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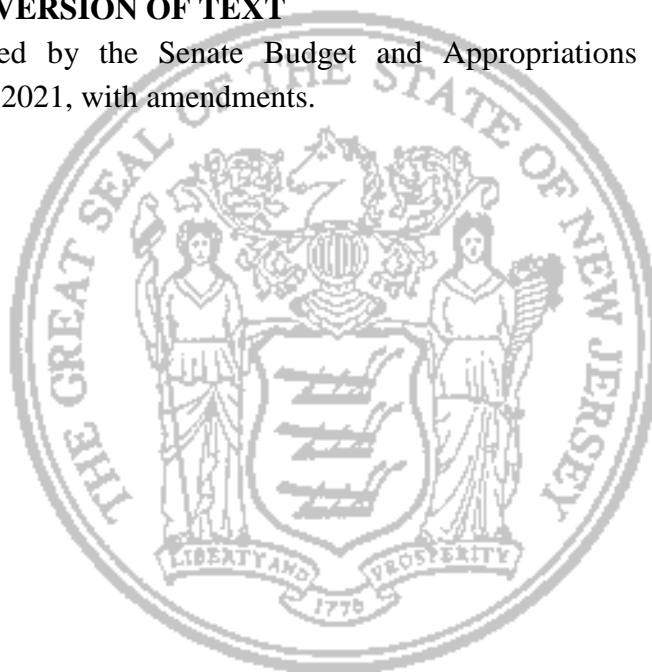
Senator O'Scanlon

SYNOPSIS

Establishes New Jersey Revenue Advisory Board; modifies executive State budget presentation; updates State revenue and expenditure reporting and disclosure requirements; and requires annual State financial stress testing.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on November 8, 2021, with amendments.



(Sponsorship Updated As Of: 11/8/2021)

AN ACT ¹[establishing a joint legislative and executive branch New Jersey Revenue Advisory Board to provide consensus revenue forecasting advice for State budget purposes] reforming the State revenue and expenditure estimating and reporting processes and disclosure requirements and the executive State budget presentation¹, amending P.L.1944, c.112, ¹P.L.1977, c.158,¹ P.L.1995, c.23, and supplementing Title 52 of the Revised Statutes.

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

1. (New section) a. The State Treasurer, ex officio, and the Legislative Budget and Finance Officer, ex officio, shall, together with ¹[a third] four¹ public ¹[member who] members,¹ shall ¹[be jointly selected thereby,]¹ constitute ¹[a] the¹ New Jersey Revenue Advisory Board ¹[that]. The board¹ shall provide the Governor and the Legislature with advisory consensus forecasts of State revenues anticipated to be received by the State during the present and next ¹five fiscal years commencing ¹[fiscal year] thereafter¹ to support annual State appropriations.

b. The public ¹[member] members of the board¹ shall be ¹appointed as follows:

(1) one public member, appointed by the Governor, who shall be a representative of the private sector with relevant business experience or background;

(2) one public member appointed jointly by the leaders of the political party with the largest combined number of members in the Senate and General Assembly and one public member appointed jointly by the leaders of the political party with the second largest combined number of members in the Senate and General Assembly, who shall be a faculty members affiliated with a public or private institution of higher education in this State and who has knowledge, expertise, and practical experience in economic and financial analysis, government finance and fiscal management, or tax policy; and

(3) one public member, jointly appointed by the State Treasurer and the Legislative Budget and Finance Officer, who shall be¹ qualified by education, training¹,¹ or experience related to State tax policy and revenue analysis.

The public ¹[member] members¹ selected shall not be ¹[an individual] individuals¹ who ¹[is] are¹ holding elective office. The public ¹[member] members¹ selected shall each serve for a term of four years and may be reappointed for successive terms. A vacancy in

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 SBA committee amendments adopted November 8, 2021.

1 'the] a' public member position 'of the group]' shall be filled 'by
2 the joint selection of the other members] in the same manner as the
3 original appointment for the remainder of the unexpired term only¹.

4 For purposes of board membership, any vacancy in the Office of the
5 State Treasurer shall be filled by the acting State Treasurer as
6 designated by law by the Governor, and any vacancy in the position of
7 Legislative Budget and Finance Officer shall be filled by the Executive
8 Director of the Office of Legislative Services.

