

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1211 Session of
2008

INTRODUCED BY DALLY, BOYD, BRENNAN, CALTAGIRONE, CARROLL,
CLYMER, CUTLER, ELLIS, EVERETT, FAIRCHILD, FLECK, GEIST,
GIBBONS, GINGRICH, GRUCELA, KORTZ, MACKERETH, MANN, MELIO,
METCALFE, MUSTIO, PYLE, REED, REICHLEY, ROAE, ROCK, RUBLEY,
SAYLOR, SCAVELLO, SIPTROTH, SONNEY, STERN, R. STEVENSON,
SWANGER, TRUE, VULAKOVICH, WATSON AND PETRI,
SEPTEMBER 15, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 15, 2008

AN ACT

1 Amending the act of February 14, 2008 (P.L.6, No.3), entitled
2 "An act providing for access to public information, for a
3 designated open-records officer in each Commonwealth agency,
4 local agency, judicial agency and legislative agency, for
5 procedure, for appeal of agency determination, for judicial
6 review and for the Office of Open Records; imposing
7 penalties; providing for reporting by State-related
8 institutions; requiring the posting of certain State contract
9 information on the Internet; and making related repeals," in
10 State contract information, further providing for chapter
11 heading; providing for submission and retention of grants and
12 other State expenditures; and further providing for public
13 availability of contracts.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Chapter 17 heading of the act of February 14,
17 2008 (P.L.6, No.3), known as the Right-to-Know Law, is amended
18 to read:

CHAPTER 17

20 STATE CONTRACT, GRANT AND OTHER STATE EXPENDITURE INFORMATION

21 Section 2. The act is amended by adding sections to read:

1 Section 1701.1. Submission and retention of grants.

2 (a) General rule.--Whenever any Commonwealth agency,
3 legislative agency or judicial agency shall issue grant funding
4 for \$5,000 or more, a copy of the grant application and award
5 shall be filed with the Treasury Department within ten days
6 after the grant is awarded on behalf of the Commonwealth agency,
7 legislative agency or judicial agency or otherwise becomes an
8 obligation of the Commonwealth agency, legislative agency or
9 judicial agency. The following shall apply:

10 (1) Each Commonwealth agency, legislative agency or
11 judicial agency shall submit grant information in a form and
12 structure mutually agreed upon by the Commonwealth agency,
13 legislative agency or judicial agency and the State
14 Treasurer.

15 (2) The Treasury Department may require each
16 Commonwealth agency, legislative agency or judicial agency to
17 provide a summary with each grant award, which shall include
18 the following:

19 (i) Date of the award.

20 (ii) Description of the grant, associated program,
21 or both, including the purpose of the funding.

22 (iii) Amount of the award.

23 (iv) Agency or entity offering the grant.

24 (v) Date of the first disbursement of the grant
25 funding.

26 (vi) Schedule of future disbursements, if
27 applicable.

28 (vii) Name and address of the grant recipient.

29 (viii) Terms and restrictions related to the award.

30 Each agency shall create and maintain the data under this

paragraph in an ASCII-delimited text file, spreadsheet file or other file provided by Treasury Department regulation.

(b) Retention.--Every grant filed pursuant to subsection (a) shall remain on file with the Treasury Department for a period of not less than four years after the final award payment.

(c) Accuracy.--Each Commonwealth agency, legislative agency or judicial agency is responsible for verifying the accuracy and completeness of the information that it submits to the State Treasurer. The grant application and award provided to the Treasury Department pursuant to this chapter shall be redacted in accordance with applicable provisions of this act by the agency filing the grant to the Treasury Department.

Section 1701.2. Submission and retention of other State expenditures.

(a) General rule.--On a monthly basis, each Commonwealth agency, legislative agency or judicial agency shall file with the Treasury Department a report containing aggregate information on other expenditures of State funds, excluding the information filed pursuant to sections 1701 and 1702. The following shall apply:

(1) Each Commonwealth agency, legislative agency and judicial agency shall submit expenditure information in a form and structure mutually agreed upon by the Commonwealth agency, legislative agency or judicial agency and the State Treasurer.

(2) Information on each State expenditure shall include, but shall not be limited to, the following:

(i) Amount of State funds expended.

(ii) Transaction type.

(iii) Date of the expenditure.

1 (iv) State agency or entity making the expenditure.

2 (v) Entity receiving the State funds.

3 (vi) Descriptive purpose of the expenditure.

4 Each agency shall create and maintain the data under this
5 paragraph in an ASCII-delimited text file, spreadsheet file
6 or other file provided by Treasury Department regulations.

7 (3) For the purposes of this chapter, "State
8 expenditures" shall include, but shall not be limited to, the
9 following:

10 (i) Disbursements by any State agency from funds
11 established within the State Treasury.

12 (ii) Salaries and wages, including compensation paid
13 to individual employees of State agencies.

14 (iii) Contractual services, commodities and capital
15 outlay, including amounts paid to individual vendors.

16 (iv) Bond debt payments and debt service, including
17 amounts of bond principal paid, bond interest paid and
18 sources of funds paid for individual bond issues.

19 (v) Aid to local units, including individual units
20 of government for individually identifiable aid programs.

21 (vi) Other assistance and benefits.

22 (vii) Capital improvements, including amounts of
23 bond principal paid and sources of funds paid for
24 individual bond issues.

25 (b) Retention.--Every expenditure report filed pursuant to
26 subsection (a) shall remain on file with the Treasury Department
27 for a period of not less than four years after the filing date
28 of the report.

29 (c) Accuracy.--Each Commonwealth agency, legislative agency
30 and judicial agency is responsible for verifying the accuracy

1 and completeness of the information that it submits to the State
2 Treasurer. The contract provided to the Treasury Department
3 pursuant to this chapter shall be redacted in accordance with
4 applicable provisions of this act by the agency filing the
5 contract to the Treasury Department.

6 Section 3. Section 1702 of the act is amended to read:
7 Section 1702. Public availability of contracts, grants and
8 other State expenditure information.

9 (a) General rule.--The Treasury Department shall make each
10 contract, grant or other State expenditure information filed
11 pursuant to [section 1701] sections 1701, 1702 and 1703
12 available for public inspection either by posting a copy of the
13 contract, grant application and award or State expenditure
14 information on the Treasury Department's publicly accessible
15 Internet website or by posting a [contract] summary of the
16 contract, grant or State expenditure on the department's
17 publicly accessible Internet website.

18 (b) Posting.--The Treasury Department shall post the
19 information received pursuant to this chapter in a manner that
20 allows the public to search contracts [or contract summaries],
21 grants and other State expenditure information or their
22 respective summaries by the categories enumerated in [section]
23 sections 1701(a)(2), 1701.1(a)(2) and 1701.2(a)(2).

24 (c) Request to review or receive copy [of contract].--The
25 Treasury Department shall maintain a page on its publicly
26 accessible Internet website that includes instructions on how to
27 review a contract, grant or other State expenditure information
28 on the Internet website.

29 (d) Paper copy.--A paper copy of a contract, grant or other
30 State expenditure information may be requested from the agency

1 that executed the contract, grant or State expenditure in
2 accordance with this act.

3 Section 4. This act shall take effect in 60 days.