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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1979 Session of  
2007

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INTRODUCED BY BOYD, CUTLER, BENNINGHOFF, CARROLL, CLYMER,  
DENLINGER, GINGRICH, HENNESSEY, HERSHEY, HICKERNELL,  
HUTCHINSON, KAUFFMAN, MACKERETH, METCALFE, MURT, NAILOR,  
PYLE, RAPP, REED, ROAE, SCHRODER, STEIL, STERN, SWANGER,  
TRUE, TURZAI AND YUDICHAK, OCTOBER 26, 2007

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REFERRED TO COMMITTEE ON APPROPRIATIONS, OCTOBER 26, 2007

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AN ACT

1 Providing for enumeration of earmarks contained in  
2 appropriations and for requirements for public disclosure.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 declares that in order to ensure the public trust and provide  
5 for the greatest amount of transparency in the appropriation of  
6 taxpayer moneys, any projects or programs that are included, but  
7 not enumerated in an appropriation line-item, should be publicly  
8 disclosed. Furthermore, because public confidence in government  
9 can best be sustained by assuring the people of the impartiality  
10 and honesty of the appropriations process, this act shall be  
11 construed to promote complete disclosure as specified in this  
12 act. It is recognized that clear guidelines are needed in order  
13 to guide the General Assembly and the Governor in discharging  
14 certain official actions relating to the making of  
15 appropriations. Thus, the General Assembly by this act intends  
16 to define as clearly as possible new requirements for the public

1 disclosure of earmarks which are contained in appropriations  
2 made by the General Assembly.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the  
7 Appropriations Accountability Act.

8 Section 2. Definitions.

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

12 "Earmark." Funds included in the appropriation made by the  
13 General Assembly for projects or programs if the legislative  
14 direction does any of the following:

15 (1) Circumvents the merit-based or competitive  
16 allocation process.

17 (2) Specifies the location or recipient.

18 (3) Encumbers or dedicates any amount of the  
19 appropriation for a specific location or recipient.

20 "General Assembly." The Senate and the House of  
21 Representatives of the Commonwealth.

22 "Governor." The Governor of the Commonwealth.

23 Section 3. Appropriation earmarks.

24 (a) Appropriation limitations.--No appropriation shall be  
25 made by the General Assembly that contains an earmark unless the  
26 earmark has been enumerated under this section.

27 (b) Earmarks enumerated.--The information on the earmark  
28 shall be transmitted to the Secretary of the Budget and shall at  
29 a minimum contain the following information:

30 (1) The recipient's name.

(2) The recipient's address.

(3) The type of entity the recipient represents, including whether the recipient is a governmental entity, locality, for-profit, nonprofit, private educational institution or public educational institution.

(4) The amount of the earmark, including whether the amount provided is sufficient to complete the project, if applicable.

(5) A brief description of the project.

(6) Whether this is a first-time or continuing item.

(7) Budget information such as whether the earmark is funded through discretionary or mandatory funding.

(8) Whether the earmark is in statutory language included in the appropriation or elsewhere in law.

(9) The citation of which appropriation the earmark is included in.

(10) Whether a member of the General Assembly or the Governor requested the earmark.

#### Section 4. Duties of the Secretary of the Budget.

(a) Duty to publicly disclose.--The Secretary of the Budget shall compile the information provided under section 3(b) and make the information available to the public on the Commonwealth's publicly accessible Internet website within 30 days of receipt of the information and in writing, upon request.

(b) Report to General Assembly.--The secretary shall, on an annual basis, compile the information under section 3(b) and make a report to the General Assembly relating to the same. The report shall be received in open session in each house of the General Assembly and filed for public inspection with the Chief Clerk of the Senate and the Chief Clerk of the House of

1 Representatives.

2 Section 5. Warrants not honored.

3 If an appropriation containing an earmark has been made by  
4 the General Assembly and the earmark has not been enumerated and  
5 publicly disclosed under section 3(b), the State Treasurer shall  
6 not honor a warrant made for the payment of the specific amount  
7 of the appropriation that includes the earmark. In such case,  
8 that specific amount of the appropriation that includes the  
9 earmark shall lapse at the end of the fiscal year.

10 Section 6. Construction.

11 This act shall be liberally construed to promote full  
12 enumeration and disclosure of earmarks. In complying with this  
13 act, the General Assembly and the Governor are authorized to  
14 make disclosures of earmarks whenever such action would promote  
15 complete disclosure, notwithstanding any limitations set forth  
16 under this act.

17 Section 7. Applicability.

18 This act shall apply to appropriations made for the 2008-2009  
19 fiscal year and for each year thereafter.

20 Section 10. Effective date.

21 This act shall take effect in 60 days.