

Bill as Introduced

HB 331-FN - AS INTRODUCED

2011 SESSION

11-0015
05/09

* HOUSE BILL **331-FN**

AN ACT relative to posting agency expenditures on the state transparency website.

SPONSORS: Rep. Bates, Rock 4; Rep. Manuse, Rock 5; Rep. L. Ober, Hills 27; Rep. Kurk, Hills 7; Rep. Cohn, Merr 6; Rep. Foose, Merr 1; Rep. Lambert, Hills 27; Rep. J. Roberts, Straf 7; Sen. Carson, Dist 14; Sen. Luther, Dist 12; Sen. White, Dist 9

* COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires agencies to post expenditure information in a check register format on the state transparency website.

* Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to posting agency expenditures on the state transparency website.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 State Transparency Website; Budget Information. Amend RSA 9-F:1, II(a) to read as follows:

2 (a) All expenditures by state agencies shall be published monthly, no later than the 15th
3* day of the following month. These expenditures shall be reported:

4 (1) In a total fund format, showing budgeted/revised budgeted amounts spent for the
5 month, for the year, and for the year to date. Expenditure reports generated by the financial
6 reporting system of the state for agency use shall be used to satisfy this requirement.

7 (2) *In a check register format, including:*

8 (A) *The amount of the payment.*

9 (B) *The date of payment.*

10 (C) *The person or entity to whom the payment was made.*

11 (D) *The title and number of the accounting unit and class code.*

12 (E) *The title and number of the expense account.*

13 2 Effective Date. This act shall take effect 60 days after its passage.

HB 331-FN - AS INTRODUCED
- Page 2 -

LBAO
11-0015
01/18/11

HB 331-FN - FISCAL NOTE

AN ACT relative to posting agency expenditures on the state transparency website.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

HB 331-FN - AS AMENDED BY THE HOUSE

15Mar2011... 0110h

2011 SESSION

11-0015
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12 (E) *The title and number of the expense account.*

13 2 New Paragraph; State Transparency Website; Exemption from Disclosure. Amend RSA 9-F:1
14 by inserting after paragraph III the following new paragraph:

15 IV.(a) Nothing in this chapter shall be construed to require the public posting or
16* dissemination of information exempt from public disclosure under RSA 91-A or other law.

17 (b) In submitting information to the state's financial system, each agency shall be
18 responsible for indentifying information that is confidential or otherwise exempt from public
19 disclosure under RSA 91-A. The department of administrative services shall, in consultation with
20 state agencies, establish the method by which an agency shall identify information in the state's
21 financial system that the agency has determined is confidential or otherwise exempt from disclosure.
22* The department of administrative services shall not post such information on the transparency
23 website.

24 3 Effective Date. This act shall take effect 120 days after its passage.

HB 331-FN - AS AMENDED BY THE HOUSE
- Page 2 -

LBAO
11-0015
01/18/11

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CHAPTER 75
HB 331-FN - FINAL VERSION

15Mar2011... 0110h

2011 SESSION

11-0015
05/09

HOUSE BILL ***331-FN***

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SPONSORS: Rep. Bates, Rock 4; Rep. Manuse, Rock 5; Rep. L. Ober, Hills 27; Rep. Kurk, Hills 7; Rep. Cohn, Merr 6; Rep. Foose, Merr 1; Rep. Lambert, Hills 27; Rep. J. Roberts, Straf 7; Sen. Carson, Dist 14; Sen. Luther, Dist 12; Sen. White, Dist 9

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HB 331-FN – FINAL VERSION

15Mar2011... 0110h

11-0015
05/09

STATE OF NEW HAMPSHIRE

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AN ACT relative to posting agency expenditures on the state transparency website.

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17 dissemination of information exempt from public disclosure under RSA 91-A or other law.

18 (b) In submitting information to the state's financial system, each agency shall be
19 responsible for indentifying information that is confidential or otherwise exempt from public
20 disclosure under RSA 91-A. The department of administrative services shall, in consultation with
21 state agencies, establish the method by which an agency shall identify information in the state's
22 financial system that the agency has determined is confidential or otherwise exempt from disclosure.
23 The department of administrative services shall not post such information on the transparency
24 website.

