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An analysis of the on-line transparency of New Jersey's local authorities and commissions / State of New Jersey, Office of the State Comptroller.  
by New Jersey. Office of the State Comptroller.  
[Trenton, N.J.] : New Jersey, Office of the State Comptroller, [2011].

LAW/KR

§1 - C.4:24-20.1  
§2 –  
C.34:15C-15.1  
§3 - C.40:37-11.7  
§4 –  
C.40A:10-38.14  
§5 –  
C.40A:14-70.2  
§7 –  
C.40A:5A-17.1  
§9 - C.40:56A-4.1  
§10 - Note

P.L.2011, CHAPTER 167, *approved January 5, 2012*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, No. 3908

1 AN ACT requiring State, regional, and local authorities, boards, and  
2 commissions to establish a website, and amending and  
3 supplementing various sections of the Statutory Law.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. (New section) The soil conservation district shall maintain  
9 'either' an Internet website 'or a webpage on the municipality's or  
10 county's Internet website'. The purpose of the website 'or  
11 webpage' shall be to provide increased public access to district  
12 operations and activities. The following information, if applicable,  
13 shall be posted on the district's website 'or webpage':

14 a. a description of the district's mission and responsibilities;  
15 b. the budget once adopted for the current and immediately  
16 prior **'[ , and all future ]'** fiscal years ' . Commencing with the fiscal  
17 year next following the effective date of P.L. , c. (C. )  
18 (pending before the Legislature as this bill), the budgets of at least  
19 three consecutive fiscal years shall be available on the website or  
20 webpage';

21 c. the most recent Comprehensive Annual Financial Report or  
22 other similar financial information;

23 d. the annual audit for the most recent and immediately prior  
24 **'[ , and all future ]'** fiscal years ' . Commencing with the fiscal year  
25 next following the effective date of P.L. , c. (C. ) (pending  
26 before the Legislature as this bill), the annual audits of at least three  
27 consecutive fiscal years shall be available on the website or  
28 webpage';

**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:

<sup>1</sup> Assembly floor amendments adopted June 23, 2011.

1 e. the district's rules, regulations, and official policy statements  
2 '[adopted in the current, immediately prior, and all future fiscal  
3 years] deemed relevant by the board of supervisors to the interests  
4 of the residents within the district<sup>1</sup>;

5 f. notice, posted pursuant to the "Senator Byron M. Baer Open  
6 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a  
7 meeting of the board of supervisors '[or any of its committees]<sup>1</sup>,  
8 setting forth the time, date, location, and agenda of the meeting;

9 g. the approved minutes of each meeting of the board including  
10 all resolutions of the board and its committees for the current '[,  
11 immediately prior, and all future]<sup>1</sup> fiscal '[years] year.  
12 Commencing with the fiscal year next following the effective date  
13 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
14 the approved minutes of meetings for at least three consecutive  
15 fiscal years shall be available on the website or webpage<sup>1</sup>;

16 h. the name '[, mailing address, electronic mail address, if  
17 available,<sup>1</sup> and phone number of '[a principal executive officer  
18 having overall responsibility for] every person who exercises day-  
19 to-day supervision or management over some or all of<sup>1</sup> the  
20 operations of the district; and

21 i. a list of '[all full-time and part-time employees of the  
22 district.

23 For the purposes of this section "full- and part-time employees of  
24 the district" shall mean and include, but not be limited to: salaried  
25 employees, hourly employees, professional employees,<sup>1</sup> attorneys,  
26 advisors, consultants, and any other person, firm, business,  
27 partnership, corporation, or other organization which '[receive]  
28 received<sup>1</sup> any remuneration 'of \$17,500 or more during the  
29 preceding fiscal year<sup>1</sup> for any service whatsoever rendered to the  
30 soil conservation district.

31  
32 2. (New section) Each Workforce Investment Board shall  
33 maintain 'either<sup>1</sup> an Internet website 'or a webpage on the county's  
34 Internet website<sup>1</sup>. The purpose of the website 'or webpage<sup>1</sup> shall  
35 be to provide increased public access to the board's operations and  
36 activities. The following information, if applicable, shall be posted  
37 on the board's website 'or webpage<sup>1</sup>:

38 a. a description of the board's mission and responsibilities;

39 b. the budget once adopted for the current and immediately  
40 prior '[, and all future]<sup>1</sup> fiscal years '. Commencing with the fiscal  
41 year next following the effective date of P.L. , c. (C. )  
42 (pending before the Legislature as this bill), the budgets of at least  
43 three consecutive fiscal years shall be available on the website or  
44 webpage<sup>1</sup>;

- 1 c. the most recent Comprehensive Annual Financial Report or  
2 similar financial information;
- 3 d. the annual audit for the most recent '[.] and' immediately  
4 prior '[, and all future]' fiscal years<sup>1</sup>. Commencing with the fiscal  
5 year next following the effective date of P.L. , c. (C. )  
6 (pending before the Legislature as this bill), the annual audits of at  
7 least three consecutive fiscal years shall be available on the website  
8 or webpage';
- 9 e. the board's rules, regulations, and official policy statements  
10 '[adopted in the current, immediately prior, and all future fiscal  
11 years] deemed relevant by the board to the interests of the residents  
12 within the county';
- 13 f. notice, posted pursuant to the "Senator Byron M. Baer Open  
14 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a  
15 meeting of the Workforce Investment Board '[or any of its  
16 committees]', setting forth the time, date, location, and agenda of  
17 the meeting;
- 18 g. the approved minutes including all resolutions of the board  
19 '[of] for' each meeting of the Workforce Investment Board and its  
20 committees for the current '[, immediately prior, and all future]'  
21 fiscal '[years] year. Commencing with the fiscal year next  
22 following the effective date of P.L. , c. (C. ) (pending before  
23 the Legislature as this bill), the approved minutes of meetings for at  
24 least three consecutive fiscal years shall be available on the website  
25 or webpage';
- 26 h. the name '[, mailing address, electronic mail address, if  
27 available,' and phone number of '[a principal executive officer  
28 having overall responsibility for] every person who exercises day-  
29 to-day supervision or management over some or all of' the  
30 operations of the Workforce Investment Board; and
- 31 i. a list of '[all full-time and part-time employees of the  
32 Workforce Investment Board.
- 33 For the purposes of this section "full- and part-time employees of  
34 the Workforce Investment Board" shall mean and include, but not  
35 be limited to: salaried employees, hourly employees, professional  
36 employees, ]' attorneys, advisors, consultants, and any other person,  
37 firm, business, partnership, corporation, or other organization which  
38 '[receive] received' any remuneration 'of \$17,500 or more during  
39 the preceding fiscal year' for any service whatsoever rendered to  
40 the Workforce Investment Board.
- 41
- 42 3. (New section) Any county park commission established  
43 pursuant to the chapter 37 of Title 40 of the Revised Statutes shall  
44 maintain 'either' an Internet website 'or a webpage on the county's  
45 Internet website'. The purpose of the website 'or webpage' shall

- 1 be to provide increased public access to the county park  
2 commission's operations and activities. The following information,  
3 if applicable, shall be posted on the county park commission's  
4 website 'or webpage':
- 5 a. a description of the county park commission's mission and  
6 responsibilities;
- 7 b. the budget once adopted for the current and immediately  
8 prior '[, and all future]' fiscal years '. Commencing with the  
9 fiscal year next following the effective date of P.L. , c. (C. )  
10 (pending before the Legislature as this bill), the budgets of at least  
11 three consecutive fiscal years shall be available on the website or  
12 webpage';
- 13 c. the most recent Comprehensive Annual Financial Report or  
14 other similar financial information;
- 15 d. the annual audit for the most recent '[,] and' immediately  
16 prior '[, and all future]' fiscal years '. Commencing with the  
17 fiscal year next following the effective date of P.L. , c. (C. )  
18 (pending before the Legislature as this bill), the annual audits of at  
19 least three consecutive fiscal years shall be available on the website  
20 or webpage';
- 21 e<sup>1</sup>, ' the county park commission's rules, regulations, and official  
22 policy statements '[adopted in the current, immediately prior, and  
23 all future fiscal years] deemed relevant by the commissioners to the  
24 interests of the residents within the county';
- 25 f. notice, posted pursuant to the "Senator Byron M. Baer Open  
26 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a  
27 meeting of the county park commission '[or any of its  
28 committees]', setting forth the time, date, location, and agenda of  
29 the meeting;
- 30 g. the approved minutes of each meeting of the commission  
31 including all resolutions of the '[board] commission' and its  
32 committees for the current '[, immediately prior, and all future]'  
33 fiscal '[years] year. Commencing with the fiscal year next  
34 following the effective date of P.L. , c. (C. ) (pending before  
35 the Legislature as this bill), the approved minutes of meetings for at  
36 least three consecutive fiscal years shall be available on the website  
37 or webpage';
- 38 h. the name ' , mailing address, electronic mail address, if  
39 available,' and phone number of '[a principal executive officer  
40 having overall responsibility for] every person who exercises day-  
41 to-day supervision or management over some or all of' the  
42 operations of the county park commission; and
- 43 i. a list of '[all full-time and part-time employees of the  
44 county park commission.

1 For the purposes of this section “full- and part-time employees of  
2 the county park commission” shall mean and include, but not be  
3 limited to: salaried employees, hourly employees, professional  
4 employees, <sup>1</sup> attorneys, advisors, consultants, and any other person,  
5 firm, business, partnership, corporation, or other organization which  
6 <sup>1</sup> receive ~~received~~ any remuneration <sup>1</sup> of \$17,500 or more during  
7 the preceding fiscal year <sup>1</sup> for any service whatsoever rendered to  
8 the county park commission.

9  
10 4. (New section) The joint insurance fund shall maintain an  
11 Internet website. The purpose of the website shall be to provide  
12 increased public access to the joint insurance fund’s operations and  
13 activities. The following information, if applicable, shall be posted  
14 on the joint insurance fund’s website:

15 a. a description of the joint insurance fund’s mission and  
16 responsibilities;

17 b. the budget once adopted for the current and immediately  
18 prior <sup>1</sup> [, and all future] <sup>1</sup> fiscal years <sup>1</sup> . Commencing with the fiscal  
19 year next following the effective date of P.L. , c. (C. )  
20 (pending before the Legislature as this bill), the budgets of at least  
21 three consecutive fiscal years shall be available on the website <sup>1</sup>;

22 c. the most recent Comprehensive Annual Financial Report and  
23 the annual independent audit similar financial information;

24 d. the annual independent audit for the most recent fiscal year  
25 and the immediately prior <sup>1</sup> [, and all future] <sup>1</sup> fiscal <sup>1</sup> [years] year.  
26 Commencing with the fiscal year next following the effective date  
27 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
28 the annual audits of at least three consecutive fiscal years shall be  
29 available on the website <sup>1</sup>;

30 e. the joint insurance fund’s official policy statements, bylaws,  
31 risk management plan and cash investment policy plan <sup>1</sup> [for the  
32 current, immediately prior, and all future fiscal years] that are  
33 deemed relevant by the commissioners to the interests of the  
34 residents within the jurisdiction of the fund members <sup>1</sup>;

35 f. notice, posted pursuant to the “Senator Byron M. Baer Open  
36 Public Meetings Act,” P.L.1975, c.231 (C.10:4-6 et seq.), of a  
37 meeting of the insurance fund commissioners <sup>1</sup> [or any of their  
38 committees] <sup>1</sup>, setting forth the time, date, location, and agenda of  
39 the meeting;

40 g. the minutes of each meeting of the insurance fund  
41 commissioners including all resolutions of the commission and their  
42 committees for the current <sup>1</sup> [, immediately prior, and all future] <sup>1</sup>  
43 fiscal year <sup>1</sup> . Commencing with the fiscal year next following the  
44 effective date of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill), the approved minutes of meetings for at

1 least three consecutive fiscal years shall be available on the  
2 website<sup>1</sup>;

3 h. the name <sup>1</sup>, mailing address, electronic mail address, if  
4 available,<sup>1</sup> and phone number of <sup>1</sup>[a principal executive officer  
5 having overall responsibility for] every person who exercises day-  
6 to-day supervision or management over some or all of<sup>1</sup> the  
7 operations of the joint insurance fund; and

8 i. a list of <sup>1</sup>[all full-time and part-time employees of the joint  
9 insurance fund.

