

ASSEMBLY, No. 146

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

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Assemblymen Amodeo, Ribble, Assemblywoman Angelini, Assemblymen
Polistina, Holzappel, Wolfe, Peterson, Biondi and Assemblywoman
N.Munoz**

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: 10/26/2010)

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 to,
12 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 receipts
37 that do not constitute revenue.
- 38 (3) annual State bonded indebtedness, as determined by the State
39 Treasurer and as available within the central accounting system,
40 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 bonds.

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

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

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

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

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

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

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

32

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

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

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

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

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

44 (4) two members who are commissioners, directors, or officers
45 of a State agency, who shall be appointed by the Governor;

46 (5) four members of the general public, two who shall be
47 appointed by the Governor, one who shall be appointed by the

1 President of the Senate, and one who shall be appointed by the
2 Speaker of the General Assembly; and

3 (6) four members of the Legislature, one who shall be appointed
4 by the President of the Senate, one who shall be appointed by the
5 Minority Leader of the Senate, one who shall be appointed by the
6 Speaker of the General Assembly, and one who shall be appointed
7 by the Minority Leader of the General Assembly.

8 c. The committee shall organize as soon as practicable, but no
9 later than the 30th day after the appointment of a majority of its
10 members. The State Treasurer or the Treasurer's designee shall
11 serve as the chairperson of the committee, but the committee shall
12 select a vice-chairperson from among its members and appoint a
13 secretary who need not be a member of the committee.

14 d. Vacancies in the membership of the committee shall be filled
15 in the same manner provided for the original appointments. Eight
16 members of the committee shall constitute a quorum and the
17 affirmative vote of eight members shall be necessary for any action
18 taken by the committee. Any vacancy in membership shall not
19 prohibit the quorum of the committee from exercising its respective
20 rights and its duties.

21 e. The committee may meet at the call of the chair and hold
22 hearings at the times and in the places it deems necessary and
23 appropriate to fulfill its charge. The committee shall be entitled to
24 call to its assistance, and avail itself of the services of, the
25 employees of any State, county, or municipal department, board,
26 bureau, commission, or agency as it may require and as may be
27 available for its purposes.

28 f. The public members of the committee shall serve without
29 compensation, but may be reimbursed for traveling and other
30 miscellaneous expenses necessary to perform their duties, within
31 the funds made available to the committee for its purposes.

32 g. It shall be the duty of the committee to:

33 (1) serve in an advisory capacity to the State Treasurer, who
34 shall from time to time consult with and seek the advice of the
35 committee on matters related to the development and expansion of
36 the public finance website as well as opportunities to make the
37 website more accessible to the general public;

38 (2) advise the State Treasurer and the Chief Technology Officer,
39 after implementation of the initial website, on incorporating
40 additional data and information described by this act from any other
41 source of data or information available to the State Treasurer or
42 Chief Technology Officer, including information submitted by a
43 State agency pursuant to paragraph (5) of subsection b. of section 3
44 of this act;

45 (3) seek the advice of and receive feedback from the general
46 public, professional associations, State agencies, academic groups
47 and institutions, and individuals with knowledge of and interest in

1 areas of public information access, gateway services, add-on
2 services, and electronic information for the general improvement of
3 the public finance website; and

4 (4) issue an annual report to the Governor and, pursuant to
5 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature
6 regarding the progress in developing and implementing the public
7 finance website; public input and feedback concerning the utility of
8 the website and recommendations for its improvement; and
9 proposed enhancements to the website in terms of content, format,
10 policies, and procedures, reports, and other matters as deemed
11 appropriate by the State Treasurer and the Chief Technology
12 Officer.

13

14 5. This act shall take effect immediately.

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16

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STATEMENT

18

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

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

37 In order to facilitate the organization, development, and
38 maintenance of the website, this bill also provides for the
39 establishment of the Public Finance Transparency Committee as an
40 entity within the Department of the Treasury. In addition to the
41 State Treasurer, the 13-member committee is comprised of: (1) the
42 Chief Technology Officer; (2) the Director of the Division of
43 Budget and Accounting in the Department of the Treasury; (3) two
44 cabinet-level officers appointed by the Governor; (4) four public
45 members; and (5) four members of the Legislature. With the ability
46 to hold meetings, convene hearings, and publish reports, the
47 committee has the express authority to advise, consult, and

1 coordinate with the Treasurer and Chief Technology Officer to
2 improve and expand upon the scope, content, and format of the
3 public finance website developed in accordance with this act.
4 Building upon the legislative proposals in more than a dozen
5 states, this bill establishes an accessible, user-friendly source of
6 information to track State revenues and expenditures and to gauge
7 the State's past and present levels of bonded indebtedness. More so,
8 this legislation helps facilitate a bi-partisan approach to improving
9 transparency, identifying waste, and eliminating abuse at each level
10 of State government. Beginning with the first year of the new
11 millennium and continuing into the future, State residents will have
12 the ability to follow the allocation and spending of public tax
13 dollars, regardless of the party or political affiliations associated
14 with the authorization of such spending.