

ASSEMBLY, No. 158

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

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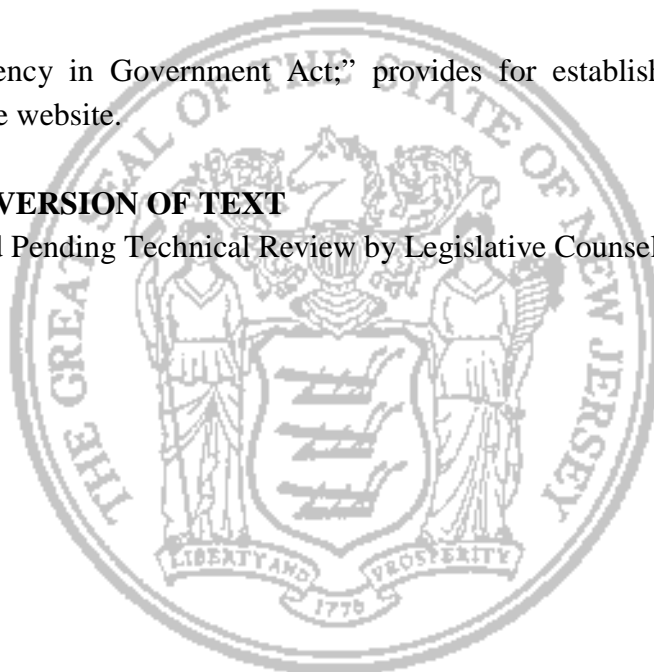
Assemblywoman Coyle, Assemblymen Amodeo, Polistina, Rumana, Rible, Assemblywomen Angelini, Casagrande, Assemblyman O'Scanlon, Assemblywoman Gove, Assemblymen Rumpf, Peterson, DiCicco and Assemblywoman N.Munoz

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: 9/14/2010)

1 AN ACT providing for the establishment of a State public finance
2 website, supplementing chapter 18A of Title 52 of the Revised
3 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 P.L. , c. (C.) (pending before the
21 Legislature as this bill). The term shall include requirements that
22 the website offer the general public the ability to search and display
23 data, and ascertain the total amounts of: (1) revenues and
24 expenditures of funds established within the State treasury; (2)
25 compensation paid to public employees of State agencies; and (3)
26 bond debt as specified in section 3 of P.L. , c. (pending before
27 the Legislature as this bill), in an aggregate or summary form in the
28 manner determined by the State Treasurer.

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

39
40 3. a. On or before July 1, 2009, the State Treasurer, in
41 consultation with the Chief Technology Officer, shall design,
42 develop, and maintain a single, searchable website that is accessible
43 to the general public without charge, and that includes data and
44 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 a 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) State agency earnings including, but not limited to, amounts
- 26 collected by each State agency for merchandise sold, services
- 27 performed, 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.
- 7 b. (1) The public finance website shall include all data and
8 information enumerated in subsection a. of this section for State
9 fiscal year 2000 and each State fiscal year thereafter. Such data and
10 information posted on the website may be periodically updated, but
11 shall not be subject to removal.
- 12 (2) All data and information available in the central accounting
13 and State payroll systems shall be made available on the public
14 finance website as soon as practicable, but shall not be made
15 available later than 45 days after the last day of the State fiscal year
16 in which the data and information is entered into the central
17 accounting and State payroll systems.
- 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 P.L. , c. (C.)
31 (pending before the Legislature as this bill).
- 32 (6) Nothing in this act shall require the disclosure of
33 information deemed private or confidential by State or federal law,
34 rules, or regulations.
35
- 36 4. a. There is established in the Department of the Treasury the
37 Public Finance Transparency Committee to advise, consult, and
38 coordinate with the State Treasurer and the Chief Technology
39 Officer regarding the scope, content, and format of the public
40 finance website developed in accordance with section 3 of P.L. ,
41 c. (C.) (pending before the Legislature as this bill).
- 42 b. The committee shall be comprised of 13 members,
43 including:
- 44 (1) the State Treasurer or the State Treasurer's designee;
45 (2) the Chief Technology Officer or the officer's designee;
46 (3) the Director of the Division of Budget and Accounting in the
47 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 effective date of P.L. ,
14 c. (C.) (pending before the Legislature as this bill). The State
15 Treasurer or the State Treasurer's designee shall serve as the
16 chairperson of the committee; provided however, that the
17 committee shall select a vice-chairperson from among its members
18 and appoint a secretary who need not be a member of the
19 committee.
- 20 d. Vacancies in the membership of the committee shall be
21 filled in the same manner provided for the original appointments.
22 Seven members of the committee shall constitute a quorum and the
23 affirmative vote of seven members shall be necessary for any action
24 taken by the committee. Any vacancy in membership shall not
25 prohibit the quorum of the committee from exercising its respective
26 rights and its duties.
- 27 e. The committee may meet at the call of the chairperson and
28 hold hearings at the times and in the places it deems necessary and
29 appropriate to fulfill its charge. The committee shall be entitled to
30 call to its assistance, and avail itself of the services of, the
31 employees of any State, county, or municipal department, board,
32 bureau, commission, or agency as it may require and as may be
33 available for its purposes.
- 34 f. The public members of the committee shall serve without
35 compensation, but may be reimbursed for traveling and other
36 miscellaneous expenses necessary to perform their duties, within
37 the funds made available to the committee for its purposes.
- 38 g. It shall be the duty of the committee to:
- 39 (1) serve in an advisory capacity to the State Treasurer, who
40 shall from time to time consult with and seek the advice of the
41 committee on matters related to the development and expansion of
42 the public finance website as well as opportunities to make the
43 website more accessible to the general public;
- 44 (2) advise the State Treasurer and the Chief Technology Officer,
45 after implementation of the initial website, on incorporating
46 additional data and information described by this act from any other
47 source of data or information available to the State Treasurer or