9 c. The New Jersey Revenue Advisory Board shall organize as
10 soon as practicable, but no later than the 10th day 'after the selection
11 of its public member] following the selection of at least the number of
12 members of the board required to constitute a quorum of the entire
13 board¹. The board chairperson shall be '[designated] elected
14 biennially¹ from among its '[ex officio] public' members '[to serve
15 as chairperson on a rotating basis with the State Treasurer serving
16 during the fiscal year commencing July 1, 2020 and during each fiscal
17 year commencing in odd-numbered years and the Legislative Budget
18 and Finance Officer serving as chairperson during fiscal years
19 commencing in even-numbered years]¹. The chairperson shall
20 appoint a secretary who need not be a member of the board.

21 d. The New Jersey Revenue Advisory Board shall convene one or
22 more public hearings at the place or places it designates during the
23 second quarter of each State fiscal year. The board shall receive
24 public testimony and may invite such other participants who, in the
25 judgment of the board, may provide guidance on the current conditions
26 in, and probable outlook for, the performance of the economy of the
27 State, as well as the effect of such conditions and such performance on
28 State revenues.

29 'e. The New Jersey Revenue Advisory Board shall conduct
30 public meetings at the place or places it designates, (1) one of which
31 shall be on or before January 15 of each State fiscal year to adopt the
32 advisory consensus forecasts required pursuant to subsection a. of this
33 section, and (2) one of which shall be on or before May 15 of each
34 State fiscal year to readopt or revise the advisory consensus forecasts
35 required pursuant to subsection a. of this section] Three public
36 meetings shall be conducted on or before January 15 of each State
37 fiscal year. The advisory consensus forecasts required pursuant to
38 subsection a. of this section shall be adopted at a public meeting held
39 on or before January 15 of each State fiscal year. Two additional
40 public meetings shall be conducted on or before May 15 of each State
41 fiscal year. The advisory consensus forecasts required pursuant to
42 subsection a. of this section shall be readopted or revised at a public
43 meeting held on or before May 15 of each State fiscal year¹. The
44 board may meet and hold additional public meetings at the times and
45 in the places as the chairperson deems necessary and appropriate to
46 fulfill the duties of the board^{1,1} including^{1,1} but not limited to^{1,1}

1 providing periodic revisions to previous advisory consensus State
2 revenue estimates. The board shall be entitled to call to its assistance,
3 and avail itself of the services of, the employees of any State
4 department, board, bureau, commission, or agency as it may require
5 and as may be available for its purposes.

6 **'[f.] e.'**¹ The members of the New Jersey Revenue Advisory
7 Board shall serve without compensation, but may be reimbursed for
8 travel and other miscellaneous expenses necessary to perform their
9 duties, within the limits of the funds appropriated or otherwise made
10 available to the board for its purposes or as may be reimbursed by the
11 agency in which the members may serve.

12
13 2. Section 11 of article 3 of P.L.1944, c.112 (C.52:27B-20) is
14 amended to read as follows:

15 11. The Governor shall examine and consider all requests for
16 appropriations, together with the findings and recommendations of
17 the Director of the Division of Budget and Accounting, and shall
18 formulate the Governor's budget recommendations, which shall be
19 presented as a budget message by the Governor during an
20 appearance before a joint session of the Legislature which shall be
21 convened at 12 noon on a date on or before the fourth Tuesday in
22 February in each year.

23 The budget message shall include the proposed complete
24 financial program of the State Government for the next ensuing
25 fiscal year, and shall set forth in columnar form detailed as to each
26 source of anticipated revenue and the purposes to which the
27 recommended appropriations and permissions to spend shall apply
28 for each spending agency in substantially the following form:

29 A. Revenues for the General Fund, other budgeted State
30 revenues, all other dedicated funds, Federal aid funds, and trust
31 funds:

32 (1) An estimate of all balances to be on hand on the first of July
33 next ensuing which are to be available for appropriations, supported
34 by the calculations used in arriving at the estimated figures;

35 (2) An estimate of the anticipated revenues from all sources
36 applicable to the budget period, together with the actual amount
37 earned from each source during the last completed fiscal year, and
38 the estimate of revenues expected to be earned from each source for
39 the current fiscal year.