25 75:3 Effective Date. This act shall take effect 120 days after its passage.

26 Approved: May 16, 2011

27 Effective Date: September 13, 2011

Committee Minutes

AMENDED
SENATE CALENDAR NOTICE

Printed: 04/14/2011 at 12:42 pm

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

✓ Senator Sharon Carson Chairman
✓ Senator Fenton Groen V Chairman
Senator Sylvia Larsen
✓ Senator Jim Luther
✓ Senator Raymond White

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/>
	Bill Status

Date: April 14, 2011

HEARINGS

Thursday

4/21/2011

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: PLEASE NOTE: HB 450, which was recessed on 4-14-11, will reconvene at 9:30 a.m. on 4-21-11.
No other changes.

9:00 AM	HB331-FN	relative to posting agency expenditures on the state transparency website.
9:15 AM	HB418-FN	(New Title) relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards.
9:30 AM	HB450	relative to the regulatory authority of the board of barbering, cosmetology, and esthetics.
10:00 AM	HB580-FN-L	(New Title) relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.

Sponsors:

HB331-FN

Rep. David Bates
Rep. Seth Cohn
Rep. Robert Foose

Rep. Andrew Manuse
Sen. Sharon Carson
Rep. George Lambert

Rep. Lynne Ober
Sen. Jim Luther
Rep. Jenna Roberts

Rep. Neal Kurk
Sen. Raymond White

HB418-FN

Rep. Seth Cohn
Rep. Bruce MacMahon

Rep. Calvin Pratt
Rep. Joshua Davenport

Rep. George Lambert

Rep. Sean Cox

HB450

Rep. David Bates
Sen. Jim Luther

Rep. Carol McGuire
Sen. Raymond White

Rep. Dan McGuire

Rep. Spec Bowers

HB580-FN-L

Rep. Neal Kurk

Rep. Kenneth Hawkins

Sen. Raymond White

Deborah Chroniak 271-1403

Sen. Sharon Carson

Chairman

Executive Dept. and Administration Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Chroniak, Legislative Aide

RE: Hearing report on HB 331-FN – relative to posting agency expenditures on the state transparency website.

HEARING DATE: April 21, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senator Sharon Carson, District 14; Senator Fenton Groen, District 6; Senator Jim Luther, District 12; Senator Ray White, District 9.

MEMBERS OF THE COMMITTEE ABSENT: Senator Sylvia Larsen, District 15

Sponsor(s): Rep. Bates, Rock 4; Rep. Manuse, Rock 5; Rep. L. Ober, Hills 27; Rep. Kurk, Hills 7; Rep. Cohn, Merr 6; Rep. Foose, Merr 1; Rep. Lambert, Hills 27; Rep. J. Roberts, Straf 7; Sen. Carson, Dist 14; Sen. Luther, Dist 12; Sen. White, Dist 9

What the bill does: This bill requires agencies to post expenditure information in a check register format on the state transparency website.

Who supports the bill: Senator Sharon Carson, Dist 14; Representative Edith Hogan, Dist 25; Representative Seth Cohn, Merr 6; Representative David Bates, Rock 4; Representative Andrew J. Manuse; Rock 5; Kevin Smith, Cornerstone Action.

Who opposes the bill: No one.

Summary of testimony received:

The public hearing on HB 331-FN opened at 9:00 a.m.

The Chair, Senator Sharon Carson called on the prime sponsor to provide testimony.

- Representative David Bates (testimony provided) stated that HB 331-FN is a piece of legislation, which, in simple terms, will put the state checkbook on line. This bill in the House enjoyed a wide acceptance by the State Treasurer, Commissioner and Assistant Commissioner of Legislative Administration, and many other people.

- Representative Bates then referred to Article 8 of the New Hampshire Constitution, Bill of Rights where it states the following: *All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted.* Note here that this provision of the constitution makes reference to records.

- Representative Bates then stated that there is nothing more interesting to the tax payers then to know how their tax dollars are being spent; and, that citizens have the right to know how their tax dollars are being spent, and that by opening the state's checkbook to public scrutiny reflects good government. There are 32 other states which provide their citizens with an on line database of all the government's expenditures.

