

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1880

Session of
2009

INTRODUCED BY MIRABITO, CHRISTIANA, GERBER, EACHUS, JOSEPHS,
DeWEESE, HANNA, BENNINGHOFF, BRADFORD, BRIGGS, CUTLER,
DePASQUALE, DRUCKER, FAIRCHILD, FREEMAN, GIBBONS, GRELL,
HORNAMAN, HOUGHTON, KORTZ, LEVDANSKY, MATZIE,
McILVAINE SMITH, MELIO, MUSTIO, QUINN, ROAE, ROCK, SAINATO,
SHAPIRO, SIPTROTH, M. SMITH, VULAKOVICH, WHITE, MANDERINO,
REESE, MARSHAL AND SANTARSIERO, JULY 21, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 17, 2009

AN ACT

1 Establishing the Pennsylvania Government Accountability Portal;
2 providing for portal requirements and for data requirements;
3 conferring powers and conveying duties on the Treasury
4 Department and other State agencies; and providing for
5 exception to publication.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Pennsylvania
10 Government Accountability Portal Act.

11 Section 2. Definitions.

12 The following words and phrases when used in the act shall
13 have the meaning given to them in this section unless the
14 context clearly indicates otherwise:

15 "Class." A group of employee positions sufficiently similar
16 in the duties performed, degree of supervision exercised or

received, minimum requirements of education or experience and the knowledge, skills and abilities required to perform the functions and duties of each position.

"Contract." The term shall have the meaning given to it in 62 Pa.C.S. § 103 (relating to definitions) and shall include any contract for professional services and a Statewide requirements contract as that term is defined in 62 Pa.C.S. (relating to procurement).

"Department." The Treasury Department of the Commonwealth.

"Expenditure." The outlay or transfer of any State-appropriated or nonappropriated funds in an amount in excess of \$1,000 by any State agency, including, but not limited to, contracts and subcontracts, purchase orders, tax refunds, rebates and credits. The term shall not include the transfer of Federal or State assistance payments to an individual recipient or beneficiary of such assistance payments.

"Pennsylvania Government Accountability Portal" or "Penn-GAP." The fully searchable Internet website that allows the public to search and aggregate the data required to be published to it under this act and is accessible from any State agency's home page.

"State agency" or "State agencies." Any Commonwealth agency, independent agency, legislative agency, judicial agency, State-affiliated entity or State-related institution as those terms are defined under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 3. Pennsylvania Government Accountability Portal.

(a) Establishment.--No later than July 1, 2010, the ~~secretary~~ STATE TREASURER, with assistance from the Governor's Office, the Department of Revenue, the Department of General



1 Services, the Department of State, the Auditor General, the
2 Department of Community and Economic Development, the
3 Appropriations Committee of the Senate, the Appropriations
4 Committee of the House of Representatives, the Administrative
5 Office of Pennsylvania Courts and any other State agency, as
6 necessary, shall develop, maintain and make available a single
7 fully searchable Internet website which shall be known as Penn-
8 GAP. Penn-GAP shall be configured as a fully searchable database
9 to allow any person to examine and aggregate the data required
10 to be maintained in accordance with the provisions of this act.

11 (b) Accessibility.--Penn-GAP shall be, except for
12 maintenance, technology upgrades or unanticipated technical
13 events, accessible on a 24-hour basis without cost and shall be
14 readable in plain and easily understandable language.

15 Section 4. Portal requirements.

16 ~~(a) Webmaster. Penn Gap shall be maintained and serviced by~~ ←
17 ~~a full-time webmaster who shall be tasked with compiling and~~
18 ~~updating the Penn GAP database with information received from~~
19 ~~State agencies.~~

20 ~~(b) Data requirements.~~ Penn-GAP shall provide the
21 following:

22 (1) A searchable database of all current Commonwealth
23 expenditures, ~~except for minor purchases not exceeding \$1,000~~ ←
24 ~~in value and disbursements under public assistance and~~
25 ~~Medicaid programs,~~ consisting of financial data relating to
26 the purchase of goods and services, including professional
27 and technical services and financial disbursements through
28 various Commonwealth programs sorted separately by State
29 agency, expenditure category, amount of expenditure, contract
30 or vendor and legislative and senatorial districts.

1 (2) If not reported under paragraph (1), a searchable
2 database of:

3 (i) All expenditures for State agencies, as
4 applicable, including:

5 (A) The total amount of expenditures.