40 (3) An explanation of any variance of the estimates with respect
41 to item (2) above compared to the advisory consensus forecasts of
42 State revenues prepared by the New Jersey Revenue Advisory
43 Board pursuant to section 1 of P.L. , c. (C.) (pending
44 before the Legislature as this bill).

45 B. (Deleted by amendment, P.L.2003, c.275).

46 C. Appropriations. The total of the appropriations
47 recommended for the ensuing fiscal year in substantially the
48 following form:

1 Detailed Budget:

2 (1) An itemized statement of all appropriation requests and
3 requests for permission to spend from the General State Fund, other
4 budgeted State revenues, other dedicated funds and Federal aid and
5 trust funds;

6 (2) An itemized statement of the amounts recommended by the
7 Governor with respect to item (1) above;

8 (3) An itemized statement of all amounts appropriated and
9 permissions granted for the current fiscal year with respect to item
10 "1" above;

11 (4) An itemized statement of all amounts appropriated and
12 permissions granted for the last preceding fiscal year with respect to
13 item (1) above detailed as to annual and supplemental
14 appropriations, transfers of appropriations, State Emergency Fund
15 allotments, and permission to spend, as the case may be, and
16 showing also total expenditures, reserves, lapses and unencumbered
17 balances;

18 (5) In addition, such other statistical information as may more
19 fully show comparisons and costs of the several departments.
20 (cf: P.L.2003, c.275, s.1)

21

22 ¹3. (New section) The Governor shall, together with the
23 Governor's budget recommendations presented as the budget
24 message by the Governor pursuant to section 11 of article 3 of
25 P.L.1944, c.112 (C.52:27B-20), include in an appendix:

26 a. For the ensuing fiscal year and each of the next four fiscal
27 years following the ensuing fiscal year, a comparison of the
28 recommended appropriation amounts for each fiscal year to the
29 amounts necessary to fulfill all requirements of permanent State
30 statutes. The comparison shall be set forth in column form for the
31 following obligations: (1) State pension system employer
32 contributions; (2) employer contributions for State employee health
33 benefits; (3) State aid for education; (4) State aid to municipalities;
34 (5) the State Medicaid program; (6) State support for hospitals; (7)
35 State support for public institutions of higher education; (8) the
36 Annual Transportation Capital Program; and (9) programs of direct
37 taxpayer property tax relief. The differences, if any, in the amounts
38 required for these programs if the State were to fund all of its
39 obligations under permanent State statutes for these programs shall
40 be stated in a separate column. The comparison of the
41 recommended appropriations to the amounts required to fulfill all
42 requirements of permanent State statutes shall be without taking
43 into account the modifications to those statutes proposed in the
44 Governor's budget recommendation.

45 b. For the ensuing fiscal year and each of the four fiscal years
46 next following the ensuing fiscal year, an itemized statement of the
47 amounts projected by the Governor, with respect to item (2) of
48 subsection C. of section 11 of article 3 of P.L.1944, c.112

1 (C.52:27B-20), adjusted for current services basis budgeting for
2 program specific inflation, previously enacted program expansions
3 and eliminations, and caseload or population changes, accompanied
4 by specific statements of underlying assumptions and methods used
5 to calculate all current services basis amounts. The statement shall
6 include estimates of the amounts necessary to pay principal and
7 interest due on capital projects financed through the issuance of
8 general obligation bonds and appropriations-backed contract bonds
9 issued by independent authorities of the State.¹

10
11 ¹4. (New section) After submission of the Governor's budget
12 message to the Legislature pursuant to section 11 of article 3 of
13 P.L.1944, c.112 (C.52:27B-20), the State Treasurer shall, after the
14 fifth public meeting required by subsection d. of section 1 of
15 P.L. , c. (C.) (pending before the Legislature as this bill),
16 and before May 31 annually, appear before the Legislature's budget
17 committees with a report of any revisions to the estimate of the
18 amount of revenue collected and anticipated to be collected by the
19 State to support appropriations for the current fiscal year and to
20 support appropriations for the ensuing fiscal year as had been
21 provided in the Governor's budget message. If the State Treasurer
22 reports to the committees any downward revisions to these
23 estimates compared to the estimates presented in the Governor's
24 budget recommendations made pursuant to section 11 of article 3 of
25 P.L.1944, c.112 (C.52:27B-20), the State Treasurer shall report
26 therewith any changes in appropriations recommended for the
27 current and next ensuing fiscal year.¹