10 For the purposes of this section “full- and part-time employees of  
11 the joint insurance fund” shall mean and include, but not be limited  
12 to: salaried employees, hourly employees, professional  
13 employees,<sup>1</sup> attorneys, advisors, consultants, and any other person,  
14 firm, business, partnership, corporation, or other organization which  
15 <sup>1</sup>[receive] received<sup>1</sup> any remuneration <sup>1</sup>of \$17,500 or more during  
16 the preceding fiscal year<sup>1</sup> for any service whatsoever rendered  
17 directly to the joint insurance fund. For the purposes of this section,  
18 “rendered directly to the joint insurance fund” shall not include  
19 claim payments to service providers for services rendered to <sup>1</sup>third  
20 party claimants,<sup>1</sup> individual joint insurance fund members, their  
21 employees, or eligible dependents arising out of claims made under  
22 the benefit plans provided through the joint insurance fund.

23  
24 5. (New section) Any fire district established pursuant to  
25 N.J.S.40A:14-70 shall maintain <sup>1</sup>either<sup>1</sup> an Internet website <sup>1</sup>or a  
26 webpage on the municipality's Internet website<sup>1</sup>. The purpose of  
27 the website <sup>1</sup>or webpage<sup>1</sup> shall be to provide increased public  
28 access to the fire district’s operations and activities. The following  
29 information, if applicable, shall be posted on the fire district’s  
30 website <sup>1</sup>or webpage<sup>1</sup>:

31 a. a description of the fire district’s mission and  
32 responsibilities;

33 b. the budget once adopted for the current and immediately  
34 prior <sup>1</sup>[, and all future]<sup>1</sup> fiscal years <sup>1</sup>. Commencing with the fiscal  
35 year next following the effective date of P.L. , c. (C. )  
36 (pending before the Legislature as this bill), the budgets of at least  
37 three consecutive fiscal years shall be available on the website or  
38 webpage<sup>1</sup>;

39 c. the most recent Comprehensive Annual Financial Report or  
40 similar financial information;

41 d. the annual audit for the most recent <sup>1</sup>[,] and<sup>1</sup> immediately  
42 prior <sup>1</sup>[, and all future]<sup>1</sup> fiscal years <sup>1</sup>. Commencing with the fiscal  
43 year next following the effective date of P.L. , c. (C. )  
44 (pending before the Legislature as this bill), the annual audits of at



1 least three consecutive fiscal years shall be available on the website  
2 or webpage<sup>1</sup>;

3 e. the fire district’s rules, regulations, and official policy  
4 statements <sup>1</sup>[adopted in the current, immediately prior, and all  
5 future fiscal year] deemed relevant by the commissioners to the  
6 interests of the residents within the district<sup>1</sup>;

7 f. notice, posted pursuant to the “Senator Byron M. Baer Open  
8 Public Meetings Act,” P.L.1975, c.231 (C.10:4-6 et seq.), of a  
9 meeting of the board of fire commissioners <sup>1</sup>[or any of their  
10 committees]<sup>1</sup>, setting forth the time, date, location, and agenda of  
11 the meeting;

12 g. the minutes of each meeting of the board of fire  
13 commissioners including all resolutions of the commission and their  
14 committees for the current <sup>1</sup>[, immediately prior, and all future]<sup>1</sup>  
15 fiscal year <sup>1</sup>. Commencing with the fiscal year next following the  
16 effective date of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill), the approved minutes of meetings for at  
18 least three consecutive fiscal years shall be available on the  
19 website<sup>1</sup>;

20 h. the name <sup>1</sup>, mailing address, electronic mail address, if  
21 available,<sup>1</sup> and phone number of <sup>1</sup>[a principal executive officer  
22 having overall responsibility for] every person who exercises day-  
23 to-day supervision or management over some or all of<sup>1</sup> the  
24 operations of fire district; and

25 i. a list of <sup>1</sup>[all full-time and part-time employees of the fire  
26 district.

27 For the purposes of this section “full- and part-time employees of  
28 the fire district” shall mean and include, but not be limited to:  
29 salaried employees, hourly employees, professional employees,<sup>1</sup>  
30 attorneys, advisors, consultants, and any other person, firm,  
31 business, partnership, corporation, or other organization which  
32 <sup>1</sup>[receive] received<sup>1</sup> any remuneration <sup>1</sup>of \$17,500 or more during  
33 the preceding fiscal year<sup>1</sup> for any service whatsoever rendered to  
34 the fire district but shall not include volunteers receiving benefits  
35 under a length of service award program established pursuant to  
36 section 3 of P.L.1997, c.388 (C.40A:14-185).

37  
38 6. Section 4 of P.L.1938, c.67 (C.26:3-86) is amended to read  
39 as follows:

40 4. a. A regional health commission shall arrange annually with  
41 each board of health participating therein as to the nature and  
42 amount of public health services, approved by the Director of  
43 Health of New Jersey, to be furnished by the said commission to  
44 such board of health and the sum to be paid by the board of health  
45 to the commission for such services. It shall report annually to each

1 board of health participating therein, and to the State Department of  
2 Health, regarding its activities for the year.

3 b. The regional health commission shall maintain an Internet  
4 website. The purpose of the website shall be to provide increased  
5 public access to regional health commission's operations and  
6 activities. The following information shall be posted, if applicable,  
7 on the regional health commission's website:

8 (1) a description of the regional health commission's mission  
9 and responsibilities;

10 (2) the budget once adopted for the current and immediately  
11 prior '[ , and all future ]' fiscal years '. Commencing with the fiscal  
12 year next following the effective date of P.L. , c. (C. )  
13 (pending before the Legislature as this bill), the budgets of at least  
14 three consecutive fiscal years shall be available on the website';

15 (3) the most recent Comprehensive Annual Financial Report or  
16 other similar financial information;

17 (4) the annual audit for the most recent '[ , ] and' immediately  
18 prior '[ , and all future ]' fiscal years '. Commencing with the fiscal  
19 year next following the effective date of P.L. , c. (C. )  
20 (pending before the Legislature as this bill), the annual audits of at  
21 least three consecutive fiscal years shall be available on the  
22 website';

23 (5) the regional health commission's rules, regulations, and  
24 official policy statements '[adopted in the current, immediately  
25 prior, and all future fiscal years] deemed relevant by the  
26 commissioners to the interests of the residents within the  
27 jurisdiction of the commission';

28 (6) notice, posted pursuant to the "Senator Byron M. Baer Open  
29 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a  
30 meeting of the board of supervisors '[or any of its committees]',  
31 setting forth the time, date, location, and agenda of the meeting;

32 (7) the minutes of each meeting of the 'commission's' board  
33 including all resolutions of the board and its committees for the  
34 current '[ , immediately prior, and all future ]' fiscal '[years] year.  
35 Commencing with the fiscal year next following the effective date  
36 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
37 the approved minutes of meetings for at least three consecutive  
38 fiscal years shall be available on the website';

39 (8) the name ' , mailing address, electronic mail address, if  
40 available,' and phone number of '[a principal executive officer  
41 having overall responsibility for] every person who exercises day-  
42 to-day supervision or management over some or all of' the  
43 operations of the regional health commission; and

44 (9) a list of '[all full-time and part-time employees of the  
45 regional health commission.

1 For the purposes of this section “full- and part-time employees of  
2 the regional health commission” shall mean and include, but not be  
3 limited to: salaried employees, hourly employees, professional  
4 employees,]’ attorneys, advisors, consultants, and any other person,  
5 firm, business, partnership, corporation, or other organization which  
6 ’[receive] received’ any remuneration ‘of \$17,500 or more during  
7 the preceding fiscal year’ for any service whatsoever rendered to  
8 the regional health commission.

9 (cf: PL.1938, c.67, s.4)

10  
11 7. (New section) Any authority subject to the provisions of  
12 ’[this]’ chapter ‘5A of Title 40A of the New Jersey Statutes’ shall  
13 maintain ‘either’ an Internet website ‘or a webpage on the  
14 municipality’s or county’s Internet website’. The purpose of the  
15 website ‘or webpage’ shall be to provide increased public access to  
16 the authority’s operations and activities. The following  
17 information, if applicable, shall be posted on the authority’s website  
18 ‘or webpage’:

19 (1) a description of the authority’s mission and responsibilities;

20 (2) the budget once adopted for the current ‘[.] and’  
21 immediately prior ‘[., and all future]’ fiscal years ‘. Commencing  
22 with the fiscal year next following the effective date of P.L. ,  
23 c. (C. ) (pending before the Legislature as this bill), the  
24 budgets of at least three consecutive fiscal years shall be available  
25 on the website or webpage’;

26 (3) the most recent Comprehensive Annual Financial Report or  
27 other similar financial information;

28 (4) the annual audit for the most recent ‘[.] and’ immediately  
29 prior ‘[., and all future]’ fiscal years ‘. Commencing with the fiscal  
30 year next following the effective date of P.L. , c. (C. )  
31 (pending before the Legislature as this bill), the annual audits of at  
32 least three consecutive fiscal years shall be available on the website  
33 or webpage’;

34 (5) the authority’s rules, regulations, and official policy  
35 statements ‘[adopted in the current, immediately prior, and all  
36 future fiscal years] deemed relevant by the governing body of the  
37 authority to the interests of the residents within the authority’s  
38 service area or jurisdiction’;

39 (6) notice, posted pursuant to the “Senator Byron M. Baer Open  
40 Public Meetings Act,” P.L.1975, c.231 (C.10:4-6 et seq.), of a  
41 meeting of the authority ‘[or any of its committees]’, setting forth  
42 the time, date, location, and agenda of the meeting;

43 (7) the minutes of each meeting of the authority, including all  
44 resolutions of the board, and its committees, for the current ‘[.,  
45 immediately prior, and all future]’ fiscal ‘[years] year.