6 (B) The total amount expended from the General
7 Fund and other funds or accounts separate from the
8 General Fund.

9 (C) The name of any person, other than an
10 individual, to whom an expenditure was made and the
11 amount of the expenditure.

12 (D) The source of moneys for the expenditure.

13 (E) The budget line item ~~or activity~~ for the
14 expenditure. ←

15 (F) A brief summary detailing the purpose of the
16 expenditure.

17 (G) The expected or actual performance outcome
18 for the expenditure.

19 (H) A brief summary detailing any past
20 performance outcomes achieved for a similar
21 expenditure in a prior State fiscal year.

22 (I) The amount and nature of bonded
23 indebtedness, including, but not limited to, the
24 total amount of obligation stated in terms of
25 principal and interest, an itemization of each
26 obligation, the term of each obligation, the source
27 of funding for repayment of each obligation, the
28 amounts of principal and interest previously paid to
29 reduce each obligation, if any, the balance remaining
30 of each obligation, any refinancing of any obligation

1 and the cited authority to issue such bonds.

2 (J) The total amount of salaries and wages paid
3 to State agencies' employees.

4 (K) Amounts paid under contracts, including
5 amounts paid to subcontractors.

6 (L) Amounts paid for capital budget projects,
7 including original appropriation and disbursements
8 throughout the life of each project.

9 (ii) Revenues received by each State agency,
10 including, but not limited to:

11 (A) The total amount of revenues received.

12 (B) The total amounts received from Federal
13 funds, the General Fund, the State Lottery Fund,
14 other funds or accounts, other dedicated funds or any
15 other source, each listed separately.

16 (iii) A copy of any audit report that may be issued
17 by the Auditor General or any audit required under law
18 for any State agency.

19 (iv) Salaries and total compensation for all elected
20 officials of State agencies.

21 (v) Any other information that the ~~secretary~~ STATE
22 TREASURER may deem appropriate.

23 (3) A searchable database of all tax credit programs
24 administered by the Department of Revenue under the
25 applicable provisions of the act of March 4, 1971 (P.L.6,
26 No.2), known as the Tax Reform Code of 1971, including
27 information on approved tax credits for projects undertaken
28 by businesses and those approved for individuals and
29 nonprofit organizations and other organizations. The tax
30 credit database shall be sorted by tax credit category,



1 amount of tax credit, recipient, purpose and legislative and
2 senatorial districts.

3 (4) A searchable database of each business that failed
4 to pay the sales and use tax and each business that is
5 subject to auditing for underreporting the sales and use tax
6 collected. The database shall be sorted separately by name of
7 business, geographic location, actual or estimated amount of
8 unreported sales and use tax, amount of penalty and interest
9 assessed and findings of audit.

10 (5) A searchable database of all revocations and
11 suspensions of professional and occupational licenses,
12 registrations or certificates by the various licensing boards
13 and commissions of the Bureau of Professional and
14 Occupational Affairs of the Department of State, which shall
15 be sorted separately by name, geographic location,
16 certificate, registration or license number, as applicable,
17 date of suspension or revocation and date of license,
18 certificate or registration reinstatement.

19 ~~(6) A searchable database of all current State~~ ←
20 ~~contracts, sorted separately by contractor or subcontractor~~
21 ~~name, awarding officer or agency, contract value, the fund or~~
22 ~~funds from which the entity or individual receiving the~~
23 ~~contract will be paid, goods and services provided and~~
24 ~~performance or expiration date.~~

25 ~~(7)~~ (6) A searchable database of all investments of ←
26 public funds, which shall include the following TO BE UPDATED ←
27 SEMIANNUALLY:

28 (i) The total amount of funds held by the State
29 Treasurer.

30 (ii) The asset allocation for ~~investments made~~ FUNDS ←

1 INVESTED by the State Treasurer.

2 (iii) The benchmarks established by the State
3 Treasurer.

4 (iv) Current and historic FIVE-YEAR return ←
5 information.

6 (v) A detailed listing of time deposit balances,
7 including, for each deposit, the name of the financial
8 institution and the deposit rate.

9 ~~(8)~~ (7) A searchable database of completed audit reports ←
10 of State agencies prepared by the office of Auditor General,
11 including at least the following:

12 (i) The agency that is the subject of the audit.

13 (ii) The program or activity that is the subject of
14 the audit, if applicable.

15 (iii) The entity performing the audit.