28
29 ¹[3.] ¹5. (New section) If the certification of revenue by the
30 Governor made upon enactment of the annual appropriations act
31 under the Governor's responsibility under Article VIII, Section II,
32 paragraph 2 of the New Jersey Constitution varies from the latest
33 advisory consensus forecast of State revenues prepared by the New
34 Jersey Revenue Advisory Board pursuant to section 1 of
35 P.L. , c. (C.) (pending before the Legislature as this bill) for
36 the next commencing fiscal year to support annual State
37 appropriations, the Governor shall include with the Governor's
38 certification of revenue an explanation of the reason for any
39 difference.

40
41 ¹6. Section 37 of article 3 of P.L.1944, c.112 (C.52:27B-46) is
42 amended to read as follows:

43 The Director of the Division of Budget and Accounting shall
44 prepare, within 60 days following December 31 and 90 days
45 following the last day in which annual appropriations are available
46 for expenditure during each fiscal year, a complete report showing:

47 a. Balance sheet of all assets and liabilities for all State funds.

1 b. Statement of General State Fund accrued revenues as
2 compared with anticipated revenues.

3 c. Summary report of the General State Fund, Property Tax
4 Relief Fund, Casino Revenue Fund, and other budgeted State funds
5 showing the condition of the appropriations, which shall reflect the
6 original appropriation, supplemental appropriations, appropriated
7 revenue, reappropriations, transfers to and from, allotments from
8 the emergency fund and expenditures made against such
9 appropriations.

10 d. **【Such】** Statement of miscellaneous revenues itemized by
11 department, major sources of budgeted federal aid itemized by
12 department, itemized information on income to the General State
13 Fund and other budgeted State revenues from major dedicated and
14 trust funds, sales and use tax collections by industry sector codes,
15 and such other information as **【he】** the director may deem
16 necessary and proper.

17 **【Such statement】** The report, certified by the director, shall be
18 transmitted forthwith to the Governor, and shall be and remain a
19 public document on file in the office of the director, subject to
20 inspection by any citizen of the State, who shall have the right to
21 make or obtain copies thereof under such reasonable regulations as
22 the director may prescribe. Copies of **【said statement】** the report
23 shall be transmitted at the same time to the President of the Senate,
24 the Speaker of the General Assembly, the **【chairman】** chairs of the
25 respective **【appropriation】** budget committees, the State Treasurer
26 **【and】** , the State Auditor , and the Legislative Budget and Finance
27 Officer. **【In addition the director shall prepare a summarized**
28 **monthly report of the General State Fund no later than 30 days**
29 **following the end of each month which shall reflect the accrued**
30 **revenues as compared with anticipated revenues, itemized by**
31 **revenue source for major taxes, by department for miscellaneous**
32 **revenues, by department for major sources of Federal aid budgeted**
33 **and with information on income to the General State Fund from the**
34 **major dedicated and trust funds. The report shall reflect the**
35 **condition of the appropriations and other such data which the**
36 **director shall determine.】¹**

37 (cf: P.L.1977, c.158, s.1)

38
39 ¹7. (New section) a. The Director of the Division of Budget
40 and Accounting shall prepare and make public, not later than the
41 10th day following the end of each month, a report on the financial
42 condition of the State.