1 Commencing with the fiscal year next following the effective date  
2 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
3 the approved minutes of meetings for at least three consecutive  
4 fiscal years shall be available on the website<sup>1</sup>;

5 (8) the name <sup>1</sup>, mailing address, electronic mail address, if  
6 available,<sup>1</sup> and phone number of <sup>1</sup>[a principal executive officer  
7 having overall responsibility for] every person who exercises day-  
8 to-day supervision or management over some or all of<sup>1</sup> the  
9 operations of the authority; and

10 (9) a list of <sup>1</sup>[all full-time and part-time employees of the  
11 authority.

12 For the purposes of this section “full- and part-time employees of  
13 the authority” shall mean and include, but not be limited to: salaried  
14 employees, hourly employees, professional employees,<sup>1</sup> attorneys,  
15 advisors, consultants, and any other person, firm, business,  
16 partnership, corporation, or other organization which <sup>1</sup>[receive]  
17 received<sup>1</sup> any remuneration <sup>1</sup>of \$17,500 or more during the  
18 preceding fiscal year<sup>1</sup> for any service whatsoever rendered to the of  
19 the authority.

20

21 8. Section 8 of P.L.1983, c.303 (C.52:27H-67) is amended to  
22 read as follows:

23 8. a. The governing body of any qualifying municipality may,  
24 by ordinance, create or designate a nonprofit corporation  
25 established pursuant to the provisions of Title 15 of the Revised  
26 Statutes or Title 15A of the New Jersey Statutes to act as the zone  
27 development corporation for the municipality. Any zone  
28 development corporation so created or so designated shall include  
29 on its board of directors representatives of the government of the  
30 qualifying municipality, members of the business community  
31 thereof, and representatives of community organizations in the  
32 municipality, and the total membership of the board of directors  
33 shall be broadly representative of businesses and communities  
34 within the municipality.

35 b. Notwithstanding the provisions of any other law to the  
36 contrary, a zone development corporation shall be considered to be  
37 a local development corporation for the purpose of receiving any  
38 State financial or technical assistance as may be available, and the  
39 creation of a zone development corporation shall not preclude a  
40 qualifying municipality from creating another local development  
41 corporation for the municipality with responsibilities not related to  
42 the enterprise zone, nor preclude that other corporation from  
43 receiving State financial or technical assistance.

44 c. The zone development corporation shall develop and  
45 maintain <sup>1</sup>either<sup>1</sup> an Internet website <sup>1</sup>or a webpage on the  
46 municipality's Internet website<sup>1</sup>. The purpose of the website <sup>1</sup>or

1 webpage<sup>1</sup> shall be to provide increased public access to the zone  
2 development corporation's operations and activities. The following  
3 information, if applicable, shall be posted on the zone development  
4 corporation's website <sup>1</sup>or webpage<sup>1</sup>:

5 (1) a description of the zone development corporation's mission  
6 and responsibilities;

7 (2) the budget once adopted for the current and immediately  
8 prior <sup>1</sup>[, and all future]<sup>1</sup> fiscal years <sup>1</sup>. Commencing with the fiscal  
9 year next following the effective date of P.L. , c. (C. )  
10 (pending before the Legislature as this bill), the budgets of at least  
11 three consecutive fiscal years shall be available on the website or  
12 webpage<sup>1</sup>;

13 (3) The most recent Comprehensive Annual Financial Report or  
14 other similar financial information;

15 (4) the annual audit for the most recent <sup>1</sup>[,] and<sup>1</sup> immediately  
16 prior <sup>1</sup>[, and all future]<sup>1</sup> fiscal years <sup>1</sup>. Commencing with the fiscal  
17 year next following the effective date of P.L. , c. (C. )  
18 (pending before the Legislature as this bill), the annual audits of at  
19 least three consecutive fiscal years shall be available on the website  
20 or webpage<sup>1</sup>;

21 (5) the zone development corporation's 'bylaws,' rules,  
22 regulations, and official policy statements <sup>1</sup>[adopted in the current,  
23 immediately prior, and all future fiscal years] deemed relevant by  
24 the corporation's board to the interests of the residents within the  
25 zone<sup>1</sup>;

26 (6) notice, posted pursuant to the "Senator Byron M. Baer Open  
27 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a  
28 meeting of the zone development corporation <sup>1</sup>[or any of its  
29 committees]<sup>1</sup>, setting forth the time, date, location, and agenda of  
30 the meeting;

31 (7) the minutes of each meeting of the zone development  
32 corporation including all resolutions of the board and its  
33 committees for the current <sup>1</sup>[, immediately prior, and all future]<sup>1</sup>  
34 fiscal <sup>1</sup>[years]<sup>1</sup> year. Commencing with the fiscal year next  
35 following the effective date of P.L. , c. (C. ) (pending before  
36 the Legislature as this bill), the approved minutes of meetings for at  
37 least three consecutive fiscal years shall be available on the  
38 website<sup>1</sup>;

39 (8) the name <sup>1</sup>, mailing address, electronic mail address, if  
40 available,<sup>1</sup> and phone number of <sup>1</sup>[a principal executive officer  
41 having overall responsibility for] every person who exercises day-  
42 to-day supervision or management over some or all of<sup>1</sup> the  
43 operations of the zone development corporation; and

44 (9) a list of <sup>1</sup>[all full-time and part-time employees of the zone  
45 development corporation.

1       For the purposes of this section “full- and part-time employees of  
2 the zone development corporation” shall mean and include, but not  
3 be limited to: salaried employees, hourly employees, professional  
4 employees,]’ attorneys, advisors, consultants, and any other person,  
5 firm, business, partnership, corporation, or other organization which  
6 ’[receive] received’ any remuneration ’of \$17,500 or more during  
7 the preceding fiscal year’ for any service whatsoever rendered to  
8 the zone development corporation.

9 (cf: P.L.1993, c.367, s.4)

10  
11       9. (New section) a. As used in this section:

12       “Environmental authority, board, or commission” means an  
13 authority, board, commission, or other public body authorized by  
14 law to provide water, sewer, or other utility services, or to engage in  
15 the zoning of facilities for, or the planning for, the provision of such  
16 services.

17       “Member” of an authority, board, or commission means a  
18 member of the governing body of that authority, board, or  
19 commission, and includes a person appointed as a member by a  
20 State, county, local, or other governmental official or who holds  
21 membership ex officio.

22       “Regional authority” means:

23       (1) The Passaic Valley Sewerage Commissioners;

24       (2) The North Jersey District Water Supply Commission;

25       (3) The New Jersey Meadowlands Commission;

26       (4) The Passaic Valley Water Commission; and

27       (5) Any environmental authority, board, or commission, not  
28 included among the foregoing, owning real property assets or  
29 providing services in more than one county, including, but not  
30 limited to, those subject to oversight pursuant to the “Local  
31 Authorities Fiscal Control Law,” P.L.1983, c.313 (C.40A:5A-1 et  
32 seq.) or appointed pursuant to R.S.40:62-109 regarding joint water  
33 commissions.

34       “State authority, board, or commission” means ’[any authority,  
35 board, commission, or other public body, independent or otherwise,  
36 authorized by the State through statute or Executive Order] an  
37 independent State authority; any board, commission, or agency that  
38 is organized in but not of a principal department of State  
39 government; and any State authority that is required to submit its  
40 minutes, resolutions, or actions for gubernatorial approval or veto’.

41       b. Any State authority, board, or commission, regional  
42 authority, or environmental authority, board, or commission shall  
43 develop and maintain ’either’ an Internet website ’or a webpage on  
44 the State's, municipality's, or county's Internet website, as  
45 applicable’. The purpose of the website ’or webpage’ shall be to  
46 provide increased public access to the authority, board, or

1 commission's operations and activities. The following information,  
2 if applicable, shall be posted on the website <sup>1</sup>or webpage<sup>1</sup>:

3 (1) a description of the authority, board, or commission's  
4 mission and responsibilities;

5 (2) the budget once adopted for the current <sup>1</sup>[.] and<sup>1</sup>  
6 immediately prior <sup>1</sup>[., and all future]<sup>1</sup> fiscal years <sup>1</sup>. Commencing  
7 with the fiscal year next following the effective date of P.L. \_\_\_\_\_,  
8 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), the  
9 budgets of at least three consecutive fiscal years shall be available  
10 on the website or webpage<sup>1</sup>;

11 (3) the most recent Comprehensive Annual Financial Report or  
12 other similar financial information;

13 (4) the annual audit for the most recent <sup>1</sup>[.] and<sup>1</sup> immediately  
14 prior <sup>1</sup>[., and all future]<sup>1</sup> fiscal <sup>1</sup>[year] years. Commencing with  
15 the fiscal year next following the effective date of P.L. \_\_\_\_\_,  
16 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), the annual  
17 audits of at least three consecutive fiscal years shall be available on  
18 the website or webpage<sup>1</sup>;

19 (5) the authority, board, or commission's rules, regulations, and  
20 official policy statements <sup>1</sup>[adopted in the current, immediately  
21 prior, and all future fiscal year] deemed relevant by the governing  
22 body of the authority, board, or commission to the interests of the  
23 residents within the service area<sup>1</sup>;

24 (6) notice, posted pursuant to the "Senator Byron M. Baer Open  
25 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a  
26 meeting of the authority, board, or commission <sup>1</sup>[or any of its  
27 committees]<sup>1</sup>, setting forth the time, date, location, and agenda of  
28 the meeting;

29 (7) the minutes of each meeting of the authority board, or  
30 commission including all resolutions of the board and its  
31 committees for the current <sup>1</sup>[., immediately prior, and all future]<sup>1</sup>  
32 fiscal year <sup>1</sup>. Commencing with the fiscal year next following the  
33 effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the  
34 Legislature as this bill), the approved minutes of meetings for at  
35 least three consecutive fiscal years shall be available on the  
36 website<sup>1</sup>;

37 (8) the name <sup>1</sup>, mailing address, electronic mail address, if  
38 available,<sup>1</sup> and phone number of <sup>1</sup>[a principal executive officer  
39 having overall responsibility for] every person who exercises day-  
40 to-day supervision or management over some or all of<sup>1</sup> the  
41 operations of the authority, board, or commission; and

42 (9) a list of <sup>1</sup>[all full-time and part-time employees of the  
43 authority, board, or commission.

44 For the purposes of this section "full- and part-time employees of  
45 the authority, board, or commission" shall mean and include, but

1 not be limited to: members of the authority, board, or commission,  
2 salaried employees, hourly employees, professional employees,]<sup>1</sup>  
3 attorneys, advisors, consultants, and any other person, firm,  
4 business, partnership, corporation, or other organization which  
5 <sup>1</sup>[receives] received<sup>1</sup> any remuneration <sup>1</sup>of \$17,500 or more during  
6 the preceding fiscal year<sup>1</sup> for any service whatsoever rendered to  
7 the authority, board, or commission.

8

9 10. This act shall take effect on the first day of the <sup>1</sup>[fourth]  
10 thirteenth<sup>1</sup> month next following enactment.

11

12

13

14

15 Requires State, regional, and local authorities, boards, and  
16 commissions to establish an Internet website and post information  
17 related to each entity's mission, finances, meetings, and employees.



