

ASSEMBLY, No. 478

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Peterson, Assemblywoman N.Munoz, Assemblymen Space, Coughlin, Mazzeo, Danielsens, Houghtaling, Assemblywoman Downey, Assemblymen McKeon, Chiaravalloti, Wirths and Assemblywoman Dunn

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: 3/16/2020)

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. The State Treasurer, in consultation with the Chief
41 Technology Officer, shall design, develop, and maintain a single,
42 searchable Internet website that is accessible to the general public
43 without charge and that includes data and information on:

44 (1) annual State agency expenditures, as determined by the State
45 Treasurer and as available within the central accounting system and
46 State payroll system, which shall include but not be limited to:

47 (a) disbursements by a State agency from funds established
48 within the State treasury;

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

1 (g) cited statutory or constitutional authority to issue such
2 bonds.

3 (4) any other data or information specified by the State
4 Treasurer after consulting with and seeking the advice of the Chief
5 Technology Officer and the Public Finance Transparency
6 Committee.

7 b. (1) The public finance website shall include all data and
8 information enumerated in subsection a. of this section for fiscal
9 year 2000 and each 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 that is available in the central
13 accounting and State payroll systems shall be made available on the
14 public finance website as soon as practicable, but not later than 45
15 days after the last day of the preceding fiscal year.

16 (3) The State Treasurer shall develop policies and procedures, in
17 accordance with the provisions of the "Administrative Procedure
18 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to make data and
19 information available from any other source.

20 (4) Notwithstanding any other law to the contrary, the State
21 Treasurer shall not be required to provide data and information on
22 the public finance website that is not available in the central
23 accounting system and the State payroll system at the time of the
24 website's initial implementation.

25 (5) All State agencies are directed to cooperate with the State
26 Treasurer, the Chief Technology Officer, and the Public Finance
27 Transparency Committee in compiling the data and information
28 necessary to comply with the provisions of this act.

29 (6) Nothing in this act shall require the disclosure of
30 information deemed private, personal, or confidential by State or
31 federal law.

32

33 4. a. There is established in the Department of the Treasury the
34 Public Finance Transparency Committee to advise, consult, and
35 coordinate with the State Treasurer and the Chief Technology
36 Officer regarding the scope, content, and format of the public
37 finance website developed to comply with the provisions of section
38 3 of this act.

39 b. The committee shall be comprised of 13 members,
40 including:

41 (1) the State Treasurer or the Treasurer's designee;

42 (2) the Chief Technology Officer or the Officer's designee;

43 (3) the Director of the Division of Budget and Accounting in the
44 Department of the Treasury or the Director's designee;

45 (4) two members who are commissioners, directors, or officers
46 of a State agency, who shall be appointed by the Governor;

47 (5) four members of the general public, two who shall be
48 appointed by the Governor, one who shall be appointed by the

1 President of the Senate, and one who shall be appointed by the
2 Speaker of the General Assembly; and

3 (6) four members of the Legislature, one who shall be appointed
4 by the President of the Senate, one who shall be appointed by the
5 Minority Leader of the Senate, one who shall be appointed by the
6 Speaker of the General Assembly, and one who shall be appointed
7 by the Minority Leader of the General Assembly.

8 c. The committee shall organize as soon as practicable, but no
9 later than the 30th day after the appointment of a majority of its
10 members. The State Treasurer or the Treasurer's designee shall
11 serve as the chairperson of the committee, but the committee shall
12 select a vice-chairperson from among its members and appoint a
13 secretary who need not be a member of the committee.

14 d. Vacancies in the membership of the committee shall be
15 filled in the same manner provided for the original appointments.
16 Eight members of the committee shall constitute a quorum and the
17 affirmative vote of eight members shall be necessary for any action
18 taken by the committee. Any vacancy in membership shall not
19 prohibit the quorum of the committee from exercising its respective
20 rights and its duties.

21 e. The committee may meet at the call of the chair and hold
22 hearings at the times and in the places it deems necessary and
23 appropriate to fulfill its charge. The committee shall be entitled to
24 call to its assistance, and avail itself of the services of, the
25 employees of any State, county, or municipal department, board,
26 bureau, commission, or agency as it may require and as may be
27 available for its purposes.

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

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

33 (1) serve in an advisory capacity to the State Treasurer, who
34 shall from time to time consult with and seek the advice of the
35 committee on matters related to the development and expansion of
36 the public finance website as well as opportunities to make the
37 website more accessible to the general public;

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

45 (3) seek the advice of and receive feedback from the general
46 public, professional associations, State agencies, academic groups
47 and institutions, and individuals with knowledge of and interest in
48 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, except that the
14 website accessibility requirement of section 3 shall not apply until
15 the first business day of the seventh month beginning after the date
16 of enactment.

17
18
19 STATEMENT

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21 This bill, the “Transparency in Government Act,” establishes a
22 State public finance website to provide State residents with a
23 convenient, user-friendly source of information to track State revenues
24 and expenditures and to gauge the State’s overall level of bonded
25 indebtedness.

26 Under the bill, the State Treasurer, in consultation with the Chief
27 Technology Officer of the Office of Information Technology, is
28 required to design, develop, and maintain a single, searchable website
29 that is accessible to the general public without charge, and that
30 includes information on:

31 -- annual State expenditures;

32 -- annual State revenues;

33 -- annual State bonded indebtedness, and

34 -- any other data and information specified by the State Treasurer
35 after consulting with and seeking the advice of the Chief Technology
36 Officer and the Public Finance Transparency Committee established
37 by the bill.

38 The bill provides that the website must include data and
39 information concerning State expenditures, revenues, and bonded
40 indebtedness for fiscal year 2000 and each year thereafter. The bill
41 permits data and information posted on the website to be periodically
42 updated, but prohibits the removal of data and information posted to
43 the site.

44 The bill requires data and information available in the central
45 accounting and State payroll systems to be made available on the
46 website as soon as practicable, but not later than 45 days after the last
47 day of the preceding fiscal year. The bill stipulates that it does not

1 require the disclosure of information deemed, private, personal, or
2 confidential by State or federal law.

3 The bill establishes the Public Finance Transparency Committee
4 within the Department of the Treasury. The bill provides for the
5 committee to be comprised of 13 members, including: (1) the State
6 Treasurer, (1) the Chief Technology Officer, (1) the Director of the
7 Division of Budget and Accounting, (2) two members who are
8 commissioners, directors, or officers of a State agency, (4) four
9 members of the general public, and (4) four members of the
10 Legislature.

11 The bill directs the committee to:

12 -- serve in an advisory capacity to the State Treasurer on matters
13 related to the development and expansion of the website and
14 opportunities to make the website more accessible to the public;

15 -- advise the State Treasurer and Chief Technology Officer on the
16 incorporation of additional data and information into the website, after
17 the site is implemented;

18 -- seek the advice and receive feedback from the public,
19 professional associations, State agencies, academic groups and
20 institutions, and other individuals with knowledge of and interest in
21 areas of public information access, gateways services, add-on services,
22 and electronic information for the general improvement of the website;
23 and

24 -- issue an annual report to the Governor and the Legislature
25 regarding the website.

26 The bill takes effect immediately upon enactment, but provides for
27 section 3 of the bill (concerning the design and development of the
28 website) to not apply until the first business day of the seventh month
29 beginning after the date of enactment.