43 b. The report required by subsection a. of this section shall
44 contain the following:

45 (1) a detailed, itemized monthly report of revenues accrued to
46 the General State Fund, Property Tax Relief Fund, and Casino
47 Revenue Fund. The report shall reflect the accrued revenues for the

1 month compared with anticipated revenues for that month, based on
2 the revenue certification by the Governor pursuant to Article VIII,
3 Section II, Paragraph 2 of the State Constitution, or estimates
4 provided pursuant to section 11 of P.L.1944, c.112 (C.52:27B-20)
5 or any revision thereof, and actual revenues for that same month in
6 the prior fiscal year itemized by:

7 (i) revenue source for major taxes, including collections of
8 accrued revenue by separate components of each major tax,
9 including, but not limited to: withholdings, direct payments, and
10 estimated payments of by taxpayers of gross income tax; sales and
11 use tax collections by industry sector codes; tax refund payments
12 reimbursed; and those payments pending reimbursement. The
13 report shall differentiate by collection method, such as by regular
14 periodic taxpayer returns or through regular taxpayer compliance
15 programs and other special efforts;

16 (ii) department for miscellaneous revenues;

17 (iii) department for major sources of federal aid budgeted; and

18 (iv) income source to the General State Fund and other budgeted
19 revenues from the major dedicated and trust funds.

20 (2) a detailed, itemized report of expenditures from the General
21 State Fund, Property Tax Relief Fund, Casino Revenue Fund, other
22 budgeted State revenues, other dedicated funds, federal funds, and
23 trust funds. The report shall reflect actual expenditures as
24 compared with anticipated and estimated expenditures for each
25 spending agency in the categories of Direct State Services, Grants-
26 in-Aid, and State Aid for the prior month and shall include the total
27 amount expended by each spending agency during the fiscal year.
28 The report shall account for any changes in spending agency
29 expenditures that differ from the annual appropriations act and all
30 supplements to the annual appropriations act. The report prepared
31 pursuant to this section shall be published and made public with the
32 report prepared by the director pursuant to subsection a. of this
33 section.

34 (3) an analysis of the State's cash flow including a summary of:

35 (i) all cash receipts received by the General State Fund, Property
36 Tax Relief Fund, Casino Revenue Fund, and all other dedicated
37 funds and trust funds, from all governmental and non-governmental
38 sources, including, but not limited to, interfund transfers and short-
39 term notes issued by the State for cash flow management purposes,
40 during the prior month, and an estimate of the cash receipts to be
41 received during the two months next following the prior month;

42 (ii) all outlays from the General State Fund, Property Tax Relief
43 Fund, Casino Revenue Fund, and all other dedicated funds and trust
44 funds, for each spending agency, stated separately for the categories
45 of Direct State Services, Grants-in-Aid, and State Aid, including,
46 but not limited to, intergovernmental transfers, debt service, capital
47 expenditures, and amounts credited to the Surplus Revenue Fund
48 established pursuant to P.L.1990, c.44 (C.52:9H-14 et seq.), and an

1 estimate of outlays during the two months next following the prior
2 month; and

3 (iii) the estimated undesignated fund balance in the General
4 State Fund, Property Tax Relief Fund, and Casino Revenue Fund.

5 c. Copies of the monthly reports prepared pursuant to this
6 section shall be transmitted at the same time to the President of the
7 Senate, the Speaker of the General Assembly, the chairs of the
8 respective budget committees, the State Treasurer, the State
9 Auditor, and the Legislative Budget and Finance Officer, and shall
10 be posted on the Department of the Treasury's Internet website.¹

11
12 ¹8. (New section) a. The New Jersey Revenue Advisory Board
13 shall annually conduct and report a stress test analysis on the State's
14 ability to maintain services and provide necessary assistance to
15 residents in various economic conditions.

16 b. The stress test analyses required pursuant to this section shall
17 include:

18 (1) long- and short-term projections of major funding sources in
19 various economic conditions, including revenues from major taxes
20 and funding from the federal government;

21 (2) a comparison between projections of major funding sources
22 and historical trends for each of those funding sources in various
23 economic conditions;

24 (3) an analysis of expenditures that are likely to increase or
25 decrease in various economic conditions;

26 (4) an accounting of the State's reserves, including amounts
27 deposited into the "Surplus Revenue Fund," established pursuant to
28 P.L.1990, c.44 (C.52:9H-14 et seq.); and

29 (5) options that the State has to respond to, and lessen the
30 negative impact of, economic recessions.