# ASSEMBLY, No. 3908

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 14, 2011

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Implements recommendations of State Comptroller's report analyzing the on-line transparency of local authorities and commissions.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT requiring local authorities and commissions to establish an  
2 Internet website and amending and supplementing various parts  
3 of the statutory law.

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

7  
8 1. (New section) The soil conservation district shall maintain  
9 an Internet website. The purpose of the website shall be to provide  
10 increased public access to district operations and activities. The  
11 following information shall be posted on the district's website:

- 12 a. a description of the district's mission and responsibilities;  
13 b. the adopted budget for the current fiscal year and three  
14 preceding fiscal years;  
15 c. the most recent Comprehensive Annual Financial Report or  
16 other similar financial information;  
17 d. the annual audit for the most recent fiscal year and three  
18 preceding fiscal years;  
19 e. the district's rules, regulations, resolutions, and official  
20 policy statements;  
21 f. notice, posted at least five business days prior to a meeting  
22 of the board of supervisors or any of its committees, setting forth  
23 the time, date, location, and agenda of the meeting;  
24 g. the approved minutes of each meeting of the board and its  
25 committees; and  
26 h. the name and phone number of a principal executive officer  
27 having overall responsibility for the operations of the district.

28  
29 2. (New section) Each Workforce Investment Board shall  
30 maintain an Internet website. The purpose of the website shall be to  
31 provide increased public access to the board's operations and  
32 activities. The following information shall be posted on the board's  
33 website:

- 34 a. a description of the board's mission and responsibilities;  
35 b. the adopted budget for the current fiscal year and three  
36 preceding fiscal years;  
37 c. the most recent Comprehensive Annual Financial Report or  
38 similar financial information;  
39 d. the annual audit for the most recent fiscal year and three  
40 preceding fiscal years;  
41 e. the board's rules, regulations, resolutions, and official policy  
42 statements;  
43 f. notice, posted at least five business days prior to a meeting  
44 of the Workforce Investment Board or any of its committees, setting  
45 forth the time, date, location, and agenda of the meeting;

**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 g. the approved minutes of each meeting of the Workforce  
2 Investment Board and its committees; and

3 h. the name and phone number of a principal executive officer  
4 having overall responsibility for the operations of the Workforce  
5 Investment Board.

6  
7 3. (New section) Any county park commission established  
8 pursuant to the chapter 37 of Title 40 of the Revised Statutes shall  
9 maintain an Internet website. The purpose of the website shall be to  
10 provide increased public access to the county park commission's  
11 operations and activities. The following information shall be posted  
12 on the county park commission's website:

13 a. a description of the county park commission's mission and  
14 responsibilities;

15 b. the adopted budget for the current fiscal year and three  
16 preceding fiscal years;

17 c. the most recent Comprehensive Annual Financial Report or  
18 other similar financial information;

19 d. the annual audit for the most recent fiscal year and three  
20 preceding fiscal years;

21 e. the district's rules, regulations, resolutions, and official  
22 policy statements;

23 f. notice, posted at least five business days prior to a meeting  
24 of the county park commission or any of its committees, setting  
25 forth the time, date, location, and agenda of the meeting;

26 g. the approved minutes of each meeting of the commission  
27 and its committees; and

28 h. the name and phone number of a principal executive officer  
29 having overall responsibility for the operations of the county park  
30 commission.

31  
32 4. (New section) The joint insurance fund shall maintain an  
33 Internet website. The purpose of the website shall be to provide  
34 increased public access to the joint insurance fund's operations and  
35 activities. The following information shall be posted on the joint  
36 insurance fund's website:

37 a. a description of the joint insurance fund's mission and  
38 responsibilities;

39 b. the adopted budget for the current fiscal year and three  
40 preceding fiscal years;

41 c. the most recent Comprehensive Annual Financial Report or  
42 similar financial information;

43 d. the annual audit for the most recent fiscal year and three  
44 preceding fiscal years;

45 e. the joint insurance fund's rules, regulations, resolutions, and  
46 official policy statements;

1 f. notice, posted at least five business days prior to a meeting  
2 of the insurance fund commissioners or any of their committees,  
3 setting forth the time, date, location, and agenda of the meeting;

4 g. the minutes of each meeting of the insurance fund  
5 commissioners and their committees; and

6 h. the name and phone number of a principal executive officer  
7 having overall responsibility for the operations of the joint  
8 insurance fund.

9  
10 5. (New section) Any fire district established pursuant to  
11 N.J.S.40A:14-70 shall maintain an Internet website. The purpose of  
12 the website shall be to provide increased public access to the fire  
13 district's operations and activities. The following information shall  
14 be posted on the fire district's website:

15 a. a description of the fire district's mission and  
16 responsibilities;

17 b. the adopted budget for the current fiscal year and three  
18 preceding fiscal years;

19 c. the most recent Comprehensive Annual Financial Report or  
20 similar financial information;

21 d. the annual audit for the most recent fiscal year and three  
22 preceding fiscal years;

23 e. the fire district's rules, regulations, resolutions, and official  
24 policy statements;

25 f. notice, posted at least five business days prior to a meeting  
26 of the board of fire commissioners or any of their committees,  
27 setting forth the time, date, location, and agenda of the meeting;

28 g. the approved minutes of each meeting of the board of fire  
29 commissioners and their committees; and

30 h. the name and phone number of a principal executive officer  
31 or raking elected official having overall responsibility for the  
32 operations of fire district.

33  
34 6. Section 4 of P.L.1938, c.67 (C.26:3-86) is amended to read  
35 as follows:

36 4. a. A regional health commission shall arrange annually with  
37 each board of health participating therein as to the nature and  
38 amount of public health services, approved by the Director of  
39 Health of New Jersey, to be furnished by the said commission to  
40 such board of health and the sum to be paid by the board of health  
41 to the commission for such services. It shall report annually to  
42 each board of health participating therein, and to the State  
43 Department of Health, regarding its activities for the year.

44 b. The regional health commission shall maintain an Internet  
45 website. The purpose of the website shall be to provide increased  
46 public access to regional health commission's operations and  
47 activities. The following information shall be posted on the  
48 regional health commission's website:

- 1       (1) a description of the agency's mission and responsibilities;
- 2       (2) the adopted budget for the current fiscal year and three
- 3 preceding fiscal years;
- 4       (3) the most recent Comprehensive Annual Financial Report or
- 5 other similar financial information;
- 6       (4) the annual audit for the most recent fiscal year and three
- 7 preceding fiscal years;
- 8       (5) the district's rules, regulations, resolutions, and official
- 9 policy statements;
- 10       (6) notice, posted at least five business days prior to a meeting
- 11 of the board of supervisors or any of its committees, setting forth
- 12 the time, date, location, and agenda of the meeting;
- 13       (7) the approved minutes of each meeting of the board and its
- 14 committees; and
- 15       (8) the name and phone number of a principal executive officer
- 16 having overall responsibility for the operations of the regional
- 17 health commission.

18 (cf: PL.1938, c.67, s.4)

19

20       7. Section 5 of P.L.1983, c.313 (C.40A:5A-5) is amended to

21 read as follows:

22       5. a. The Local Finance Board shall, within 60 days of its

23 receipt of an application pursuant to section 4 of **[this act]**

24 P.L.1983, c.313 (C.40A:5A-4), approve in writing the creation of

25 the proposed authority if it shall determine that the creation of the

26 proposed authority is an efficient and feasible means of providing

27 and financing this project or projects, given the needs of, and the

28 financial burdens to be placed upon, the inhabitants of the local unit

29 or units.

30       If the application is not disapproved within 60 days of its

31 submission to the Local Finance Board, it shall be deemed to be

32 approved, and the local unit or units may proceed to adopt the

33 proposed ordinance or resolution. If the Local Finance Board shall

34 not approve the creation of the authority, it shall specify in writing

35 the reason or reasons therefor, and shall file its statement with the

36 clerk or clerks of the local unit or units. A local unit shall not

37 adopt any ordinance or resolution which is disapproved by the

38 Local Finance Board within the 60 days, but may resubmit the

39 application to the board with such changes as the local unit deems

40 appropriate, and the review and approval of the resubmitted

41 application shall be subject to the limitations set forth above.

42       b. Any authority subject to the provisions of this chapter shall

43 maintain an Internet website. The purpose of the website shall be to

44 provide increased public access to the authority's operations and

45 activities. The following information shall be posted on the

46 authority's website:

- 47       (1) a description of the authority's mission and responsibilities;

- 1       (2) the adopted budget for the current fiscal year and three  
2 preceding fiscal years;
- 3       (3) the most recent Comprehensive Annual Financial Report or  
4 other similar financial information;
- 5       (4) the annual audit for the most recent fiscal year and three  
6 preceding fiscal years;
- 7       (5) the authority's rules, regulations, resolutions, and official  
8 policy statements;
- 9       (6) notice, posted at least five business days prior to a meeting  
10 of the authority or any of its committees, setting forth the time,  
11 date, location, and agenda of the meeting;
- 12       (7) the approved minutes of each meeting of the authority and  
13 its committees; and
- 14       (8) the name and phone number of a principal executive officer  
15 having overall responsibility for the operations of the authority.  
16 (cf: P.L.1983, c.313, s.5)

17  
18       8. Section 8 of P.L.1983, c.303 (C.52:27H-67) is amended to  
19 read as follows:

20       8. a. The governing body of any qualifying municipality may,  
21 by ordinance, create or designate a nonprofit corporation  
22 established pursuant to the provisions of Title 15 of the Revised  
23 Statutes or Title 15A of the New Jersey Statutes to act as the zone  
24 development corporation for the municipality. Any zone  
25 development corporation so created or so designated shall include  
26 on its board of directors representatives of the government of the  
27 qualifying municipality, members of the business community  
28 thereof, and representatives of community organizations in the  
29 municipality, and the total membership of the board of directors  
30 shall be broadly representative of businesses and communities  
31 within the municipality.

32       b. Notwithstanding the provisions of any other law to the  
33 contrary, a zone development corporation shall be considered to be  
34 a local development corporation for the purpose of receiving any  
35 State financial or technical assistance as may be available, and the  
36 creation of a zone development corporation shall not preclude a  
37 qualifying municipality from creating another local development  
38 corporation for the municipality with responsibilities not related to  
39 the enterprise zone, nor preclude that other corporation from  
40 receiving State financial or technical assistance.

41       c. The zone development corporation shall develop and  
42 maintain an Internet website. The purpose of the website shall be to  
43 provide increased public access to the zone development  
44 corporation's operations and activities. The following information  
45 shall be posted on the zone development corporation's website:

- 46       (1) a description of the zone development corporation's mission  
47 and responsibilities;

- 1       (2) the adopted budget for the current fiscal year and three  
2 preceding fiscal years;  
3       (3) the most recent Comprehensive Annual Financial Report or  
4 other similar financial information;  
5       (4) the annual audit for the most recent fiscal year and three  
6 preceding fiscal years;  
7       (5) the zone development corporation's rules, regulations,  
8 resolutions and official policy statements;  
9       (6) notice, posted at least five business days prior to a meeting  
10 of the zone development corporation or any of its committees,  
11 setting forth the time, date, location, and agenda of the meeting;  
12       (7) the approved minutes of each meeting of the zone  
13 development corporation and its committees; and  
14       (8) the name and phone number of a principal executive officer  
15 having overall responsibility for the operations of the zone  
16 development corporation.