- Nowhere on line is this kind of financial information available even to legislative members or members of Finance or Ways and Means Committees; the only people who have access is Administrative Services and the Budget Office, and because of the issues with confidentiality we do not have individual transactions of all the monies that are spent.

- This legislation is designed to put that level of information on to the state web site, securing people's privacy and giving a level of disclosure. The technology is available, and it is almost an arguable constitutional requirement that we give access to it.

- Representative Bates distributed to the Committee members a one page document which was entitled "transparent NH", so that they could see the progress that has been made by the state thus far. Last year, with HB 1651 the state created a transparency website. As of yet, there is not individual transaction information.

- The original HB 331-FN was much more ambitious. Representative Bates sat down with the Commissioner of Legislative Administration and went over the legislation and was enlightened on some of the challenges and technical obstacles, and cost of doing certain things. The bill was pared down to six items in the bill, which will give the additional transparency that is needed.

- These are items of information that are currently in our state accounting system, fields which are readily available, and only a matter of creating an interface to display to the public.

• The Department of Administrative Services has said that they have all the resources necessary to complete this task. Please see letter submitted from the Department of Administrative Services, Assistant Commissioner Joseph Bouchard, dated March 14, 2011, which details these facts, and also note the bold information on the second page of the letter stating, “**we expect to be able to incorporate the initiates into our planned expansion for the site in FY 2012 with no fiscal pact to our department**”. Representative Bates stated that the Department of Administrative Services is already taking steps to put this information on line.

• Senator Luther asked if this would include “every” expenditure.

• Representative Bates stated yes, every expenditure which is not available at this time.

• Senator Carson questioned the effective date on the bill which was “effective within 120 days of passage” and asked why 120 days.

• Representative Bates stated that originally they had 60 days, but that they need sufficient time to ensure they could achieve the requirements of the legislation.

The hearing on HB 331-FN closed at 9:10 a.m.

Funding: None.

Future Action: Senator White motioned “ought to pass” on HB 331-FN, which was seconded by Senator Luther. The vote was in favor, 4-0 and Senator Groen will take this bill out of Committee.

DAC

[file: HB 331-FN report]

Date: 4-22-11

Speakers

Testimony

Transparent NH

WHERE THE MONEY COMES FROM

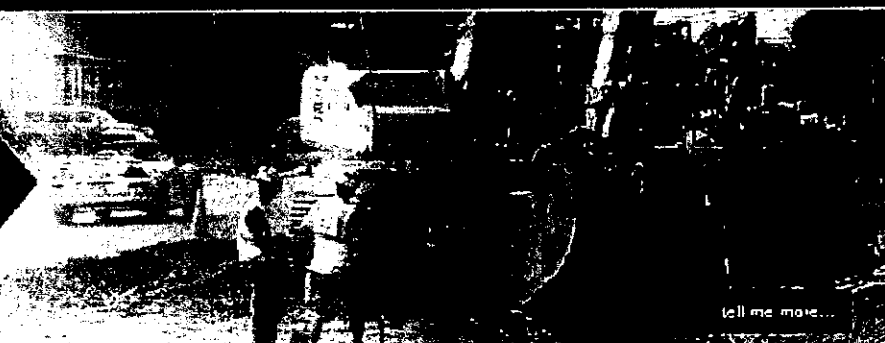
Where does New Hampshire get the money to fund the services we all use?

WHERE THE MONEY GOES

As citizens and taxpayers, you have the right to know how New Hampshire spends your money...

HOW GOVERNMENT FINANCES WORK

Knowing how New Hampshire government finances work help you understand the spending process...



[tell me more...](#)

- Home
- Where The Money Comes From
- Where The Money Goes
- How Government Finances Work
- Search Applications
- FAQs
- Links
- Glossary
- Contact Us

Welcome to TransparentNH

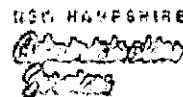
Fiscal transparency is key to a healthy democracy and public scrutiny helps ensure that government works for the people and spends their tax dollars wisely. TransparentNH is your portal for information about how New Hampshire spends tax dollars and other revenues to provide services to residents.