31 c. The Department of the Treasury and the Office of Legislative
32 Services shall make the report required pursuant to this section
33 publicly accessible on their Internet websites. The stress test
34 analysis shall be included as part of the Governor's required
35 pursuant to section 11 of article 3 of P.L.1944, c.112 (C.52:27B-
36 20).¹

37
38 ¹[4.] ^{9.}¹ Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is
39 amended to read as follows:

40 1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended
41 and supplemented:

42 "Biotechnology" means any technique that uses living
43 organisms, or parts of living organisms, to make or modify
44 products, to improve plants or animals, or to develop micro-
45 organisms for specific uses; including the industrial use of
46 recombinant DNA, cell fusion, and novel bioprocessing techniques.

1 "Custodian of a government record" or "custodian" means in the
2 case of a municipality, the municipal clerk and in the case of any
3 other public agency, the officer officially designated by formal
4 action of that agency's director or governing body, as the case may
5 be.

6 "Government record" or "record" means any paper, written or
7 printed book, document, drawing, map, plan, photograph,
8 microfilm, data processed or image processed document,
9 information stored or maintained electronically or by sound-
10 recording or in a similar device, or any copy thereof, that has been
11 made, maintained or kept on file in the course of his or its official
12 business by any officer, commission, agency or authority of the
13 State or of any political subdivision thereof, including subordinate
14 boards thereof, or that has been received in the course of his or its
15 official business by any such officer, commission, agency, or
16 authority of the State or of any political subdivision thereof,
17 including subordinate boards thereof. The terms shall not include
18 inter-agency or intra-agency advisory, consultative, or deliberative
19 material.

20 A government record shall not include the following information
21 which is deemed to be confidential for the purposes of
22 P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

23 information received by a member of the Legislature from a
24 constituent or information held by a member of the Legislature
25 concerning a constituent, including but not limited to information in
26 written form or contained in any e-mail or computer data base, or in
27 any telephone record whatsoever, unless it is information the
28 constituent is required by law to transmit;

29 any memorandum, correspondence, notes, report or other
30 communication prepared by, or for, the specific use of a member of
31 the Legislature in the course of the member's official duties, except
32 that this provision shall not apply to an otherwise publicly-
33 accessible report which is required by law to be submitted to the
34 Legislature or its members;

35 any copy, reproduction or facsimile of any photograph, negative
36 or print, including instant photographs and videotapes of the body,
37 or any portion of the body, of a deceased person, taken by or for the
38 medical examiner at the scene of death or in the course of a post
39 mortem examination or autopsy made by or caused to be made by
40 the medical examiner except:

41 when used in a criminal action or proceeding in this State which
42 relates to the death of that person,

43 for the use as a court of this State permits, by order after good
44 cause has been shown and after written notification of the request
45 for the court order has been served at least five days before the
46 order is made upon the county prosecutor for the county in which
47 the post mortem examination or autopsy occurred,

1 for use in the field of forensic pathology or for use in medical or
2 scientific education or research, or
3 for use by any law enforcement agency in this State or any other
4 state or federal law enforcement agency;
5 criminal investigatory records;
6 victims' records, except that a victim of a crime shall have access
7 to the victim's own records;
8 any written request by a crime victim for a record to which the
9 victim is entitled to access as provided in this section, including,
10 but not limited to, any law enforcement agency report, domestic
11 violence offense report, and temporary or permanent restraining
12 order;
13 personal firearms records, except for use by any person
14 authorized by law to have access to these records or for use by any
15 government agency, including any court or law enforcement
16 agency, for purposes of the administration of justice;
17 personal identifying information received by the Division of Fish
18 and Wildlife in the Department of Environmental Protection in
19 connection with the issuance of any license authorizing hunting
20 with a firearm. For the purposes of this paragraph, personal
21 identifying information shall include, but not be limited to, identity,
22 name, address, social security number, telephone number, fax
23 number, driver's license number, email address, or social media
24 address of any applicant or licensee;
25 trade secrets and proprietary commercial or financial information
26 obtained from any source. For the purposes of this paragraph, trade
27 secrets shall include data processing software obtained by a public
28 body under a licensing agreement which prohibits its disclosure;
29 any record within the attorney-client privilege. This paragraph
30 shall not be construed as exempting from access attorney or
31 consultant bills or invoices except that such bills or invoices may be
32 redacted to remove any information protected by the attorney-client
33 privilege;
34 administrative or technical information regarding computer
35 hardware, software and networks which, if disclosed, would
36 jeopardize computer security;
37 emergency or security information or procedures for any
38 buildings or facility which, if disclosed, would jeopardize security
39 of the building or facility or persons therein;
40 security measures and surveillance techniques which, if
41 disclosed, would create a risk to the safety of persons, property,
42 electronic data or software;
43 information which, if disclosed, would give an advantage to
44 competitors or bidders;
45 information generated by or on behalf of public employers or
46 public employees in connection with any sexual harassment
47 complaint filed with a public employer or with any grievance filed
48 by or against an individual or in connection with collective