17 (cf: P.L.1993, c.367, s.4)

18

19       9. This act shall take effect immediately.

20

21

22

#### STATEMENT

23

24       This legislation would implement changes to State laws  
25 recommended by the Office of the State Comptroller in its report  
26 entitled, "An Analysis of the On-Line Transparency of New  
27 Jersey's Local Authorities and Commissions." The State  
28 Comptroller's report identified 587 local agencies in New Jersey  
29 with independent fiscal authority responsibility for the expenditure  
30 of public funds. The agencies subject to the State Comptroller's  
31 review were local authorities and commissions, fire districts,  
32 housing authorities, joint insurance funds, workforce investment  
33 boards, soil conservation districts, urban enterprise zone  
34 development corporations, regional health commissions, and county  
35 parks commissions.

36       The report indicates that even when local agencies establish  
37 websites, those websites often lack basic and significant  
38 information about the operations and fiscal affairs of local  
39 commissions and authorities. According to the State Comptroller's  
40 report, about 377 of local agencies have established a web presence.  
41 Of these agencies, only 15 posted a Comprehensive Annual  
42 Financial Report or other similar information on their website.  
43 Only 8% of these agencies post the schedule, agendas, and minutes  
44 of their public meetings, 53% make one of those three documents  
45 available, and the remaining 40% do not post any meeting  
46 information. Only 7 of 587 local authorities and commissions  
47 satisfied all of the transparency measures tested as part of the State  
48 Comptroller's analysis.

1 This bill requires all local authorities and commissions to  
2 maintain an Internet website for the purpose of providing increased  
3 public access to each entity's operations and activities. The  
4 following information must be posted on each website:  
5 1) a description of the entity's mission and responsibilities;  
6 2) the adopted budget for the current fiscal year and three  
7 preceding fiscal years;  
8 3) the most recent Comprehensive Annual Financial Report or  
9 other similar financial information;  
10 4) the annual audit for the most recent fiscal year and three  
11 preceding fiscal years;  
12 5) the entity's rules, regulations, resolutions, and official policy  
13 statements;  
14 6) notice, posted at least five business days prior to a meeting  
15 of the entity's governing body or any of its committees, setting  
16 forth the time, date, location, and agenda of the meeting;  
17 7) the approved minutes of each meeting of the governing body  
18 and its committees; and  
19 8) the name and phone number of a principal executive officer  
20 having overall responsibility for the operations of the entity.



ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 3908

**STATE OF NEW JERSEY**

DATED: JUNE 13, 2011

The Assembly Housing and Local Government Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 3908

The Committee Substitute for A3908 would require all State, regional, environmental, and local authorities, boards and commissions to maintain an Internet website for the purpose of providing increased public access to each entity's operations and activities. The following information must be posted on each website if it is compiled by the authority, board or commission:

- 1) a description of the entity's mission and responsibilities;
- 2) the adopted budget for the current, immediately prior, and all future fiscal years;
- 3) the most recent Comprehensive Annual Financial Report or other similar financial information;
- 4) the annual audit for the current, immediately prior, and all future fiscal years;
- 5) the entity's rules, regulations, and official policy statements;
- 6) notice, posted pursuant to the Open Public Meetings Act of a meeting of the entity's governing body or any of its committees, setting forth the time, date, location, and agenda of the meeting;
- 7) the approved minutes of each meeting of the governing body and its committees for the current, immediately prior, and all future fiscal years;
- 8) the name and phone number of a principal executive officer having overall responsibility for the operations of the entity; and
- 9) a list of all full-time and part-time employees of the entity.

For the purposes of the substitute bill, "full- and part-time employees" shall mean and include but not be limited to: salaried employees, hourly employees, professional employees, attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which receive any remuneration for any service whatsoever rendered to each specific local authority, board or commission.

The committee substitute for A3908 makes the bill identical to S2765 (1R).

STATEMENT TO

**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY No. 3908**

Assembly Floor Amendments  
(Proposed by Assemblymen DeANGELO and BENSON)

ADOPTED: JUNE 23, 2011

These floor amendments are intended to permit certain of the affected public entities to create a webpage on another governmental entity's Internet website instead of creating a whole new website. The amendments also allow the principals of an affected public entity to use their discretion in determining which rules, regulations, and policies to post on their website or webpage, in order to avoid the posting of purely technical materials that do not further the goals of transparency and of sensitive materials dealing with ongoing litigation and facility security. The materials that should be posted are those rules, regulations, and policies that are relevant to the interests of the population served by the governmental entity, including salary information. The identities of individuals and organizations receiving money from the governmental entity is narrowed to those attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year. Section 4, concerning joint insurance funds, is amended to clarify that services "rendered directly to the joint insurance fund" shall not include claim payments to service providers for services rendered to third party claimants. The definition for "State authority, board, or commission" in section 9 is amended, at the request of the Governor's Office, to ensure it would not apply to parts of the Executive Branch, such as Counsel's Office. Finally, the effective date of the bill was extended from about three months to about 12 months to give the entities enough time to prepare for these new posting requirements.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, No. 3908**  
**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

DATED: JUNE 27, 2011

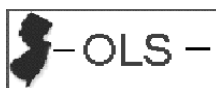
**SUMMARY**

- Synopsis:** Requires State, regional, and local authorities, boards, and commissions to establish an Internet website and post information related to each entity’s mission finances, meetings, and employees.
- Type of Impact:** Indeterminate potential increase in costs to State, regional, and local authorities, boards, and commissions.
- Agencies Affected:** State, regional, and local authorities, boards, and commissions.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	Indeterminate Potential Increase – See comments below		
<b>Local Cost</b>	Indeterminate Potential Increase – See comments below		

- The Office of Legislative Services (OLS) notes that the enactment of the Assembly Committee Substitute for Assembly Bill No. 3908 may result in an indeterminate increase in State and local government costs. State, regional, or local authorities, board or commissions will experience an increase in costs if they have to establish a website or update a current website in order to satisfy the requirements of the bill.
- The cost of creating a new Internet website can vary depending on its size and complexity. Websites that utilize a basic design and can be maintained by in-house staff can cost as little as \$1,000. More complex websites that include search engine optimization features and sophisticated graphics can cost several thousands of dollars more.
- To the extent that a State authority, board, or commission website is maintained by the Office of Information Technology (OIT), that entity may experience an increase in costs because the agency may be charged additional fees by the OIT for services associated with the construction of a new website or the updating of a current website in order to ensure its compliance with the bill.



## **BILL DESCRIPTION**

The Assembly Committee Substitute for Assembly Bill No. 3908 of 2011 would require all State, regional, environmental, and local authorities, boards, and commissions to maintain an Internet website for the purpose of providing increased public access to each entity's operations and activities. The following information must be posted on each website if it is compiled by the authority, board or commission:

- 1) a description of the entity's mission and responsibilities;
- 2) the adopted budget for the current, immediately prior, and all future fiscal years;
- 3) the most recent Comprehensive Annual Financial Report or other similar financial information;
- 4) the annual audit for the current, immediately prior, and all future fiscal years;
- 5) the entity's rules, regulations, and official policy statements;
- 6) notice, posted pursuant to the "Senator Byron M. Baer Open Public Meetings Act" of a meeting of the entity's governing body or any of its committees, setting forth the time, date, location, and agenda of the meeting;
- 7) the approved minutes of each meeting of the governing body and its committees for the current, immediately prior, and all future fiscal years;
- 8) the name and phone number of a principal executive officer having overall responsibility for the operations of the entity; and
- 9) a list of all full-time and part-time employees of the entity.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that the enactment of the Assembly Committee Substitute for Assembly Bill No. 3908 may result in an indeterminate increase in State and local government costs. A State, regional, or local authority, board, or commission will experience an increase in costs if it has to establish a website or add information to its website in order to meet the requirements of the bill. The OLS research has found that the cost of updating a current website or creating a new website varies, depending on a variety of factors, including the size of the website, the amount of content to be placed on the website, the level of sophistication with regard to the website's design, and whether or not an agency decides to create and maintain the website itself or contract with a web development company for these services.

If an agency chooses to purchase a domain name, use a basic website design, and procure hosting for the website that can be managed by an on-site information technology professional, the cost for the new website can be as little as \$1,000. A web development company could charge \$2,500 or more to design the website and require the payment of additional fees for registration, hosting, and the posting of additional information to the website, such as meeting minutes and financial audits, as it becomes available. Some website designs, such as a content management system, require the services of a professional developer for installation and maintenance, but also allow additional information to be posted by staff with little or no computer programming skills. Therefore, some agencies may incur larger-up front costs

associated with the development of their websites and fewer expenses over the medium-and long-term as employees learn how to operate the system.

The sponsor's statement to Assembly Bill No. 3908 noted that the bill sought to implement recommendations issued by the Office of the State Comptroller after it reviewed the level of transparency local agencies provide to the public regarding their operations and finances. Data in the report indicate that about two-thirds of those entities subject to the Comptroller's review, as well as many State authorities, already have their own website or their own webpage that is part of a larger government website. An OLS review of a sampling of these websites has found that many local agencies already meet some of the requirements of the bill because they post either some or all of the required information. It is possible that they may incur either fewer or no additional costs because their compliance may only require the posting of additional documents on their website or webpage.

Finally, the OLS notes that the OIT oversees the technology infrastructure for the Executive Branch of State government. The OIT provides a variety of services to Executive Departments and agencies, including application development and infrastructure, consulting, network planning and support, production services, security, and web development. To the extent that a State authority, board or commission website is maintained by the OIT, that agency may experience an increase in costs because the agency may be charged additional fees by the OIT for services associated with the construction of a new website or the updating of a current website in order to ensure its compliance with the bill.

*Section: Local Government*

*Analyst: Scott A. Brodsky  
Senior Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 3908**

**STATE OF NEW JERSEY**

**214th LEGISLATURE**

DATED: JULY 6, 2011

## SUMMARY

- Synopsis:** Requires State, regional, and local authorities, boards, and commissions to establish an Internet website and post information related to each entity's mission finances, meetings, and employees.
- Type of Impact:** Indeterminate increase in costs to State, regional, and local authorities, boards and commissions.
- Agencies Affected:** State, regional, and local authorities, boards, and commissions.

### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate Potential Increase – See comments below		
<b>Local Cost</b>	Indeterminate Potential Increase – See comments below		

- The Office of Legislative Services (OLS) notes that the enactment of the First Reprint to the Assembly Committee Substitute for Assembly Bill No. 3908 may result in an indeterminate increase in State and local government costs. State, regional, or local authorities, boards, or commissions will experience an increase in costs if they have to establish a website or webpage, or update a current webpage or website, in order to satisfy the requirements of the bill.
- The cost of creating a new Internet website can vary depending on its size and complexity. Websites that utilize a basic design and can be maintained by in-house staff can cost as little as \$1,000. More complex websites that include search engine optimization features and sophisticated graphics can cost several thousands of dollars more.
- By permitting the webpage option, the First Reprint is intended to reduce the amount of any increased cost under the ACS version of the bill. The costs associated with creating a new webpage on an existing county or municipal website are likely to be less than those that are

associated with establishing a new website because the website design and hosting have already been procured.

