 identified in section 3 of this act. The term shall include
21 requirements that the website offer the general public the ability to
22 search and display data, and ascertain the total amounts of: (1)
23 revenues and expenditures of funds established within the State
24 treasury; (2) compensation paid to public employees of State
25 agencies; and (3) bond debt as specified in this act, in an aggregate
26 or summary form in a manner determined by the State Treasurer, in
27 consultation with the Chief Technology Officer and the Public
28 Finance Transparency Committee.

29 “State agency” or “agency” means any of the principal
30 departments in the Executive Branch of State Government, and any
31 division, board, bureau, office, commission, or other instrumentality
32 within or created by such principal department; the Legislature of
33 the State and any office, board, bureau, or commission within or
34 created by the Legislative Branch of State Government; the
35 Judiciary of the State and any office, board, bureau, or commission
36 within or created by the Judicial Branch of State Government; and
37 any independent State authority, commission, instrumentality, or
38 agency.
39

40 3. a. On or before July 1, 2008, the State Treasurer, in
41 consultation with the Chief Technology Officer, shall design,
42 develop, and maintain a single, searchable Internet website that is
43 accessible to the general public without charge and that includes
44 data and information on:

45 (1) annual State agency expenditures, as determined by the State
46 Treasurer and as available within the central accounting system and
47 State payroll system, which shall include but not be limited to:

- 1 (a) disbursements by a State agency from funds established
- 2 within the State treasury;
- 3 (b) bond debt services including, but not limited to, amounts of
- 4 bond debt or interest paid and sources of funds for bond issues;
- 5 (c) salaries and wages including, but not limited to,
- 6 compensation paid to employees of State agencies;
- 7 (d) contractual service purchases including, but not limited to,
- 8 amounts paid to vendors;
- 9 (e) commodity purchases including, but not limited to, amounts
- 10 paid to vendors;
- 11 (f) capital outlay and improvements including, but not limited
- 12 to, amounts paid to vendors;
- 13 (g) aid to local units of government including, but not limited to,
- 14 amounts paid to individual units of local government for aid
- 15 programs; and
- 16 (h) additional forms of assistance and benefits deemed relevant
- 17 by the State Treasurer.
- 18 (2) annual State revenues, as determined by the State Treasurer
- 19 and as available within the central accounting system, which shall
- 20 include but not be limited to:
- 21 (a) receipts and deposits by any State agency into funds
- 22 established within the State treasury;
- 23 (b) taxes including, but not limited to, compulsory contributions
- 24 imposed by the State for the purpose of financing services;
- 25 (c) agency earnings including, but not limited to, amounts
- 26 collected by each agency for merchandise sold, services performed,
- 27 licenses, and permits issued, or regulation;
- 28 (d) revenue for the use of money and property including, but not
- 29 limited to, amounts received for compensation for the use of State-
- 30 owned money and property;
- 31 (e) gifts, donations, and federal grants including, but not limited
- 32 to, amounts received from public and private entities to aid in
- 33 support of a specific function or other governmental activity;
- 34 (f) other revenue including, but not limited to, receipts not
- 35 classified elsewhere; and
- 36 (g) non-revenue receipts including, but not limited to, all
- 37 receipts that do not constitute revenue.
- 38 (3) annual State bonded indebtedness, as determined by the
- 39 State Treasurer and as available within the central accounting
- 40 system, which shall include but not be limited to:
- 41 (a) amount of the total original obligation stated in terms of
- 42 principal and interest;
- 43 (b) term of the obligation;
- 44 (c) source of funding for repayment of the obligation;
- 45 (d) amounts of principal and interest previously paid to reduce
- 46 the obligation;
- 47 (e) remaining balance of the obligation;

1 (f) data and information related to refinancing of the obligation;
2 and

3 (g) cited statutory or constitutional authority to issue such
4 bonds.

5 (4) any other data or information specified by the State
6 Treasurer after consulting with and seeking the advice of the Chief
7 Technology Officer and the Public Finance Transparency
8 Committee.

9 b. (1) The public finance website shall include all data and
10 information enumerated in subsection a. of this section for fiscal
11 year 2000 and each fiscal year thereafter. Such data and
12 information posted on the website may be periodically updated, but
13 shall not be subject to removal.

14 (2) All data and information that is available in the central
15 accounting and State payroll systems shall be made available on the
16 public finance website as soon as practicable, but not later than 45
17 days after the last day of the preceding fiscal year.

18 (3) The State Treasurer shall develop policies and procedures, in
19 accordance with the provisions of the "Administrative Procedure
20 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to make data and
21 information available from any other source.

22 (4) Notwithstanding any other law to the contrary, the State
23 Treasurer shall not be required to provide data and information on
24 the public finance website that is not available in the central
25 accounting system and the State payroll system at the time of the
26 website's initial implementation.

27 (5) All State agencies are directed to cooperate with the State
28 Treasurer, the Chief Technology Officer, and the Public Finance
29 Transparency Committee in compiling the data and information
30 necessary to comply with the provisions of this act.

31 (6) Nothing in this act shall require the disclosure of
32 information deemed private, personal, or confidential by State or
33 federal law.

34

35 4. a. There is established in the Department of the Treasury the
36 Public Finance Transparency Committee to advise, consult, and
37 coordinate with the State Treasurer and the Chief Technology
38 Officer regarding the scope, content, and format of the public
39 finance website developed to comply with the provisions of section
40 3 of this act.