1 negotiations, including documents and statements of strategy or
2 negotiating position;
3 information which is a communication between a public agency
4 and its insurance carrier, administrative service organization or risk
5 management office;
6 information which is to be kept confidential pursuant to court
7 order;
8 any copy of form DD-214, NGB-22, or that form, issued by the
9 United States Government, or any other certificate of honorable
10 discharge, or copy thereof, from active service or the reserves of a
11 branch of the Armed Forces of the United States, or from service in
12 the organized militia of the State, that has been filed by an
13 individual with a public agency, except that a veteran or the
14 veteran's spouse or surviving spouse shall have access to the
15 veteran's own records;
16 any copy of an oath of allegiance, oath of office or any
17 affirmation taken upon assuming the duties of any public office, or
18 that oath or affirmation, taken by a current or former officer or
19 employee in any public office or position in this State or in any
20 county or municipality of this State, including members of the
21 Legislative Branch, Executive Branch, Judicial Branch, and all law
22 enforcement entities, except that the full name, title, and oath date
23 of that person contained therein shall not be deemed confidential;
24 any memorandum, correspondence, notes, report or other
25 communication prepared by, or for the specific use of, a member of
26 the New Jersey Revenue Advisory Board in the course of the
27 board's or board member's consultations, deliberations or official
28 duties as a board member, except that this provision shall not apply
29 to an otherwise publicly accessible report submitted to the New
30 Jersey Revenue Advisory Board or its members, or the advisory
31 consensus State revenue forecasts required by section 1 of
32 P.L. , c. (C.) (pending before the Legislature as this bill)
33 to be prepared and adopted by the board;
34 that portion of any document which discloses the social security
35 number, credit card number, unlisted telephone number or driver
36 license number of any person; except for use by any government
37 agency, including any court or law enforcement agency, in carrying
38 out its functions, or any private person or entity acting on behalf
39 thereof, or any private person or entity seeking to enforce payment
40 of court-ordered child support; except with respect to the disclosure
41 of driver information by the New Jersey Motor Vehicle
42 Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-
43 3.4); and except that a social security number contained in a record
44 required by law to be made, maintained or kept on file by a public
45 agency shall be disclosed when access to the document or
46 disclosure of that information is not otherwise prohibited by State
47 or federal law, regulation or order or by State statute, resolution of
48 either or both houses of the Legislature, Executive Order of the

1 Governor, rule of court or regulation promulgated under the
2 authority of any statute or executive order of the Governor;

3 a list of persons identifying themselves as being in need of
4 special assistance in the event of an emergency maintained by a
5 municipality for public safety purposes pursuant to section 1 of
6 P.L.2017, c.266 (C.40:48-2.67); and

7 a list of persons identifying themselves as being in need of
8 special assistance in the event of an emergency maintained by a
9 county for public safety purposes pursuant to section 6 of
10 P.L.2011, c.178 (C.App.A:9-43.13).