- To the extent that a State authority, board, or commission website is maintained by the Office of Information Technology (OIT), that entity may experience an increase in costs because it may be charged additional fees by the OIT for services associated with the construction of a new webpage or website or the updating of a current webpage or website in order to ensure its compliance with the bill.

## **BILL DESCRIPTION**

As amended, the Assembly Committee Substitute for Assembly Bill No. 3908 would require all State, regional, environmental, and local authorities, boards, and commissions to maintain an Internet website or a webpage on a State, county, or municipal website for the purpose of providing increased public access to each entity's operations and activities. The following information must be posted on each website or webpage if it is compiled by the authority, board, or commission:

- 1) a description of the entity's mission and responsibilities;
- 2) the budget for the current, immediately prior, and all future fiscal years;
- 3) the most recent Comprehensive Annual Financial Report or other similar financial information;
- 4) the annual audit for the most recent and immediately prior fiscal years;
- 5) the rules, regulations, and official policy statements deemed relevant to the population serviced by the governmental entity;
- 6) notice, posted pursuant to the "Senator Byron M. Baer Open Public Meetings Act" of a meeting of the entity's governing body setting forth the time, date, location, and agenda of the meeting;
- 7) the approved minutes of each meeting of the governing body and its committees for the current fiscal year;
- 8) the name, mailing address, electronic mail address, if available, and phone number of every person who exercises day-to-day supervision or management over some or all of the operations of the entity; and
- 9) a list of attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year from the entity.

The First Reprint of the Assembly Committee Substitute would not take effect until the first day of the thirteenth month next following enactment. Beginning in the fiscal year next following the effective date of the legislation, the website must also contain the budgets of at least three consecutive fiscal years; the annual audits of at least three consecutive fiscal years; and the approved minutes of meetings for at least three consecutive fiscal years.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The enactment of the First Reprint to the Assembly Committee Substitute for Assembly Bill No. 3908 may result in an indeterminate increase in State and local government costs. A State, regional, or local authority, board, or commission will experience an increase in costs if it has to establish a webpage, website, or add information to either its webpage or website in order to meet the requirements of the bill. OLS research has found that the cost of updating a current webpage or website or creating a new webpage website varies depending on a variety of factors, including the size of the webpage or website, the amount of content to be placed on the webpage or website, the level of sophistication with regard to the design of the webpage or website, and whether or not an agency decides to create and maintain the webpage or website itself or contract with a web development company for these services.

If an agency chooses to purchase a domain name, use a basic website design, and procure hosting for the website that can be managed by an existing on-site information technology professional, the cost for the new website can be as little as \$1,000. A web development company could charge \$2,500 or more to design the website and then require the payment of additional fees for registration, hosting, and the posting of additional information to the website, such as meeting minutes and financial audits, as it becomes available. Some website designs, such as a content management system, require the services of a professional developer for installation and maintenance, but also allow additional information to be posted by staff with little or no computer programming skills. Therefore, some agencies may incur larger-up front costs associated with the development of their websites and fewer expenses over the medium- and long-term as employees learn how to operate the system. The costs associated with creating a new webpage on an existing State, county, or municipal website are likely less than those that are associated with establishing a new website because the website design and hosting have already been procured.

The sponsor's statement to Assembly Bill No. 3908 noted that the bill sought to implement recommendations issued by the Office of the State Comptroller after it reviewed the level of transparency local agencies provide to the public regarding their operations and finances. Data in the report indicate that about two-thirds of those entities subject to the Comptroller's review, as well as many State authorities, already have their own website or their own webpage that is part of a larger government website. An OLS review of a sampling of these websites has found that many local agencies already meet some of the requirements of the bill because they post either some or all of the required information. It is possible that they may incur either fewer or no additional costs because their compliance may only require the posting of additional documents on their website or webpage.

Finally, the OLS notes that the OIT oversees the technology infrastructure for the Executive Branch of State government. The OIT provides a variety of services to Executive Departments and agencies, including application development and infrastructure, consulting, network planning and support, production services, security, and web development. To the extent that a State authority, board or commission webpage or website is maintained by the OIT, that agency may experience an increase in costs because the agency may be charged additional fees by the OIT for services associated with the construction of a new website or the updating of a current webpage or website in order to ensure its compliance with the bill.



*Section: Local Government*

*Analyst: Scott A. Brodsky  
Senior Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE, No. 2765

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 10, 2011

**Sponsored by:**

**Senator JENNIFER BECK**

**District 12 (Mercer and Monmouth)**

**Senator BARBARA BUONO**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senators Rice and Van Drew**

**SYNOPSIS**

Requires local authorities and commissions to establish an Internet website and post information related to each entity's mission, finances, meetings, and employees.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/13/2011)**

1 AN ACT requiring local authorities to establish a website, and  
2 amending and supplementing various sections of the New Jersey  
3 Statutes.

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

7  
8 1. (New section) The soil conservation district shall maintain  
9 an Internet website. The purpose of the website shall be to provide  
10 increased public access to district operations and activities. The  
11 following information shall be posted on the district's website:

- 12 a. a description of the district's mission and responsibilities;  
13 b. the adopted budget for the current fiscal year and three  
14 preceding fiscal years;  
15 c. the most recent Comprehensive Annual Financial Report or  
16 other similar financial information;  
17 d. the annual audit for the most recent fiscal year and three  
18 preceding fiscal years;  
19 e. the district's rules, regulations, resolutions, and official  
20 policy statements;  
21 f. notice, posted at least five business days prior to a meeting  
22 of the board of supervisors or any of its committees, setting forth  
23 the time, date, location, and agenda of the meeting;  
24 g. the approved minutes of each meeting of the board and its  
25 committees;  
26 h. the name and phone number of a principal executive officer  
27 having overall responsibility for the operations of the district; and  
28 i. a list of all full-time and part-time employees of the district.

29 For the purposes of this section "full- and part-time employees of  
30 the district" shall mean and include, but not be limited to: salaried  
31 employees, hourly employees, professional employees, attorneys,  
32 advisors, consultants, and any other person, firm, business,  
33 partnership, corporation, or other organization which receive any  
34 remuneration for any service whatsoever rendered to the soil  
35 conervation district.

36  
37 2. (New section) Each Workforce Investment Board shall  
38 maintain an Internet website. The purpose of the website shall be to  
39 provide increased public access to the board's operations and  
40 activities. The following information shall be posted on the board's  
41 website:

- 42 a. a description of the board's mission and responsibilities;  
43 b. the adopted budget for the current fiscal year and three  
44 preceding fiscal years;

**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 c. the most recent Comprehensive Annual Financial Report or
- 2 similar financial information;
- 3 d. the annual audit for the most recent fiscal year and three
- 4 preceding fiscal years;
- 5 e. the board's rules, regulations, resolutions, and official policy
- 6 statements;
- 7 f. notice, posted at least five business days prior to a meeting
- 8 of the Workforce Investment Board or any of its committees, setting
- 9 forth the time, date, location, and agenda of the meeting;
- 10 g. the approved minutes of each meeting of the Workforce
- 11 Investment Board and its committees;
- 12 h. the name and phone number of a principal executive officer
- 13 having overall responsibility for the operations of the Workforce
- 14 Investment Board; and
- 15 i. a list of all full-time and part-time employees of the
- 16 Workforce Investment Board.

17 For the purposes of this section "full- and part-time employees of  
18 the Workforce Investment Board" shall mean and include, but not  
19 be limited to: salaried employees, hourly employees, professional  
20 employees, attorneys, advisors, consultants, and any other person,  
21 firm, business, partnership, corporation, or other organization which  
22 receive any remuneration for any service whatsoever rendered to  
23 the Workforce Investment Board.

24  
25 3. (New section) Any county park commission established  
26 pursuant to the chapter 37 of Title 40 of the Revised Statutes shall  
27 maintain an Internet website. The purpose of the website shall be to  
28 provide increased public access to the county park commission's  
29 operations and activities. The following information shall be posted  
30 on the county park commission's website:

- 31 a. a description of the county park commission's mission and
- 32 responsibilities;
- 33 b. the adopted budget for the current fiscal year and three
- 34 preceding fiscal years;
- 35 c. the most recent Comprehensive Annual Financial Report or
- 36 other similar financial information;
- 37 d. the annual audit for the most recent fiscal year and three
- 38 preceding fiscal years;
- 39 e. the district's rules, regulations, resolutions, and official
- 40 policy statements;
- 41 f. notice, posted at least five business days prior to a meeting
- 42 of the county park commission or any of its committees, setting
- 43 forth the time, date, location, and agenda of the meeting;
- 44 g. the approved minutes of each meeting of the commission
- 45 and its committees;
- 46 h. the name and phone number of a principal executive officer
- 47 having overall responsibility for the operations of the county park
- 48 commission; and

1 i. a list of all full-time and part-time employees of the county  
2 park commission.

3 For the purposes of this section “full- and part-time employees of  
4 the county park commission” shall mean and include, but not be  
5 limited to: salaried employees, hourly employees, professional  
6 employees, attorneys, advisors, consultants, and any other person,  
7 firm, business, partnership, corporation, or other organization which  
8 receive any remuneration for any service whatsoever rendered to  
9 the county park commission.

10

11 4. (New section) The joint insurance fund shall maintain an  
12 Internet website. The purpose of the website shall be to provide  
13 increased public access to the joint insurance fund’s operations and  
14 activities. The following information shall be posted on the joint  
15 insurance fund’s website:

16 a. a description of the joint insurance fund’s mission and  
17 responsibilities;

18 b. the adopted budget for the current fiscal year and three  
19 preceding fiscal years;

20 c. the most recent Comprehensive Annual Financial Report or  
21 similar financial information;

22 d. the annual audit for the most recent fiscal year and three  
23 preceding fiscal years;

24 e. the joint insurance fund’s rules, regulations, resolutions, and  
25 official policy statements;

26 f. notice, posted at least five business days prior to a meeting  
27 of the insurance fund commissioners or any of their committees,  
28 setting forth the time, date, location, and agenda of the meeting;

29 g. the minutes of each meeting of the insurance fund  
30 commissioners and their committees;

31 h. the name and phone number of a principal executive officer  
32 having overall responsibility for the operations of the joint  
33 insurance fund; and

34 i. a list of all full-time and part-time employees of the joint  
35 insurance fund.

36 For the purposes of this section “full- and part-time employees of  
37 the joint insurance fund” shall mean and include, but not be limited  
38 to: salaried employees, hourly employees, professional employees,  
39 attorneys, advisors, consultants, and any other person, firm,  
40 business, partnership, corporation, or other organization which  
41 receive any remuneration for any service whatsoever rendered to  
42 the joint insurance fund.

