

[Second Reprint]

SENATE, No. 708

STATE OF NEW JERSEY
214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

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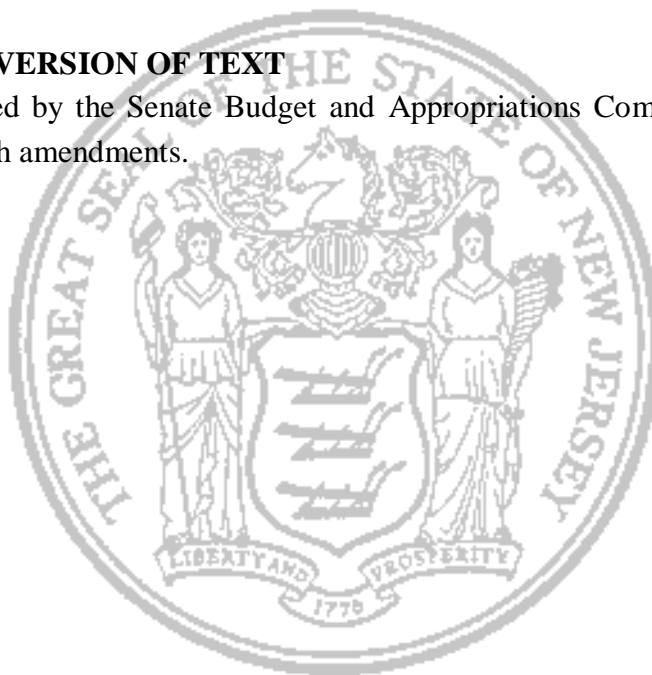
Senators Oroho, T.Kean, A.R.Bucco, Connors, Bateman, Ciesla and O'Toole

SYNOPSIS

“Transparency in Government Act;” provides for establishment of State public finance website; requires certain public entities receiving State funds to establish similar website.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on May 13, 2010, with amendments.



(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

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SSG committee amendments adopted February 1, 2010.

²Senate SBA committee amendments adopted May 13, 2010.

- 1 data and information on:
- 2 (1) annual State agency expenditures, as determined by the State
3 Treasurer and as available within the central accounting system and
4 State payroll system, which shall include but not be limited to:
- 5 (a) disbursements by a State agency from funds established
6 within the State treasury;
- 7 (b) bond debt services including, but not limited to, amounts of
8 bond debt or interest paid and sources of funds for bond issues;
- 9 (c) salaries and wages including, but not limited to,
10 compensation paid to employees of State agencies;
- 11 (d) contractual service purchases including, but not limited to,
12 amounts paid to vendors;
- 13 (e) commodity purchases including, but not limited to, amounts
14 paid to vendors;
- 15 (f) capital outlay and improvements including, but not limited
16 to, amounts paid to vendors;
- 17 (g) aid to local units of government including, but not limited to,
18 amounts paid to individual units of local government for aid
19 programs; ²**[and]**²
- 20 (h) additional forms of assistance and benefits deemed relevant
21 by the State Treasurer²; and
- 22 (i) the exact amount of each such expenditure and the name and
23 address of each individual, organization, business or other entity
24 receiving such monies².
- 25 (2) annual State revenues, as determined by the State Treasurer
26 and as available within the central accounting system, which shall
27 include but not be limited to:
- 28 (a) receipts and deposits by any State agency into funds
29 established within the State treasury;
- 30 (b) taxes including, but not limited to, compulsory contributions
31 imposed by the State for the purpose of financing services;
- 32 (c) agency earnings including, but not limited to, amounts
33 collected by each agency for merchandise sold, services performed,
34 licenses, and permits issued, or regulation;
- 35 (d) revenue for the use of money and property including, but not
36 limited to, amounts received for compensation for the use of State-
37 owned money and property;
- 38 (e) gifts, donations, and federal grants including, but not limited
39 to, amounts received from public and private entities to aid in
40 support of a specific function or other governmental activity;
- 41 (f) other revenue including, but not limited to, receipts not
42 classified elsewhere; and
- 43 (g) non-revenue receipts including, but not limited to, all
44 receipts that do not constitute revenue.
- 45 (3) annual State bonded indebtedness, as determined by the
46 State Treasurer and as available within the central accounting
47 system, which shall include but not be limited to:

- 1 (a) amount of the total original obligation stated in terms of
2 principal and interest;
- 3 (b) term of the obligation;
- 4 (c) source of funding for repayment of the obligation;
- 5 (d) amounts of principal and interest previously paid to reduce
6 the obligation;
- 7 (e) remaining balance of the obligation;
- 8 (f) data and information related to refinancing of the obligation;
- 9 ²[and]²
- 10 (g) cited statutory or constitutional authority to issue such bonds
11 ²;
- 12 (h) specific names of firms or individuals serving as bond
13 counsel; and
- 14 (i) the names of the banks assisting in the sale of bonds².
- 15 (4) any other data or information specified by the State
16 Treasurer after consulting with and seeking the advice of the Chief
17 Technology Officer and the Public Finance Transparency
18 Committee.
- 19 b. (1) The public finance website shall include all data and
20 information enumerated in subsection a. of this section for fiscal
21 year 2000 and each fiscal year thereafter. Such data and
22 information posted on the website may be periodically updated, but
23 shall not be subject to removal.
- 24 (2) All data and information that is available in the central
25 accounting and State payroll systems shall be made available on the
26 public finance website as soon as practicable, but not later than 45
27 days after the last day of the preceding fiscal year.
- 28 (3) The State Treasurer shall develop policies and procedures, in
29 accordance with the provisions of the "Administrative Procedure
30 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to make data and
31 information available from any other source.
- 32 (4) Notwithstanding any other law to the contrary, the State
33 Treasurer shall not be required to provide data and information on
34 the public finance website that is not available in the central
35 accounting system and the State payroll system at the time of the
36 website's initial implementation.
- 37 (5) All State agencies are directed to cooperate with the State
38 Treasurer, the Chief Technology Officer, and the Public Finance
39 Transparency Committee in compiling the data and information
40 necessary to comply with the provisions of this act.
- 41 (6) Nothing in this act shall require the disclosure of
42 information deemed private, personal, or confidential by State or
43 federal law.
- 44
- 45 4. a. There is established in the Department of the Treasury the
46 Public Finance Transparency Committee to advise, consult, and
47 coordinate with the State Treasurer and the Chief Technology

1 Officer regarding the scope, content, and format of the public
2 finance website developed to comply with the provisions of section
3 3 of this act.

4 b. The committee shall be comprised of nine members,
5 including:

- 6 (1) the State Treasurer or the Treasurer's designee;
7 (2) the Chief Technology Officer or the Officer's designee;
8 (3) the Director of the Division of Budget and Accounting in the
9 Department of the Treasury or the Director's designee;
10 (4) two members who are commissioners, directors, or officers
11 of a State agency, who shall be appointed by the Governor; and
12 (5) four members of the general public, two who shall be
13 appointed by the Governor, one who shall be appointed by the
14 President of the Senate, and one who shall be appointed by the
15 Speaker of the General Assembly.

16 c. The committee shall organize as soon as practicable, but no
17 later than the 30th day after the appointment of a majority of its
18 members. The State Treasurer or the Treasurer's designee shall
19 serve as the chairperson of the committee, but the committee shall
20 select a vice-chairperson from among its members and appoint a
21 secretary who need not be a member of the committee.

22 d. Vacancies in the membership of the committee shall be
23 filled in the same manner provided for the original appointments
24 ²and shall be filled within 30 days of the occurrence thereof². Five
25 members of the committee shall constitute a quorum and the
26 affirmative vote of five members shall be necessary for any action
27 taken by the committee. Any vacancy in membership shall not
28 prohibit the quorum of the committee from exercising its respective
29 rights and its duties.

30 e. The committee may meet at the call of the chair and hold
31 hearings at the times and in the places it deems necessary and
32 appropriate to fulfill its charge. The committee shall be entitled to
33 call to its assistance, and avail itself of the services of, the
34 employees of any State, county, or municipal department, board,
35 bureau, commission, or agency as it may require and as may be
36 available for its purposes.