11 A government record shall not include, with regard to any public
12 institution of higher education, the following information which is
13 deemed to be privileged and confidential:

14 pedagogical, scholarly and/or academic research records and/or
15 the specific details of any research project conducted under the
16 auspices of a public higher education institution in New Jersey,
17 including, but not limited to research, development information,
18 testing procedures, or information regarding test participants,
19 related to the development or testing of any pharmaceutical or
20 pharmaceutical delivery system, except that a custodian may not
21 deny inspection of a government record or part thereof that gives
22 the name, title, expenditures, source and amounts of funding and
23 date when the final project summary of any research will be
24 available;

25 test questions, scoring keys and other examination data
26 pertaining to the administration of an examination for employment
27 or academic examination;

28 records of pursuit of charitable contributions or records
29 containing the identity of a donor of a gift if the donor requires non-
30 disclosure of the donor's identity as a condition of making the gift
31 provided that the donor has not received any benefits of or from the
32 institution of higher education in connection with such gift other
33 than a request for memorialization or dedication;

34 valuable or rare collections of books and/or documents obtained
35 by gift, grant, bequest or devise conditioned upon limited public
36 access;

37 information contained on individual admission applications; and

38 information concerning student records or grievance or
39 disciplinary proceedings against a student to the extent disclosure
40 would reveal the identity of the student.

41 "Personal firearms record" means any information contained in a
42 background investigation conducted by the chief of police, the
43 county prosecutor, or the Superintendent of State Police, of any
44 applicant for a permit to purchase a handgun, firearms identification
45 card license, or firearms registration; any application for a permit to
46 purchase a handgun, firearms identification card license, or firearms
47 registration; any document reflecting the issuance or denial of a
48 permit to purchase a handgun, firearms identification card license,

1 or firearms registration; and any permit to purchase a handgun,
2 firearms identification card license, or any firearms license,
3 certification, certificate, form of register, or registration statement.
4 For the purposes of this paragraph, information contained in a
5 background investigation shall include, but not be limited to,
6 identity, name, address, social security number, phone number, fax
7 number, driver's license number, email address, social media
8 address of any applicant, licensee, registrant or permit holder.

9 "Public agency" or "agency" means any of the principal
10 departments in the Executive Branch of State Government, and any
11 division, board, bureau, office, commission or other instrumentality
12 within or created by such department; the Legislature of the State
13 and any office, board, bureau or commission within or created by
14 the Legislative Branch; and any independent State authority,
15 commission, instrumentality or agency. The terms also mean any
16 political subdivision of the State or combination of political
17 subdivisions, and any division, board, bureau, office, commission or
18 other instrumentality within or created by a political subdivision of
19 the State or combination of political subdivisions, and any
20 independent authority, commission, instrumentality or agency
21 created by a political subdivision or combination of political
22 subdivisions.

23 "Law enforcement agency" means a public agency, or part
24 thereof, determined by the Attorney General to have law
25 enforcement responsibilities.

26 "Constituent" means any State resident or other person
27 communicating with a member of the Legislature.

28 "Member of the Legislature" means any person elected or
29 selected to serve in the New Jersey Senate or General Assembly.

30 "Criminal investigatory record" means a record which is not
31 required by law to be made, maintained or kept on file that is held
32 by a law enforcement agency which pertains to any criminal
33 investigation or related civil enforcement proceeding.

34 "Victim's record" means an individually-identifiable file or
35 document held by a victims' rights agency which pertains directly to
36 a victim of a crime except that a victim of a crime shall have access
37 to the victim's own records.

38 "Victim of a crime" means a person who has suffered personal or
39 psychological injury or death or incurs loss of or injury to personal
40 or real property as a result of a crime, or if such a person is
41 deceased or incapacitated, a member of that person's immediate
42 family.

43 "Victims' rights agency" means a public agency, or part thereof,
44 the primary responsibility of which is providing services, including
45 but not limited to food, shelter, or clothing, medical, psychiatric,
46 psychological or legal services or referrals, information and referral
47 services, counseling and support services, or financial services to
48 victims of crimes, including victims of sexual assault, domestic

1 violence, violent crime, child endangerment, child abuse or child
2 neglect, and the Victims of Crime Compensation Board, established
3 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
4 the Victims of Crime Compensation Office pursuant to
5 P.L.2007, c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No.
6 001-2008.
7 (cf: P.L.2019, c.255, s.4)

8
9 ¹**[5.]** 10.¹ This act shall take effect immediately and shall first
10 apply to the fiscal year commencing July 1, ¹**[2020]** 2022¹.