43

44 5. (New section) Any fire district established pursuant to  
45 N.J.S.40A:14-70 shall maintain an Internet website. The purpose of  
46 the website shall be to provide increased public access to the fire  
47 district’s operations and activities. The following information shall  
48 be posted on the fire district’s website:

- 1 a. a description of the fire district's mission and
- 2 responsibilities;
- 3 b. the adopted budget for the current fiscal year and three
- 4 preceding fiscal years;
- 5 c. the most recent Comprehensive Annual Financial Report or
- 6 similar financial information;
- 7 d. the annual audit for the most recent fiscal year and three
- 8 preceding fiscal years;
- 9 e. the fire district's rules, regulations, resolutions, and official
- 10 policy statements;
- 11 f. notice, posted at least five business days prior to a meeting
- 12 of the board of fire commissioners or any of their committees,
- 13 setting forth the time, date, location, and agenda of the meeting;
- 14 g. the minutes of each meeting of the board of fire
- 15 commissioners and their committees;
- 16 h. the name and phone number of a principal executive officer
- 17 or raking elected official having overall responsibility for the
- 18 operations of fire district; and
- 19 i. a list of all full-time and part-time employees of the fire
- 20 district.

21 For the purposes of this section "full- and part-time employees of  
22 the fire district" shall mean and include, but not be limited to:  
23 salaried employees, hourly employees, professional employees,  
24 attorneys, advisors, consultants, and any other person, firm,  
25 business, partnership, corporation, or other organization which  
26 receive any remuneration for any service whatsoever rendered to  
27 the fire district but shall not include volunteers receiving benefits  
28 under a length of service award program established pursuant to  
29 section 3 of P.L.1997, c.388 (C.40A:14-185).

30  
31 6. Section 4 of P.L.1938, c.67 (C.26:3-86) is amended to read  
32 as follows:

33 4. a. A regional health commission shall arrange annually with  
34 each board of health participating therein as to the nature and  
35 amount of public health services, approved by the Director of  
36 Health of New Jersey, to be furnished by the said commission to  
37 such board of health and the sum to be paid by the board of health  
38 to the commission for such services. It shall report annually to each  
39 board of health participating therein, and to the State Department of  
40 Health, regarding its activities for the year.

41 b. The regional health commission shall maintain an Internet  
42 website. The purpose of the website shall be to provide increased  
43 public access to regional health commission's operations and  
44 activities. The following information shall be posted on the  
45 regional health commission's website:

- 46 (1) a description of the agency's mission and responsibilities;
- 47 (2) the adopted budget for the current fiscal year and three  
48 preceding fiscal years;

- 1       (3) the most recent Comprehensive Annual Financial Report or  
2 other similar financial information;  
3       (4) the annual audit for the most recent fiscal year and three  
4 preceding fiscal years;  
5       (5) the district's rules, regulations, resolutions, and official  
6 policy statements;  
7       (6). notice, posted at least five business days prior to a meeting  
8 of the board of supervisors or any of its committees, setting forth  
9 the time, date, location, and agenda of the meeting;  
10       (7) the minutes of each meeting of the board and its committees;  
11       (8) the name and phone number of a principal executive officer  
12 having overall responsibility for the operations of the regional  
13 health commission; and  
14       (9) a list of all full-time and part-time employees of the regional  
15 health commission.

16       For the purposes of this section "full- and part-time employees of  
17 the regional health commission" shall mean and include, but not be  
18 limited to: salaried employees, hourly employees, professional  
19 employees, attorneys, advisors, consultants, and any other person,  
20 firm, business, partnership, corporation, or other organization which  
21 receive any remuneration for any service whatsoever rendered to  
22 the regional health commission.

23 (cf: PL.1938, c.67, s.4)

24  
25       7. Section 5 of P.L.1983, c.313 (C.40A:5A-5) is amended to  
26 read as follows:

27       5. The Local Finance Board shall, within 60 days of its receipt  
28 of an application pursuant to section 4 of **[this act]** P.L.1983, c.313  
29 (C.40A:5A-4), approve in writing the creation of the proposed  
30 authority if it shall determine that the creation of the proposed  
31 authority is an efficient and feasible means of providing and  
32 financing this project or projects, given the needs of, and the  
33 financial burdens to be placed upon, the inhabitants of the local unit  
34 or units.

35       If the application is not disapproved within 60 days of its  
36 submission to the Local Finance Board, it shall be deemed to be  
37 approved, and the local unit or units may proceed to adopt the  
38 proposed ordinance or resolution. If the Local Finance Board shall  
39 not approve the creation of the authority, it shall specify in writing  
40 the reason or reasons therefor, and shall file its statement with the  
41 clerk or clerks of the local unit or units. A local unit shall not adopt  
42 any ordinance or resolution which is disapproved by the Local  
43 Finance Board within the 60 days, but may resubmit the application  
44 to the board with such changes as the local unit deems appropriate,  
45 and the review and approval of the resubmitted application shall be  
46 subject to the limitations set forth above.

47       Any authority subject to the provisions of this chapter shall  
48 maintain an Internet website. The purpose of the website shall be to

1 provide increased public access to the authority's operations and  
2 activities. The following information shall be posted on the  
3 authority's website:

- 4 (1) a description of the authority's mission and responsibilities;  
5 (2) the adopted budget for the current fiscal year and three  
6 preceding fiscal years;  
7 (3) the most recent Comprehensive Annual Financial Report or  
8 other similar financial information;  
9 (4) the annual audit for the most recent fiscal year and three  
10 preceding fiscal years;  
11 (5) the authority's rules, regulations, resolutions, and official  
12 policy statements;  
13 (6) notice, posted at least five business days prior to a meeting  
14 of the authority or any of its committees, setting forth the time,  
15 date, location, and agenda of the meeting;  
16 (7) the minutes of each meeting of the authority and its  
17 committees;  
18 (8) the name and phone number of a principal executive officer  
19 having overall responsibility for the operations of the authority; and  
20 (9) a list of all full-time and part-time employees of the  
21 authority.

22 For the purposes of this section "full- and part-time employees of  
23 the authority" shall mean and include, but not be limited to: salaried  
24 employees, hourly employees, professional employees, attorneys,  
25 advisors, consultants, and any other person, firm, business,  
26 partnership, corporation, or other organization which receive any  
27 remuneration for any service whatsoever rendered to the authority.

28 (cf: P.L.1983, c.313, s.5)

29

30 8. Section 8 of P.L.1983, c.303 (C.52:27H-67) is amended to  
31 read as follows:

32 8. a. The governing body of any qualifying municipality may,  
33 by ordinance, create or designate a nonprofit corporation  
34 established pursuant to the provisions of Title 15 of the Revised  
35 Statutes or Title 15A of the New Jersey Statutes to act as the zone  
36 development corporation for the municipality. Any zone  
37 development corporation so created or so designated shall include  
38 on its board of directors representatives of the government of the  
39 qualifying municipality, members of the business community  
40 thereof, and representatives of community organizations in the  
41 municipality, and the total membership of the board of directors  
42 shall be broadly representative of businesses and communities  
43 within the municipality.

44 b. Notwithstanding the provisions of any other law to the  
45 contrary, a zone development corporation shall be considered to be  
46 a local development corporation for the purpose of receiving any  
47 State financial or technical assistance as may be available, and the  
48 creation of a zone development corporation shall not preclude a



1 qualifying municipality from creating another local development  
2 corporation for the municipality with responsibilities not related to  
3 the enterprise zone, nor preclude that other corporation from  
4 receiving State financial or technical assistance.

5 c. The zone development corporation shall develop and  
6 maintain an Internet website. The purpose of the website shall be to  
7 provide increased public access to the zone development  
8 corporation's operations and activities. The following information  
9 shall be posted on the zone development corporation's website:

10 (1) a description of the zone development corporation's mission  
11 and responsibilities;

12 (2) the adopted budget for the current fiscal year and three  
13 preceding fiscal years;

14 (3) the most recent Comprehensive Annual Financial Report or  
15 other similar financial information;

16 (4) the annual audit for the most recent fiscal year and three  
17 preceding fiscal years;

18 (5) the zone development corporation's rules, regulations,  
19 resolutions, and official policy statements;

20 (6) notice, posted at least five business days prior to a meeting  
21 of the zone development corporation or any of its committees,  
22 setting forth the time, date, location, and agenda of the meeting;

23 (7) the minutes of each meeting of the zone development  
24 corporation and its committees;

25 (8) the name and phone number of a principal executive officer  
26 having overall responsibility for the operations of the zone  
27 development corporation; and

28 (9) a list of all full-time and part-time employees of the zone  
29 development corporation.

30 For the purposes of this section "full- and part-time employees of  
31 the zone development corporation" shall mean and include, but not  
32 be limited to: salaried employees, hourly employees, professional  
33 employees, attorneys, advisors, consultants, and any other person,  
34 firm, business, partnership, corporation, or other organization which  
35 receive any remuneration for any service whatsoever rendered to  
36 the zone development corporation.

37 (cf: P.L.1993, c.367, s.4)

38  
39 9. This act shall take effect immediately.  
40  
41

42 STATEMENT  
43

44 This legislation would implement changes to State laws  
45 recommended by the Office of the State Comptroller in its report  
46 entitled, "An Analysis of the On-Line Transparency of New  
47 Jersey's Local Authorities and Commissions." The Comptroller's  
48 report identified 587 local agencies in New Jersey with independent

1 fiscal authority responsibility for the expenditure of public funds.  
2 The agencies subject to the Comptroller's review were local  
3 authorities and commissions, fire districts, housing authorities, joint  
4 insurance funds, workforce investment boards, soil conservation  
5 districts, urban enterprise zone development corporations, regional  
6 health commissions, and county parks commissions.

7 The report indicates that even when local agencies establish  
8 websites, those websites often lack basic and significant  
9 information about the operations and fiscal affairs of local  
10 commissions and authorities. According to the Comptroller's  
11 report, about 377 of local agencies have established a web presence.  
12 Of these agencies, only 15 posted a Comprehensive Annual  
13 Financial Report or other similar information on their website.  
14 Only 8% of these agencies post the schedule, agendas, and minutes  
15 of their public meetings, 53% make one of those three documents  
16 available, and the remaining 40% do not post any meeting  
17 information.

18 This bill requires all local authorities and commissions to  
19 maintain an Internet website for the purpose of providing  
20 increased public access to each entity's operations and activities.  
21 The following information must be posted on each website:

- 22 1) a description of the entity's mission and responsibilities;
- 23 2) the adopted budget for the current fiscal year and three  
24 preceding fiscal years;
- 25 3) the most recent Comprehensive Annual Financial Report or  
26 other similar financial information;
- 27 4) the annual audit for the most recent fiscal year and three  
28 preceding fiscal years;
- 29 5) the entity's rules, regulations, resolutions, and official policy  
30 statements;
- 31 6) notice, posted at least five business days prior to a meeting  
32 of the entity's governing body or any of its committees, setting  
33 forth the time, date, location, and agenda of the meeting;
- 34 7) the approved minutes of each meeting of the governing body  
35 and its committees;
- 36 8) the name and phone number of a principal executive officer  
37 having overall responsibility for the operations of the entity; and  
38 9) a list of all full-time and part-time employees of the entity.

