

# SENATE, No. 708

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Senator JOSEPH PENNACCHIO**

**District 26 (Morris and Passaic)**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**Co-Sponsored by:**

**Senators Oroho, T.Kean, A.R.Bucco, Connors, Bateman, Ciesla and O'Toole**

**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: 2/2/2010)**

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, 2011, 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:

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

1 services, and electronic information for the general improvement of  
2 the public finance website; and

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

12

13 5. This act shall take effect immediately.

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#### STATEMENT

17

18 This bill, the "Transparency in Government Act," provides for the  
19 creation of a single, searchable Internet website that retains and  
20 displays data and information on the State's annual revenues,  
21 expenditures, and total bonded indebtedness. With the assistance of the  
22 Chief Technology Officer in the Office of Information Technology,  
23 this bill directs the State Treasurer to design and develop a State public  
24 finance website on or before July 1, 2011, and requires the Treasurer  
25 to maintain and operate the site, without charge, each fiscal year  
26 thereafter.

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

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

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- 1 expand upon the scope, content, and format of the public finance
- 2 website developed in accordance with this act.