Sponsored by:
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District 35 (Bergen and Passaic)

SYNOPSIS
Requires Commissioner of Transportation to publish notice of certain transportation-related infrastructure projects and activities on Internet website, and directs State Comptroller to monitor publication of notifications.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning the accountability and transparency of certain federally funded transportation-related infrastructure projects and activities, supplementing Title 27 of the Revised Statutes and P.L.2007, c.52 (C.52:15C-1 et seq.).

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

1. As used in this act:
   “Chief Technology Officer” means the person appointed by and serving at the pleasure of the Governor, in accordance with section 11 of P.L.2007, c.56 (C.52:18A-229), who is responsible for the day-to-day operations of the Office of Information Technology in, but not of, the Department of the Treasury.

   "Control" means authority over the affairs of a business, including, but not limited to, capital investment, property acquisition, employee hiring, contract negotiations, legal matters, officer and director selection, operating responsibility, financial transactions, and the rights of other shareholders or joint partners; except that control shall not include absentee ownership and shall not be deemed to exist if an owner or employee who is not a minority, in the case of a minority business, or a male owner or employee, in the case of a women's business, is disproportionately responsible for the operation of the business or for policy and contractual decisions.

   “Employed” means employed for more than 90 days in a full-time position of employment in which the average hourly rate, excluding benefits and reimbursements, is greater than or equal to 150 percent of the federal minimum wage, and which includes an employee incentive package that provides or allows employees to receive employee health benefits under a group health plan as defined by section 14 of P.L.1997, c.146 (C.17B:27-54), a health benefits plan as defined by section 1 of P.L.1992, c.162 (C.17B:27A-17), or a policy or contract of health insurance covering more than one person issued pursuant to Article 2 of Title 17B of the New Jersey Statutes.


   “Full-time position” means a position filled by an employee for at least 140 hours per month, which does not include seasonal employment.

   “Internet” means the international computer network of both federal and non-federal interoperable packet switched data networks.
“Minority” means a person who is: (1) Black, which is a person having origins in any of the black racial groups in Africa; (2) Hispanic, which is a person of Spanish or Portuguese culture, with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race; (3) Asian-American, which is a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian subcontinent, Hawaii, or the Pacific Islands; or (4) American Indian or Alaskan native, which is a person having origins in any of the original peoples of North America.

"Minority business" means a business which is: (1) a sole proprietorship owned and controlled by a minority; (2) a partnership or joint venture owned and controlled by minorities in which at least 51 percent of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or (3) a corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it, and which is at least 51 percent owned by one or more minorities, or, if stock is issued, at least 51 percent of the stock is owned by one or more minorities.

“State agency” means any of the principal departments in the Executive Branch of State Government and any division, board, bureau, office, commission, or other instrumentality within or created by such principal department, and any independent State authority, commission, instrumentality, or agency.

“State resident” means a person legally domiciled within the State of New Jersey.

“Transportation-related infrastructure project or activity” includes, but shall not be limited to, transportation-related infrastructure investments eligible to receive funding under the provisions of Title XII of the federal “American Recovery and Reinvestment Act of 2009,” Pub.L.111-5 (26 U.S.C. s. 1 (note) et seq.) or any other federal program.

"Woman" or "women" means a female or females, regardless of race.

"Women's business" means a business which is: (1) a sole proprietorship owned and controlled by a woman; (2) a partnership or joint venture owned and controlled by women in which at least 51 percent of the ownership is held by women and the management and daily business operations of which are controlled by one or more women who own it; or (3) a corporation or other entity whose management and daily business operations are controlled by one or more women who own it, and which is at least 51 percent owned by women, or, if stock is issued, at least 51 percent of the stock is owned by one or more women.

2. a. The Commissioner of Transportation, in consultation with the Chief Technology Officer, shall, not later than 30 days after the
effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), design and develop, maintain and operate a single, searchable Internet website with the capacity to retain and display data and information concerning the allocation and spending of federal funds made available to the State for transportation-related infrastructure projects or activities.

b. The Internet website developed in accordance with subsection a. of this section shall:

(1) be accessible through a link prominently displayed on the home page of the official Internet website for the State of New Jersey;
(2) be available without charge for access;
(3) be organized by type of expenditure and State agency associated with the expenditure of federal funds;
(4) provide opportunity for public comment regarding its utility and recommendations for its improvement; and
(5) incorporate links to any other State or federal Internet websites with information regarding transportation-related infrastructure projects or activities.

c. Data and information made available on the Internet website developed in accordance with subsection a. of this section may, at the commissioner’s discretion, be updated or revised periodically.

d. Notwithstanding the provisions of any other law, the Internet website developed in accordance with subsection a. of this section shall not retain or display data or information deemed private or confidential by any State or federal laws, rules, or regulations.

3. a. In addition to the notification and reporting requirements prescribed by the federal “Jobs Accountability Act,” section 1512 of Pub.L.111-5, or by any other State or federal laws, rules, or regulations, the Commissioner of Transportation shall publish, on the Internet website developed in accordance with section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill), notice of each transportation-related infrastructure project or activity, the cost or contract price of which is to be paid with or out of federal funds by or on behalf of a State agency.

b. The notice of a transportation-related infrastructure project or activity published in accordance with subsection a. of this section shall include:

(1) the name and address of the entity responsible for coordinating and conducting the project or activity;
(2) the names of the principal officers and directors of the entity and, if the entity coordinating and conducting the project or activity is a subsidiary of another entity, the name and address of the parent entity and the names of its principal officers and directors;
(3) a description of the project or activity and a statement of its purpose;
(4) the cost or price of the project or activity;
(5) the beginning and termination dates of the project or activity; and
(6) the State agency responsible for administering the federal funds allocated to the project or activity.

c. To monitor minority and women’s business participation and to account for job creation and retention resulting from the allocation and spending of federal funds, the notice of a transportation-related infrastructure project or activity published in accordance with subsection a. of this section shall provide data and information regarding:

(1) whether the entity responsible for coordinating and conducting a transportation-related infrastructure project or activity is certified as a minority business or a women’s business by the Director of the Division of Revenue and Enterprise Services in the Department of the Treasury; and
(2) the number of State residents and the number of women and minorities employed as a result of the project or activity.

d. A notice published in accordance with subsection a. of this section shall be posted on the Internet website developed in accordance with section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill) not later than 30 days after the date federal funds are first allocated by or on behalf of a State agency for a transportation-related infrastructure project or activity.

4. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Transportation may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as may be deemed necessary and appropriate by the commissioner to effectuate the purposes of P.L. , c. (C. ) (pending before the Legislature as this bill), which rules and regulations shall be effective for a period not exceeding 180 days following the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) and may thereafter be amended, adopted, or readopted by the commissioner in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

5. a. In addition to the duties and responsibilities prescribed by P.L.2007, c.52 (C.52:15C-1 et seq.), the State Comptroller shall monitor the Internet website developed in accordance with section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill) and oversee the publication of notifications required in accordance with section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill).

b. The State Comptroller shall provide written notification to the Governor, the President of the Senate, and the Speaker of the General Assembly of any irregularities or inconsistencies identified
by the State Comptroller in the design and development, maintenance and operation of the Internet website designed in accordance with section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill), and shall provide written notification to the Governor, the President of the Senate, and the Speaker of the General Assembly of any failure identified by the State Comptroller to publish notifications required in accordance with section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill).

c. (1) The State Comptroller shall, on or before December 1 of each year in which the Internet website developed in accordance with section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill) is maintained and operated, submit a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature regarding the design and development, maintenance and operation of the Internet website; any irregularities or inconsistencies or failures identified during the previous year; and recommendations, if any, for the improvement of the website or the publication of notifications.

(2) The annual report shall provide data and information concerning the number of State residents and the number of women and minorities employed as a result of federally funded transportation-related infrastructure projects or activities, and the number of entities responsible for coordinating and conducting transportation-related infrastructure projects or activities during the previous year which are certified as a minority business or a women’s business by the Director of the Division of Revenue and Enterprise Services in the Department of the Treasury.

6. This act shall take effect immediately.

STATEMENT

This bill requires the Commissioner of Transportation to publish notice of certain transportation-related infrastructure projects and activities on an Internet website to provide increased accountability and transparency in the allocation and spending of federal funds made available to the State under any federal program for transportation-related infrastructure projects or activities.

Under the bill, the commissioner, in consultation with the Chief Technology Officer in the Office of Information Technology, is required to design and develop, maintain and operate a single, searchable Internet website that has the capacity to retain and display data and information concerning the allocation and spending of federal funds made available to the State for transportation-related infrastructure projects or activities. The bill requires the website to be maintained and operated not later than 30 days after the bill’s effective date, and to be accessible through a link...
prominently displayed on the home page of the official Internet website for the State of New Jersey.

The bill requires the website to be available to the public without charge for access, and to be organized by type of expenditure and State agency associated with the expenditure of federal funds. Additionally, the bill requires the website to allow for public comment, and to incorporate links to other governmental websites for transportation-related infrastructure projects or activities.

The bill requires the commissioner to utilize the website to publish notice of each transportation-related infrastructure project or activity, the cost or contract price of which is to be paid with or out of federal funds by or on behalf of a State agency, not later 30 days after the date the funds are first allocated by or on behalf of a State agency. The bill provides that notices published on the website must include information concerning:

-- the name and address of the entity responsible for coordinating and conducting the project or activity;
-- the names of the principal officers and directors of the entity and, if the entity coordinating and conducting the project or activity is a subsidiary of another entity, the name and address of the parent entity and the names of its principal officers and directors;
-- a description of the project or activity and a statement of its purpose;
-- the cost or price of the project or activity;
-- the beginning and termination dates of the project or activity; and
-- the State agency responsible for administering federal funds allocated to the project or activity.

The bill requires notices published on the website to also include information regarding: whether an entity responsible for coordinating and conducting a project or activity is certified as a minority business or a women’s business by the Director of the Division of Revenue and Enterprise Services in the Department of the Treasury; and the number of State residents and the number of women and minorities employed as a result of the project or activity.

The bill requires the State Comptroller to monitor the website, and to oversee the publication of transportation-related notifications. The bill requires the State Comptroller to provide written notification to the Governor, the President of the Senate, and the Speaker of the General Assembly of any irregularities or inconsistencies identified in the design and development, maintenance and operation of the Internet website, and to provide similar notification of any failure to publish notifications required by the bill.

The bill requires the State Comptroller to issue an annual report on or before December 1 of each year in which the website is
The bill requires the report to include information regarding:

- the design and development, maintenance and operation of the Internet website;
- any irregularities or inconsistencies or failures identified during the course of the previous year; and
- any recommendations for improvement of the website or the publication of notifications.

The bill also requires the annual report to include data and information concerning the number of State residents and the number of women and minorities employed as a result of federally funded transportation-related infrastructure projects or activities, and the total number of entities responsible for coordinating and conducting transportation-related infrastructure projects or activities during the previous calendar year which are certified as a minority business or a women’s business by the director.

The bill authorizes the commissioner to adopt rules and regulations necessary to effectuate the purposes of the bill, and permits the immediate filing of those rules and regulations with the Office of Administrative Law, effective for a period not to exceed 180 days following the bill’s effective date.

The bill takes effect immediately upon enactment.