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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 789 Session of  
2013

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INTRODUCED BY EVANKOVICH, AUMENT, BLOOM, CUTLER, DENLINGER,  
DUNBAR, EVERETT, GABLER, GILLEN, GINGRICH, KAUFFMAN, KORTZ,  
LAWRENCE, METCALFE, MOUL, MULLERY, ROCK, SACCONI, SIMMONS AND  
SWANGER, FEBRUARY 25, 2013

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 25, 2013

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AN ACT

1 Amending the act of June 30, 2011 (P.L.81, No.18), entitled "An  
2 act providing for the establishment of a searchable budget  
3 database-driven Internet website detailing certain  
4 information concerning taxpayer expenditures and  
5 investments," further providing for definitions and for  
6 searchable budget database.

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

9 Section 1. Sections 2 and 3 of the act of June 30, 2011  
10 (P.L.81, No.18), known as the Pennsylvania Web Accountability  
11 and Transparency (PennWATCH) Act, are amended to read:

12 Section 2. Definitions.

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

16 "Commonwealth agency." Any office, department, authority,  
17 board, multistate agency or commission of the executive branch,  
18 an independent agency or a State-affiliated entity. The term  
19 includes:

(1) The Governor's Office.

(2) The Office of Attorney General.

(3) The Department of the Auditor General.

(4) The Treasury Department.

(5) An organization established by the Constitution of Pennsylvania, a statute or an executive order which performs or is intended to perform an essential government function.

(6) A judicial agency or legislative agency.

"Employee benefits." Group life, health, hospitalization, medical service and accident insurance benefits, paid in whole or in part by a Commonwealth agency and offered generally to employees of the Commonwealth agency. The term includes payments made in lieu of the specified benefits.

"Entity." Any of the following:

(1) An individual, corporation, association, union, limited liability company or limited liability partnership.

(2) Any other legal business entity, including a nonprofit, a grantee, a contractor and a sole proprietor.

(3) Any political subdivision or other local government entity.

The term shall not include employees of Commonwealth agencies.

"Funding action or expenditure." A payment by a Commonwealth agency to include:

(1) A grant.

(2) A loan.

(3) Reimbursement.

(4) Payment made pursuant to the purchase of goods and services, or to a construction or other contract.

(5) Payment of debt service.

(6) Payments made pursuant to a formula.

(7) Payments to political subdivisions or other local government entities.

The term shall not include social services payments, unemployment compensation, workers' compensation, property tax or rent rebate, employee benefit buyout or other entitlement program that provides direct monetary payments to an individual.

"Funding source." The General Fund, special funds or other Federal or State funds appropriated by the General Assembly, by statute or by executive authorization.

"Independent agency." Boards, commissions and other agencies and officers of the Commonwealth which are not subject to the policy supervision and control of the Governor.

"Judicial agency." Any of the following:

(1) The Supreme Court of Pennsylvania.

(2) The Superior Court of Pennsylvania.

(3) The Commonwealth Court of Pennsylvania.

(4) The Administrative Office of Pennsylvania Courts.

"Legislative agency." A legislative agency as defined under section 102 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

"Social services payment." Payments made to an individual for cash assistance, medical and other health-related or welfare-related benefits or services, education and training benefits or aging services.

"State-affiliated entity." A Commonwealth authority or a Commonwealth entity. The term includes the Pennsylvania Gaming Control Board, the Commonwealth Financing Authority, the Pennsylvania Turnpike Commission, the Pennsylvania Housing Finance Agency, the Pennsylvania Municipal Retirement System, the Pennsylvania Infrastructure Investment Authority, the State

1 Public School Building Authority, the Pennsylvania Higher  
2 Educational Facilities Authority and the State System of Higher  
3 Education.

4 Section 3. Searchable budget database.

5 (a) Development.--By December 31, 2012, the Governor's  
6 Office of Administration shall develop, implement and maintain a  
7 single, searchable, public Internet website to be called  
8 PennWATCH. The website shall provide the annual appropriation  
9 and funding action or expenditure information paid to a  
10 Commonwealth agency or other entity from Federal or State funds.  
11 Information on the website shall include:

12 (1) The name and address of the Commonwealth agency or  
13 other entity receiving funding and the applicable identifier  
14 and classification under the vendor identification system  
15 under section 5 of the entity receiving a payment.

16 (2) The amount of the funding action or expenditure.

17 (3) The agency initiating the funding action or  
18 expenditure.

19 (4) The applicable appropriation and the appropriation  
20 fiscal year from which the funding action or expenditure is  
21 made.

22 (5) A counter to show the number of times the website is  
23 accessed.

24 (6) The funding source.

25 (b) State revenue.--Except as provided under subsection (f),  
26 and by December 31, 2012, and each month thereafter, the website  
27 shall show all Federal and State revenue that has been received  
28 and deposited in the State Treasury during the previous month.  
29 The State revenue shall be posted by the 15th day of the month  
30 following deposit in the State Treasury. State revenue derived

1 from taxes shall be reported by specific tax type. State revenue  
2 derived from nontax sources shall be reported as liquor store  
3 transfer, license and fees, miscellaneous, and fines, penalties  
4 and interest as appropriate.

5 (c) Performance measures.--The website shall include  
6 performance measures developed by a Commonwealth agency required  
7 or authorized to develop the measures.

8 (d) Agency websites.--By December 31, 2012, the website  
9 shall include links to each Commonwealth agency Internet website  
10 where available.

11 (e) Complement.--By December 31, 2012, and on the first of  
12 each month thereafter, the website shall:

13 (1) Show the total number of individuals employed by  
14 each Commonwealth agency as of the 15th day of the previous  
15 month.

16 (2) Show the name, position title and current annual  
17 salary for each individual employed by each Commonwealth  
18 agency based on the employee's pay schedule and current  
19 salary.

20 (e.1) Compensation.--Beginning in 2013, by January 15, the  
21 website shall annually post all of the following for each  
22 individual employed by a Commonwealth agency:

23 (1) Name.

24 (2) Position or title.

25 (3) Total compensation, as defined in section 303(a)(1)  
26 (i) of the act of March 4, 1971 (P.L.6, No.2), known as the  
27 Tax Reform Code of 1971, paid.

28 (4) The cost of providing the employee with employee  
29 benefits. Cost information shall be segregated by the type of  
30 employee benefit provided.

1 (f) Additional data.--By December 31, 2014, the website  
2 shall provide additional data, including:

3 (1) A description of the appropriation under which the  
4 funding action or expenditure is made.

5 (2) The expected and achieved performance outcomes from  
6 the funding action or expenditure, if available.

7 (g) Exemption.--Notwithstanding subsections (a), (b) and  
8 (f), the following shall not be included on the website:

9 (1) Records, data or other information exempted from  
10 disclosure under 24 Pa.C.S. § 8502(e)(2) (relating to  
11 administrative duties of board).

12 (2) Records, data or other information exempted from  
13 disclosure under 71 Pa.C.S. § 5902(e)(2) (relating to  
14 administrative duties of the board).

15 (3) Records not subject to disclosure under the act of  
16 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know  
17 Law.

18 (h) Access.--The website shall allow the public to search  
19 for and aggregate information at no cost.

20 (i) Maintenance.--Information for a fiscal year shall remain  
21 on the website for a period of at least eight years from the  
22 date of posting.

23 Section 2. The addition of section 3(e.1)(4) of the act  
24 shall apply to annual postings beginning in 2014.

25 Section 3. This act shall take effect in 60 days.