

# SENATE, No. 2022

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 3, 2010

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**  
**District 4 (Camden and Gloucester)**  
**Senator LINDA R. GREENSTEIN**  
**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senators Beach and Stack**

**SYNOPSIS**

Requires DCA to post on its website the current adopted budget of any county or municipality that does not maintain its own website; also requires posting of three immediately preceding adopted budgets.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/14/2010)**

1 AN ACT concerning the online posting of municipal and county  
2 adopted budgets and amending N.J.S.40A:4-10 and P.L.1966,  
3 c.293.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

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8 1. N.J.S.40A:4-10 is amended to read as follows:  
9 40A:4-10. No budget or amendment thereof shall be adopted  
10 unless the director shall have previously certified his approval  
11 thereof. Final adoption shall be by resolution adopted by a majority  
12 of the full membership of the governing body, and may be by title  
13 where the procedures required by N.J.S.40A:4-8 and N.J.S.40A:4-9  
14 or section 12 of P.L.1995, c.259 (C.40A:4-6.1), as applicable, have  
15 been followed.

16 The budget shall be adopted in the case of a county not later than  
17 February 25, and in the case of a municipality not later than March  
18 20 of the calendar fiscal year or September 20 of the State fiscal  
19 year, except that the governing body may adopt the budget at any  
20 time within 10 days after the director shall have certified his  
21 approval thereof and returned the same, if such certification shall be  
22 later than the date of the advertised hearing.

23 If, in the case of a municipality which operates on the State fiscal  
24 year, the governing body fails to adopt the budget within the  
25 permitted time, the chief financial officer of the local unit shall so  
26 notify the director the next working day after the expiration of the  
27 permitted time.

28 Copies of the budget, as adopted, in such form and in such  
29 quantity as determined by the Local Finance Board, shall be  
30 transmitted to the director, and made available in print for public  
31 inspection at the local library, within three days after adoption.

32 Upon adoption, the budget shall constitute an appropriation for  
33 the purposes stated therein and an authorization of the amount to be  
34 raised by taxation for the purposes of the local unit.

35 The adopted budget shall be provided for public inspection on  
36 the local unit's website, if one exists, or, if one does not exist, the  
37 budget shall be provided for public inspection on the website of the  
38 Department of Community Affairs, and made available online and  
39 in print as required by this section in a "user-friendly" summary  
40 format using plain language. In addition to the current year adopted  
41 budget, the local unit's adopted budgets of the immediately  
42 preceding three budget years also shall be provided for public  
43 inspection on the local unit's website, if one exists, or, if one does  
44 not exist, those budgets also shall be provided for public inspection  
45 on the website of the Department of Community Affairs. Any

**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.

1 adopted budget posted online pursuant to this section shall remain  
2 posted online for the duration of the local budget year. The Local  
3 Finance Board shall promulgate a "user-friendly," plain language  
4 summary format for use by local units for this purpose pursuant to  
5 section 39 of P.L.2007, c.63 (C.40A:5-48).

6 (cf: P.L.2007, c.63, s.38)

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8 2. Section 9 of P.L.1966, c.293 (C.52:27D-9) is amended to read  
9 as follows:

10 9. The department shall, in addition to other powers and duties  
11 invested in it by this act, or by any other law:

12 (a) Assist in the coordination of State and Federal activities  
13 relating to local government;

14 (b) Advise and inform the Governor on the affairs and problems  
15 of local government and make recommendations to the Governor  
16 for proposed legislation pertaining thereto;

17 (c) Encourage cooperative action by local governments,  
18 including joint service agreements, regional compacts and other  
19 forms of regional cooperation;

20 (d) Assist local government in the solution of its problems, to  
21 strengthen local self-government;

22 (e) Study the entire field of local government in New Jersey;

23 (f) Collect, collate, publish and disseminate information  
24 necessary for the effective operation of the department and useful  
25 to local government;

26 (g) Maintain an inventory of data and information and act as a  
27 clearing house and referral agency for information on State and  
28 Federal services and programs;

29 (h) Stimulate local programs through publicity, education,  
30 guidance and technical assistance concerning Federal and State  
31 programs;

32 (i) Convene meetings of municipal, county or other local  
33 officials to discuss ways of cooperating to provide service more  
34 efficiently and economically; **[and]**

35 (j) Maintain and make available on request a list of persons  
36 qualified to mediate or arbitrate disputes between local units of  
37 government arising from joint service projects or other cooperative  
38 activities, and further to prescribe rates of compensation for all such  
39 mediation, factfinding or arbitration services; and

40 (k) Post on the department's website the annual budget and three  
41 immediately preceding adopted budgets of any municipality or  
42 county that does not maintain its own website pursuant to the  
43 requirements of N.J.S.40A:4-10.

44 (cf: P.L.1973, c.208, s.10)

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46 3. This act shall take effect immediately.

STATEMENT

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This bill would require the Department of Community Affairs to post on its website the budget of any municipality or county that does not maintain its own website. The bill also requires that in addition to the current year adopted budget, the local unit’s adopted budgets of the immediately preceding three budget years also shall be provided for public inspection on the local unit’s website, if one exists, or, if one does not exist, those budgets also shall be provided for public inspection on the website of the Department of Community Affairs. Any adopted budget posted online must remain posted online for the duration of the local budget year.

N.J.S.40A:4-10 was amended by P.L.2007, c.63 to require that the adopted budget of a county or of a municipality shall be provided for public inspection on the local unit's website, if one exists. This amendment was adopted in furtherance of making the local budget process transparent for local property taxpayers. However, in the case of a municipality or county that does not maintain a website, a local taxpayer seeking to inspect either the county or municipal budget, or both, would have to travel to the local library to use the printed copy that N.J.S.40A:4-10 requires counties and municipalities to make available there. Such travel may be inconvenient or impossible for some taxpayers, and thereby deprive these persons of an opportunity to examine the adopted local spending plan, or plans, that their property taxes support.

It is the intent of the sponsor that the Department of Community Affairs, which pursuant to the “Local Budget Law,” N.J.S.40A:4-1 et seq., has the statutory obligation to review and approve county and municipal budgets, can and should facilitate the transparency of the local budget process by providing an on-line forum for the posting of the current budget, and three immediately preceding budgets, of any municipality or county that does not have its own website, so that any taxpayer with access to the Internet can review these local budgets on line at any time.