41 b. The committee shall be comprised of 13 members,
42 including:

43 (1) the State Treasurer or the Treasurer's designee;

44 (2) the Chief Technology Officer or the Officer's designee;

45 (3) the Director of the Division of Budget and Accounting in the
46 Department of the Treasury or the Director's designee;

- 1 (4) two members who are commissioners, directors, or officers
2 of a State agency, who shall be appointed by the Governor;
- 3 (5) four members of the general public, two who shall be
4 appointed by the Governor, one who shall be appointed by the
5 President of the Senate, and one who shall be appointed by the
6 Speaker of the General Assembly; and
- 7 (6) four members of the Legislature, one who shall be appointed
8 by the President of the Senate, one who shall be appointed by the
9 Minority Leader of the Senate, one who shall be appointed by the
10 Speaker of the General Assembly, and one who shall be appointed
11 by the Minority Leader of the General Assembly.
- 12 c. The committee shall organize as soon as practicable, but no
13 later than the 30th day after the appointment of a majority of its
14 members. The State Treasurer or the Treasurer's designee shall
15 serve as the chairperson of the committee, but the committee shall
16 select a vice-chairperson from among its members and appoint a
17 secretary who need not be a member of the committee.
- 18 d. Vacancies in the membership of the committee shall be
19 filled in the same manner provided for the original appointments.
20 Eight members of the committee shall constitute a quorum and the
21 affirmative vote of eight members shall be necessary for any action
22 taken by the committee. Any vacancy in membership shall not
23 prohibit the quorum of the committee from exercising its respective
24 rights and its duties.
- 25 e. The committee may meet at the call of the chair and hold
26 hearings at the times and in the places it deems necessary and
27 appropriate to fulfill its charge. The committee shall be entitled to
28 call to its assistance, and avail itself of the services of, the
29 employees of any State, county, or municipal department, board,
30 bureau, commission, or agency as it may require and as may be
31 available for its purposes.
- 32 f. The public members of the committee shall serve without
33 compensation, but may be reimbursed for traveling and other
34 miscellaneous expenses necessary to perform their duties, within
35 the funds made available to the committee for its purposes.
- 36 g. It shall be the duty of the committee to:
- 37 (1) serve in an advisory capacity to the State Treasurer, who
38 shall from time to time consult with and seek the advice of the
39 committee on matters related to the development and expansion of
40 the public finance website as well as opportunities to make the
41 website more accessible to the general public;
- 42 (2) advise the State Treasurer and the Chief Technology Officer,
43 after implementation of the initial website, on incorporating
44 additional data and information described by this act from any other
45 source of data or information available to the State Treasurer or
46 Chief Technology Officer, including information submitted by a

- 1 State agency pursuant to paragraph (5) of subsection b. of section 3
2 of this act;
- 3 (3) seek the advice of and receive feedback from the general
4 public, professional associations, State agencies, academic groups
5 and institutions, and individuals with knowledge of and interest in
6 areas of public information access, gateway services, add-on
7 services, and electronic information for the general improvement of
8 the public finance website; and
- 9 (4) issue an annual report to the Governor and, pursuant to
10 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature
11 regarding the progress in developing and implementing the public
12 finance website; public input and feedback concerning the utility of
13 the website and recommendations for its improvement; and
14 proposed enhancements to the website in terms of content, format,
15 policies, and procedures, reports, and other matters as deemed
16 appropriate by the State Treasurer and the Chief Technology
17 Officer.
- 18
- 19 5. This act shall take effect immediately.
- 20

21

22 STATEMENT

23

24 The "Transparency in Government Act" provides for the creation
25 of a single, searchable Internet website that retains and displays
26 data and information on the State's annual revenues, expenditures,
27 and total bonded indebtedness. With the assistance of the Chief
28 Technology Officer in the Office of Information Technology, this
29 bill directs the State Treasurer to design and develop a State public
30 finance website on or before July 1, 2008, and requires the
31 Treasurer to maintain and operate the site, without charge, each
32 fiscal year thereafter.

33 While this bill prohibits the posting of any data that may be
34 deemed private, personal, or confidential by State or federal law, it
35 enables information such as contractual service purchases, salaries
36 and wages, gifts and grants, and the amount of total bonded
37 obligations to be accessible to the public no later than 45 days
38 following the close of each fiscal year. Under its provisions, the
39 bill stipulates that any data or information posted on the website
40 may be periodically updated, but it indicates that any data or
41 information posted on the website must not be subject to removal.

42 In order to facilitate the organization, development, and
43 maintenance of the website, this bill also provides for the
44 establishment of the Public Finance Transparency Committee as an
45 entity within the Department of the Treasury. In addition to the
46 State Treasurer, the 13-member committee is comprised of: (1) the
47 Chief Technology Officer; (2) the Director of the Division of

1 Budget and Accounting in the Department of the Treasury; (3) two
2 cabinet-level officers appointed by the Governor; (4) four public
3 members; and (5) four members of the Legislature. With the ability
4 to hold meetings, convene hearings, and publish reports, the
5 committee has the express authority to advise, consult, and
6 coordinate with the Treasurer and Chief Technology Officer to
7 improve and expand upon the scope, content, and format of the
8 public finance website developed in accordance with this act.

9 Building upon the legislative proposals in more than a dozen
10 states, this bill establishes an accessible, user-friendly source of
11 information to track State revenues and expenditures and to gauge
12 the State's past and present levels of bonded indebtedness. More so,
13 this legislation helps facilitate a bi-partisan approach to improving
14 transparency, identifying waste, and eliminating abuse at each level
15 of State government. Beginning with the first year of the new
16 millennium and continuing into the future, State residents will have
17 the ability to follow the allocation and spending of public tax
18 dollars, regardless of the party or political affiliations associated
19 with the authorization of such spending.