TransparentNH Web Site Debuts

December 21, 2010 - CONCORD - New Hampshire residents now have a Web site devoted to the distribution of state budget information, revenue and expense data. "TransparentNH" was created as a result of Chapter 65 - Laws of 2010, an act to promote transparency in the state budget process by providing the public with on-line access to budget, expenditure and revenue information and reports which are not confidential and which are vital to good government. The site is being developed and maintained by the New Hampshire Department of Administrative Services and the Department of Information Technology, in consultation with the legislative oversight committee established by Chapter 65 - Laws of 2010.

Help make your TransparentNH site better!

We've always looking for ways to improve this Web site and would love to have your input. Your comments and suggestions are always appreciated. [E-mail us](#) we look forward to hearing from you!



[Overview](#)

[Where The Money Comes From](#)

[Where the Money Goes](#)

[How Government Finances Work](#)

[About The Site](#)

[Where the Money Comes From](#)

[Where the Money Goes](#)

[How Government Finances Work](#)

#1

#2

HB 331: Fiscal Impact for Implementation

From: **Bouchard, Joseph B.** (Joseph.Bouchard@NH.Gov)
Sent: Mon 3/14/11 3:06 PM
To: carol@mcguire4house.com
Cc: Representative David Bates (rep.bates@live.com); Hodgdon, Linda (Linda.Hodgdon@nh.gov)

Representative Carol McGuire, Chairman
House Executive Departments and Administration Committee
Legislative Office Building, Room 306
Concord NH. 03301

March 14, 2011

Dear Chairman McGuire,

I am writing you today regarding a bill, **HB 331**, which has been heard by your committee relative to the posting of additional information on the State transparency website, TransparentNH.

My role in the Transparent NH initiative for the past year has been to coordinate Department of Administrative Service resources, along with staff from the Department of Information Technology, in the creation of and deployment of the website pursuant to the criteria specifically detailed in Chapter 65, Laws of 2010. That legislation assigned the responsibility for the site's establishment and content to our department, on a website to be created by the Department of Information Technology.

On February 11, 2011, I testified in front of your committee in a public hearing in support of **HB 331**, which is a bill related to the posting of agency expenditures on the state transparency website. At that hearing I spoke in support of amendment wording being put forward by Representative Bates, which our department drafted after consultation with him about concerns we might have regarding the implementation of the bill.

We specifically expressed concerns to Representative Bates over the tight implementation timeline of the initial bill, an effective date of 60 days after its passage, given our responsibilities for closure of the states financial books in July and August, and our responsibilities to provide financial system and reporting staff resources in support of the implementation of the next biennial budget into our Government Human Resource System (GHRS) and NHFIRST financial system, during the same time period.

Representative Bates accepted our suggestion to move the bill's effective date to 120 days from its passage, and also to place additional criteria in the amendment which specified agency responsibilities for the confidentiality of the data to be made public on the website.

Chairman McGuire, our department has not provided a fiscal note for this bill as yet, but we wish to convey the expectation that given the agreed upon content of the additional criteria to be added to the website and the amended implementation date, **we expect to be able to incorporate the initiatives into our planned expansion for the site in FY 2012 with no fiscal pact to our department.** We feel that the scope of work and resource needs for these enhancements have already been planned and budgeted for in FY 2012.

Please feel free to contact me should you or your committee have any questions.

Sincerely,

Joseph Bouchard

Assistant Commissioner
Department of Administrative Services

Submission #1

February 10, 2011 | Testimony for HB 331-FN

Rep. Andrew J. Manuse, R-Rockingham 5

AN ACT relative to posting agency expenditures on the state transparency website.