39 For the purposes of this bill, "full- and part-time employees"  
40 shall mean and include but not be limited to: salaried employees,  
41 hourly employees, professional employees, attorneys, advisors,  
42 consultants, and any other person, firm, business, partnership,  
43 corporation, or other organization which receive any remuneration  
44 for any service whatsoever rendered to each specific local authority  
45 or commission.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 2765**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 12, 2011

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 2765.

This bill, as amended by the committee, requires all State, regional, environmental, and local authorities, boards and commissions to maintain and Internet website for the purpose of providing increased public access to each entity's operations and activities. The following information must be posted on each website if it is compiled by the authority, board or commission:

- 1) a description of the entity's mission and responsibilities;
- 2) the adopted budget for the current, immediately prior, and all future fiscal years;
- 3) the most recent Comprehensive Annual Financial Report or other similar financial information;
- 4) the annual audit for the current, immediately prior, and all future fiscal years;
- 5) the entity's rules, regulations, and official policy statements;
- 6) notice, posted pursuant to the Open Public Meetings Act of a meeting of the entity's governing body or any of its committees, setting forth the time, date, location, and agenda of the meeting;
- 7) the approved minutes of each meeting of the governing body and its committees for the current, immediately prior, and all future fiscal years;
- 8) the name and phone number of a principal executive officer having overall responsibility for the operations of the entity; and
- 9) a list of all full-time and part-time employees of the entity.

For the purposes of this amended bill, "full- and part-time employees" shall mean and include but not be limited to: salaried employees, hourly employees, professional employees, attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which receive any remuneration for any service whatsoever rendered to each specific local authority or commission.

The committee amended the bill to expand the internet posting requirement to all State, regional, and environmental authorities, boards, and commissions. The committee amendments also provide

that the public entities post the current and immediately prior fiscal years financial information. The committee amendments require the public entity to post any meeting notice required under the “Senator Byron M. Baer Open Public Meetings Act.” The committee amendments clarify that a joint insurance fund is not required to post confidential medical information on the website. The committee amendments provide a delayed effective date of three months. Finally, the committee amendments clarify that an authority, board, or commission need only post information which is applicable to the public entity. A public entity is not required to implement new audits or reports as a result of this bill.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 2765

### STATE OF NEW JERSEY 214th LEGISLATURE

DATED: JUNE 2, 2011

#### SUMMARY

- Synopsis:** Requires State, regional, and local authorities, boards, and commissions to establish an Internet website and post information related to each entity's mission, finances, meetings, and employees.
- Type of Impact:** Indeterminate potential increase in costs to State, regional, and local authorities, boards, and commissions.
- Agencies Affected:** State, regional, and local authorities, boards, and commissions.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate Potential Increase – See comments below		
<b>Local Cost</b>	Indeterminate Potential Increase – See comments below		

- The Office of Legislative Services (OLS) notes that the enactment of Senate Bill No. 2765 (1R) of 2011 may result in an indeterminate increase in State and local government costs. State, regional, or local authorities, boards, or commissions will experience an increase in costs if they have to establish a website or update their current website in order to satisfy the requirements of the bill.
- The cost of creating a new Internet website can vary depending on its size and complexity. Websites that utilize a basic design and can be maintained by in-house staff can cost as little as \$1,000. More complex websites that include search engine optimization features and sophisticated graphics can cost several thousands of dollars more.
- To the extent that a State authority, board, or commission website is maintained by the Office of Information Technology (OIT), that entity may experience an increase in costs because the agency may be charged additional fees by the OIT for services associated with the construction of a new website or the updating of a current website in order to ensure its compliance with the bill.

## **BILL DESCRIPTION**

Senate Bill No. 2765 (1R) of 2011 requires all State, regional, environmental, and local authorities, boards, and commissions to maintain an Internet website for the purpose of providing increased public access to each entity's operations and activities. The following information must be posted on each website if it is compiled by the authority, board or commission:

- 1) a description of the entity's mission and responsibilities;
- 2) the adopted budget for the current, immediately, prior, and all future fiscal years;
- 3) the most recent Comprehensive Annual Financial Report or other similar financial information;
- 4) the annual audit for the current, immediately prior, and all future fiscal years;
- 5) the entity's rules, regulations, and official policy statements;
- 6) notice, posted pursuant to the Open Public Meetings Act of a meeting of the entity's governing body or any of its committees, setting forth the time, date, location, and agenda of the meeting;
- 7) the approved minutes of each meeting of the governing body and its committees for the current, immediately prior, and all future fiscal years;
- 8) the name and phone number of a principal executive officer having overall responsibility for the operations of the entity; and
- 9) a list all full-time and part-time employees of the entity.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that the enactment of Senate Bill No. 2765 (1R) may result in an indeterminate increase in State and local government costs. A State, regional, or local authority, board, or commission will experience an increase in costs if it has to establish a website or add information to its website in order to meet the requirements of the bill. The OLS research has found that the cost of updating a current website or creating a new website varies, depending on a variety of factors, including the size of the website, the amount of content to be placed on the website, the level of sophistication with regard to the website's design, and whether or not an agency decides to create and maintain the website itself or contract with a web development company for these services.

If an agency chooses to purchase a domain name, use a basic website design, and procure hosting for the website that can be managed by an on-site information technology professional, the cost of the new website can be as little as \$1,000. A web development company could charge \$2,500 or more to design the website and require the payment of additional fees for registration, hosting, and the posting of additional information to website, such as meeting minutes and financial audits, as it becomes available. Some website designs, such as a content management system, require the services of a professional developer for installation and maintenance, but also allow additional information to be posted by staff with little or no computer programming skills. Therefore, some governmental entities may incur larger up-front

costs associated with the development of their website and fewer expenses over the medium- and long-term as employees learn how to operate the system.

The sponsor's statement to Senate Bill No. 2765 noted that the bill seeks to implement recommendations issued by the Office of the State Comptroller after it reviewed the level of transparency local agencies provide to the public regarding their operations and finances. Data in the report indicate that about two-thirds of those entities subject to the Comptroller's review, as well as many State authorities, already have their own website or a webpage that is part of a larger municipal website. An OLS review of a sampling of these websites has found that many local agencies already meet some of the requirements of the bill because they post either some or all of the required information. It is possible they may incur either fewer or no additional costs because their compliance may only required the posting of additional documents on their website or webpage.

Finally, the OLS notes that the OIT oversees the technology infrastructure for the Executive branch of State government. The OIT provides a variety of services to Executive Departments and agencies, including application development and infrastructure, consulting, network planning and support, production services, security, and web development. To the extent that a State authority, board or commission website is maintained by the OIT, that entity may experience an increase in costs because the agency may be charged additional fees by the OIT for services associated with the construction of a new website or the updating of a current website in order to ensure its compliance with the bill.

*Section: Local Government*

*Analyst: Scott A. Brodsky  
Senior Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 2765**

# **STATE OF NEW JERSEY**

DATED: JUNE 6, 2011

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2765 (1R).

This bill requires all State, regional, environmental, and local authorities, boards and commissions to maintain an Internet website for the purpose of providing increased public access to each entity's operations and activities. The following information must be posted on each website if it is compiled by the authority, board or commission:

- 1) a description of the entity's mission and responsibilities;
- 2) the adopted budget for the current, immediately prior, and all future fiscal years;
- 3) the most recent Comprehensive Annual Financial Report or other similar financial information;
- 4) the annual audit for the current, immediately prior, and all future fiscal years;
- 5) the entity's rules, regulations, and official policy statements;
- 6) notice, posted pursuant to the Open Public Meetings Act of a meeting of the entity's governing body or any of its committees, setting forth the time, date, location, and agenda of the meeting;
- 7) the approved minutes of each meeting of the governing body and its committees for the current, immediately prior, and all future fiscal years;
- 8) the name and phone number of a principal executive officer having overall responsibility for the operations of the entity; and
- 9) a list of all full-time and part-time employees of the entity.

"Full- and part-time employees" are defined in the bill to include but not be limited to: salaried employees, hourly employees, professional employees, attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which receive any remuneration for any service whatsoever rendered to each specific entity.

### FISCAL IMPACT:

The Office of Legislative Services (OLS) notes in the Legislative Fiscal Estimate for this bill that its enactment may result in an indeterminate increase in State and local government costs. State,



regional, or local authorities, boards, or commissions will experience an increase in costs if they have to establish a website or update their current website in order to satisfy the requirements of the bill.

The sponsor's statement to the bill notes that the bill seeks to implement recommendations issued by the Office of the State Comptroller after it reviewed the level of transparency local agencies provide to the public regarding their operations and finances. Data in the report indicate that about two-thirds of those entities subject to the Comptroller's review, as well as many State authorities, already have their own website or a webpage that is part of a larger municipal website. An OLS review of a sampling of these websites has found that many local agencies already meet some of the requirements of the bill because they post either some or all of the required information. It is possible they may incur either fewer or no additional costs because their compliance may only required the posting of additional documents on their website or webpage.

The cost of creating a new Internet website can vary depending on its size and complexity. Websites that utilize a basic design and can be maintained by in-house staff can cost as little as \$1,000. More complex websites that include search engine optimization features and sophisticated graphics can cost several thousands of dollars more. Some website designs, such as a content management system, require the services of a professional developer for installation and maintenance, but also allow additional information to be posted by staff with little or no computer programming skills. Therefore, some governmental entities may incur larger up-front costs associated with the development of their website and fewer expenses over the medium- and long-term as employees learn how to operate the system.

To the extent that a State authority, board, or commission website is maintained by the Office of Information Technology (OIT), that entity may experience an increase in costs because the agency may be charged additional fees by the OIT for services associated with the construction of a new website or the updating of a current website in order to ensure its compliance with the bill.

STATEMENT TO  
[First Reprint]  
**SENATE No. 2765**

with Senate Floor Amendments  
(Proposed by Senators BECK and BUONO)

ADOPTED: JUNE 27, 2011

These floor amendments are intended to permit certain of the affected public entities to create a webpage on another governmental entity's Internet website instead of creating a whole new website. The amendments also allow the principals of an affected public entity to use their discretion in determining which rules, regulations, and policies to post on their website or webpage, in order to avoid the posting of purely technical materials that do not further the goals of transparency and of sensitive materials dealing with ongoing litigation and facility security. The materials that should be posted are those rules, regulations, and policies that are relevant to the interests of the population served by the governmental entity, including salary information. The identities of individuals and organizations receiving money from the governmental entity is narrowed to those attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year. Section 4, concerning joint insurance funds, is amended to clarify that services "rendered directly to the joint insurance fund" shall not include claim payments to service providers for services rendered to third party claimants. The definition for "State authority, board, or commission" in section 9 is amended, at the request of the Governor's Office, to ensure it would not apply to parts of the Executive Branch, such as Counsel's Office. Finally, the effective date of the bill was extended from about three months to about 12 months to give the entities enough time to prepare for these new posting requirements.