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

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

- 42 (1) serve in an advisory capacity to the State Treasurer, who
43 shall from time to time consult with and seek the advice of the
44 committee on matters related to the development and expansion of
45 the public finance website as well as opportunities to make the
46 website more accessible to the general public;

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

8 (3) seek the advice of and receive feedback from the general
9 public, professional associations, State agencies, academic groups
10 and institutions, and individuals with knowledge of and interest in
11 areas of public information access, gateway services, add-on
12 services, and electronic information for the general improvement of
13 the public finance website; and

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

23
24 15. Notwithstanding any law, rule or regulation to the contrary,
25 any county, municipality, State or local authority, school board or
26 other instrumentality of the State that receives direct grants or funds
27 from the State during any fiscal year shall, within 90 days after the
28 effective date of P.L. _____, c. _____ (C. _____)(pending before the
29 Legislature as this bill), and prior to the receipt of any additional
30 funds in the next fiscal year, present a detailed plan to the State
31 Treasurer for an Internet website that will be provided by the public
32 entity and readily accessible to the general public without charge
33 that shows in detail:

34 1) the total amount of expenditures, specified by category
35 including, but not limited to, bond debt services and interest,
36 salaries and wages paid to employees, contractual service purchases
37 including amounts paid to vendors, commodity purchases including
38 amounts paid to vendors, capital outlays and improvements
39 including amounts paid to vendors, and aid paid to subunits of the
40 entity; ²[and]²

41 2) the total amount of funds received during the fiscal year and
42 the sources thereof, specified by category including, but not limited
43 to revenue derived from the receipts and deposits from any State
44 agency, taxes including compulsory tolls or fees imposed by the
45 public entity for the purpose of financing services, the amounts
46 received as compensation for the use of property owned or used by

1 the public entity, and gifts, donations and federal grants and other
2 sources of revenue not classified elsewhere; ²and

3 3) the total amount of annual bonded indebtedness of the entity,
4 specified by category, including but not limited to the amount of the
5 original obligation stated in terms of principal and interest, the
6 terms of the obligation and the source of funding for the repayment
7 thereof, the amounts of principal and interest previously paid to
8 reduce the obligation and the remaining balance of the obligation,
9 the data and information related to refinancing of the obligation, if
10 such refinancing occurred, the statutory or constitutional authority
11 to issue such bonds, the name of the firms or individuals serving as
12 bond counsel, and the name of the banks assisting in the sale of
13 bonds².

14 Once a plan has been submitted by a public entity, and reviewed
15 and accepted by the Treasurer, the entity shall have six months to
16 implement the plan for the website and have it readily available to
17 the general public without charge.

18 In the event that a plan has been submitted and reviewed by the
19 Treasurer and the Treasurer determines that limited changes shall be
20 made to the plan pursuant to P.L. , c. (C.)(pending before
21 the Legislature as this bill) or any other relevant statute, the public
22 entity shall have 90 days from receiving notification thereof by the
23 Treasurer to submit a revised plan, and if the Treasurer finds that
24 plan acceptable, the public entity shall have six months to
25 implement the plan for the website and have it readily available to
26 the general public without charge.

27 In the event the Treasurer finds that a plan submitted by a public
28 entity is wholly unacceptable, the entity shall have 90 days from
29 receiving notification thereof by the Treasurer to submit a revised
30 plan. If the Treasurer finds subsequently that the public entity has
31 not acted in good faith in creating a plan or revising a previously
32 submitted plan, the Treasurer may, at the Treasurer's discretion,
33 withhold further State funds until a plan is submitted that is deemed
34 acceptable by the Treasurer.

35 The Treasurer shall develop a template for the public entity to
36 use on its Internet website to provide the information required by
37 P.L. , c. (C.)(pending before the Legislature as this bill) and
38 shall make the template available to the public entity once the plan
39 of that entity is approved by the Treasurer. Each public entity, once
40 it is in receipt of the template, shall be responsible for updating, on
41 a regular basis, the required information that is to be made available
42 to the public through the template.¹

43

44 ¹[5.] 6.¹ This act shall take effect immediately.