16 (iv) The estimated completion date for an audit not
17 yet completed.


18 (v) All costs associated with conducting the audit.


19 (vi) A link to the Auditor General's website
20 containing the findings and results from the completed
21 audit after it has been released to the public.

22 ~~(9)~~ (8) A listing compiled annually and updated ←
23 quarterly of all State agencies' full-time positions grouped
24 by job class and sorted by the number of full-time employees,
25 average compensation in each class and the actual
26 compensation for each position receiving annual compensation
27 equal to or more than \$50,000 per year. The listing required
28 under this paragraph shall not contain any personal
29 identifying information that can be used to identify an
30 individual employee or an entry for salary, wages or other



1 compensation paid to individual employees. The annual listing
2 shall be made available on Penn-GAP on or before January 31
3 of each year.

4 ~~(10)~~ (9) A searchable database of monthly credit card 
5 statements for each State agency, including credit card
6 statements for credit cards issued to officers and employees
7 of each State agency for official use. Each State agency
8 shall make its monthly credit card statement available to the
9 department for the purposes of Penn-GAP. The credit card
10 number on each statement shall be redacted prior to making
11 the statement available to the State Treasurer. Credit card
12 statements shall be made available no later than the 30th day
13 after the first date that any portion of the balance due as
14 depicted on the statement is paid.

15 ~~(11)~~ (10) Links to each State agency Internet website 
16 where available.

17 ~~(12)~~ (11) A counter to show the number of times the 
18 Internet website is accessed.


19 Section 5. State agency cooperation and submission, publication
20 and retention of data.

21 (a) State agency cooperation.--Each State agency shall
22 ~~cooperate fully with the State Treasurer in compiling and~~ 
23 ~~providing the data necessary to comply with the requirements of~~
24 ~~this act and shall provide to the State Treasurer all data that~~
25 ~~is required to be included in the website no later than 30 days~~
26 ~~after the data becomes available to the State agency. The~~
27 ~~department shall establish guidelines to govern the submission~~
28 ~~of data by State agencies to ensure compliance with this~~
29 ~~subsection~~ COMPILE AND MAKE AVAILABLE TO THE STATE TREASURER ALL 
30 DATA REQUIRED TO BE INCLUDED IN PENN-GAP. THE DEPARTMENT SHALL

1 ESTABLISH GUIDELINES PRESCRIBING:

2 (1) THE ATTRIBUTES OF AND FORMAT FOR DATA THAT STATE
3 AGENCIES ARE REQUIRED TO SUPPLY TO ENSURE COMPLIANCE WITH
4 THIS SUBSECTION.

5 (2) THE PROCESS THROUGH WHICH THE DEPARTMENT ACQUIRES
6 THE DATA.

7 (b) Publication of data.--Penn-GAP shall become operational
8 ~~to include data for the 2008-2009 State fiscal year~~ no later 
9 than July 1, 2010. Thereafter, Penn-GAP shall be updated as new
10 data becomes available in a format that can be compiled and
11 published on it by the department.

12 (c) Retention of data.--The State Treasurer shall ensure
13 that all data published on Penn-GAP remains accessible to the
14 public for a minimum of ten years from the date of initial
15 publication.

16 Section 6. Duties of department.

17 The department shall enforce the provisions of this act and
18 shall:

19 (1) Collaborate with State agencies to carry out the
20 provisions of this act.

21 (2) Determine the information to be compiled and
22 recommend a format for collecting and publishing information
23 from State universities, State-related universities, private
24 colleges and universities, public schools, community colleges
25 and political subdivisions that receive State appropriations.

26 (3) Collaborate with State agencies to develop uniform
27 guidelines to govern the submission of data for publication
28 to Penn-GAP. The guidelines shall be published in the
29 Pennsylvania Bulletin.

30 Section 7. Exception to publication.

1 Nothing in this act shall be construed to authorize the
2 publication of State agency data on Penn-GAP that is exempt from
3 publication under the act of February 14, 2008 (P.L.6, No.3),
4 known as the Right-to-Know Law, or to require disclosure of data
5 deemed to be confidential or otherwise exempt from disclosure
6 under any Federal or State law.

7 Section 8. Funding.

8 The provisions of this act shall be implemented upon
9 appropriation of funds by the General Assembly to the department
10 and State agencies to carry out the purposes of this act.

11 Section 9. Effective date.

12 This act shall take effect in 60 days.