- 1 Chief Technology Officer, including information submitted by a
2 State agency pursuant to paragraph (5) of subsection b. of section 3
3 of P.L. , c. (C.) (pending before the Legislature as this bill);
4 (3) seek the advice of and receive feedback from the general
5 public, professional associations, State agencies, interest groups and
6 associations, and individuals with knowledge of and interest in
7 areas of public information access, gateway services, add-on
8 services, and electronic information for the general improvement of
9 the public finance website; and
10 (4) issue an annual report to the Governor and, pursuant to
11 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature
12 regarding the progress in developing and implementing the public
13 finance website; public input and feedback concerning the utility of
14 the website and recommendations for its improvement; and
15 proposed enhancements to the website in terms of content, format,
16 policies, and procedures, reports, and other matters as deemed
17 appropriate by the State Treasurer and the Chief Technology
18 Officer.
19
- 20 5. a. There is established in the Department of the Treasury a
21 separate, dedicated fund to be known as the “New Jersey
22 Transparency in Government Support Fund,” hereinafter referred to
23 as “the fund.”
24 b. The State Treasurer shall administer the fund and shall
25 collect and credit to the fund all monies received from private,
26 voluntary contributions in support of the public finance website
27 established pursuant to section 3 of P.L. , c. (C.) (pending
28 before the Legislature as this bill). Interest earned on moneys in the
29 fund shall be credited to the fund.
30 c. The monies credited to the fund shall be disbursed from time
31 to time, according to rules and regulations prescribed by the State
32 Treasurer, to meet start-up costs attributed to the design,
33 development, and maintenance of the public finance website
34 established pursuant to section 3 of P.L. , c. (pending before the
35 Legislature as this bill), including, but not limited to, costs
36 associated with: (1) personnel, (2) hardware and software, (3) data
37 management and maintenance, (4) website hosting, and (5)
38 applicable licensing fees.
39 d. On or before January 1, 2010, the State Treasurer shall
40 disburse any remaining monies credited to the fund to support the
41 purposes of the fund and shall promptly dissolve the fund; provided
42 however, that if the State Treasurer shall determine that the initial
43 start-up costs described in subsection c. of this section have been
44 provided for, the remaining funds shall be returned to private,
45 voluntary contributors at the time and in the manner, following the
46 rules and the regulations determined by the State Treasurer.

1 To facilitate the organization, development, and maintenance of
2 the website, this bill provides for the establishment of the Public
3 Finance Transparency Committee as an entity within the
4 Department of the Treasury. In addition to the State Treasurer, the
5 13-member committee is comprised of: (1) the Chief Technology
6 Officer; (2) the Director of the Division of Budget and Accounting
7 in the Department of the Treasury; (3) two cabinet-level officers
8 appointed by the Governor; (4) four public members; and (5) four
9 members of the Legislature. With the ability to hold meetings,
10 convene hearings, and publish annual reports, the committee has the
11 authority to advise, consult, and coordinate with the Treasurer and
12 Chief Technology Officer to improve and expand upon the scope,
13 content, and format of the public finance website developed in
14 accordance with this act.

15 In addition, the bill establishes the “New Jersey Transparency in
16 Government Support Fund,” and provides the State Treasurer with
17 the express authority to administer the fund. Under the bill, any
18 private, voluntary contributions made in support of the public
19 finance website will be credited to the fund and disbursed from time
20 to time, according to rules and regulations prescribed by the
21 Treasurer, to meet start-up costs attributed to the design,
22 development, and maintenance of the public finance website. The
23 bill provides that initial start-up costs may include, but are not
24 limited to, costs associated with: personnel, hardware and software,
25 data management and maintenance, website hosting, and applicable
26 licensing fees.

27 The bill also requires the State Treasurer, within 30 days of the
28 effective date, to conduct a cost analysis evaluating the short-term
29 and the long-range financial implications associated with the
30 design, development, and maintenance of the public finance
31 website. Within 30 days of the completion of this study, the State
32 Treasurer is required to issue a final report specifying the projected
33 State costs attributable to: (1) personnel, (2) hardware and
34 software, (3) data management and maintenance, (4) website
35 hosting, and (5) applicable licensing fees in the design and
36 development of the public finance website. The report must also
37 provide a projected cost estimate detailing costs associated with
38 maintaining the public finance website during the first three fiscal
39 years beginning after its establishment, and recommend cost-saving
40 strategies that may be achieved through the utilization of existing
41 federal and state database programs and software.

42 Building upon the legislative proposals in more than a dozen
43 states, this bill establishes an accessible, user-friendly source of
44 information to track State revenues and expenditures and to gauge
45 the State’s past and present levels of bonded indebtedness. More so,
46 this legislation helps facilitate a bi-partisan approach to improving
47 transparency, identifying waste, and eliminating abuse at each level

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1 of State government. Beginning with the first year of the new
2 millennium and continuing into the future, State residents will have
3 the ability to follow the allocation and spending of public tax
4 dollars, regardless of the party or political affiliations associated
5 with the authorization of such spending.