- As the members of a household or the owners of a business, we know that we cannot spend more money than we earn. The government has to operate the same way if it wants people to be prosperous.
- The past Legislature told us that we had “a revenue problem” in this state and worked to take more of the people’s hard-earned dollars. As I campaigned, I emphatically disagreed with that approach, and that is part of the reason I sit before you as a colleague. The idea that the state has “a revenue problem” is an irresponsible philosophy in healthy economic times, but it is downright destructive in stagnant economic times like we have today.
- In the past Legislature, it is clear that the state had a spending problem. In fact, it extends further back than that. According to the Center for Public Policy Studies, the Legislature has voted to increase average compound spending by 14 percent during the last 20 years. Because of that spending, we were faced with an almost \$1 billion deficit when we came into office.
- Much of that problem has been fixed by the most recent election, and the evidence for that can be seen in the revenue projections we voted for yesterday (2/9/11) in House Resolution 11. We have just now started to get spending under control.
- Still, I think it’s vitally important to remind the members sitting here that we must remain vigilant. When the state spends too much of our money, it always leads to new and higher taxes. As we all know, increased taxes dampen and depress economic activity in general, which further burdens families and businesses. Increased taxes also lead to the destruction of jobs and move us toward a less-vibrant economy. But we need more jobs, more opportunity and not just balanced personal and business budgets, but prosperity. To achieve this, we need to cut taxes and costly regulations.
- In order to cut taxes, we need to cut spending. In order to cut spending, we need help from the fine people of this state, our media, our think tanks and anyone else who wants to spend the time looking at all of our spending line items.
- The bill that is before you today would require the state to post the state’s checkbook online every month for everyone to see. In effect, that means the state would be required to post the amount and date of every payment, the person or entity to whom the payment was made and account information for the expense.
- With this information available to the public, professional data gurus and hobbyists will be able to quickly discern how the state is spending money. As more and more people use this tool, they will undoubtedly uncover all kinds of wasteful spending. More specifically, the simple release of this information will help us determine which programs and employees are excessive, redundant, unnecessary or unconstitutional, so the Legislature can act to eliminate them.
- In conclusion, putting the state’s checkbook online will help us save more of the people’s money. We will then be able to return the savings to our constituents and our communities by cutting taxes or fees, repealing existing taxes, or replenishing the rainy day fund. Thank you for your time and consideration.

Committee Report

*
STATE OF NEW HAMPSHIRE
SENATE
*
REPORT OF THE COMMITTEE

Date: April 21, 2011

THE COMMITTEE ON Executive Departments and Administration
to which was referred House Bill 331-FN

AN ACT relative to posting agency expenditures on the state
transparency website.

Having considered the same, the committee recommends that the Bill:

*
SHOULD **TO PASS**

BY A VOTE OF: 4-0

*
AMENDMENT # s

Senator Fenton Groen
For the Committee

Deb Chroniak 271-1403
*

New Hampshire General Court - Bill Status System

Docket of HB331

Docket Abbreviations

Bill Title: relative to posting agency expenditures on the state transparency website.*Official Docket of HB331:*

Date	Body	Description
1/21/2011	H	Introduced 1/6/2011 and referred to Executive Departments and Administration; HJ 11 , PG. 182
1/26/2011	H	Public Hearing: 2/10/2011 10:30 AM LOB 306
2/24/2011	H	Subcommittee Work Session: 3/1/2011 2:00 PM LOB 306
2/24/2011	H	Executive Session: 3/2/2011 2:00 PM or 45 mins after House session LOB 306
3/3/2011	H	Committee Report: Ought to Pass with Amendment #0110h for Mar 15 (Vote 11-0; RC); HC 22 , PG.553
3/3/2011	H	Proposed Committee Amendment #2011-0110h ; HC 23 , PG.602-603
3/15/2011	H	Amendment #0110h Adopted, VV; HJ 26 , PG.798
3/15/2011	H	Ought to Pass with Amendment #0110h: MA VV; HJ 26 , PG.798
3/30/2011	S	Introduced and Referred to Executive Departments and Administration; SJ 12 , Pg.243
4/14/2011	S	Hearing: 4/21/11, Room 100, State House, 9:00 a.m.; SC20
4/21/2011	S	Committee Report: Ought to Pass, 4/27/11; SC21
4/27/2011	S	Ought to Pass, MA, VV; OT3rdg; SJ 14 , Pg.277
4/27/2011	S	Passed by Third Reading Resolution; SJ 14
5/4/2011	S	Enrolled; SJ 16 , Pg.318
5/4/2011	H	Enrolled; HJ 42 , PG.1490
5/20/2011	H	Signed by Governor 05/16/2011; Effective 09/13/2011; Chapter 0075

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 331-FN ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING
#1-2 TESTIMONY #1 SUBMISSION
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

_____ - AMENDMENT # _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

DATE DELIVERED TO SENATE CLERK

7/30/11

BY:


COMMITTEE AIDE