

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 15 Session of 2011

INTRODUCED BY CHRISTIANA, MARSHALL, VULAKOVICH, BAKER, BARBIN, BARRAR, BEAR, BENNINGHOFF, BOYD, CALTAGIRONE, CAUSER, CLYMER, CREIGHTON, CUTLER, DEASY, DENLINGER, DePASQUALE, DeWEESE, ELLIS, EVERETT, FARRY, FLECK, FREEMAN, GABLER, GEIST, GIBBONS, GINGRICH, GODSHALL, GOODMAN, GRELL, GROVE, HAHN, HARHART, HARPER, HARRIS, HELM, HENNESSEY, HESS, HUTCHINSON, KAUFFMAN, M.K. KELLER, KILLION, KNOWLES, KORTZ, KRIEGER, MAHER, MAJOR, MARSICO, MATZIE, METCALFE, METZGAR, MILLER, MURPHY, MUSTIO, OBERLANDER, O'NEILL, PAYTON, PEIFER, PICKETT, PYLE, QUIGLEY, QUINN, RAPP, READSHAW, REED, REESE, REICHLLEY, ROAE, ROCK, SACCONI, SANTARSIERO, SAYLOR, SCAVELLO, SCHRODER, SHAPIRO, SIMMONS, K. SMITH, M. SMITH, STEVENSON, SWANGER, TALLMAN, TOEPEL, TURZAI, VEREB, WAGNER, WATSON, BROOKS, LAWRENCE AND BLOOM, JANUARY 19, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 19, 2011

AN ACT

1 Providing for the establishment of a searchable budget database-
 2 driven Internet website detailing certain information
 3 concerning taxpayer investments.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pennsylvania
 8 Web Accountability, Transparency and Contract Hub Act or as the
 9 PennWATCH Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
 12 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Commonwealth agency." An executive agency, a legislative
3 agency, a judicial agency, an independent agency or a State-
4 affiliated entity.

5 "Executive agency."

6 (1) Any one of the following:

7 (i) The Governor and the departments, boards,
8 commissions, authorities and other officers and agencies
9 of the Commonwealth.

10 (ii) The Treasury Department.

11 (iii) The Department of the Auditor General.

12 (iv) The Office of Attorney General.

13 (2) The term does not include a judicial agency,
14 legislative agency, independent agency, State-affiliated
15 entity, State-related institution, political subdivision or
16 any local, regional or metropolitan transportation authority.

17 "Expenditures." A disbursement of Commonwealth funds. The
18 term includes a grant, a payment under a contract, an
19 appropriation, tax exemption or tax credit. The term does not
20 include a payment to an individual of State public or
21 unemployment assistance or services or to an employee for unused
22 benefits upon retirement.

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

26 "Independent agency." Boards, commissions and other agencies
27 and officers of the Commonwealth which are not subject to the
28 policy supervision and control of the Governor. The term does
29 not include an executive agency, judicial agency, legislative
30 agency, State-affiliated entity, State-related institution,

1 political subdivision or any local, regional or metropolitan
2 transportation authority.

3 "Judicial agency."

4 (1) Any of the following:

5 (i) The Supreme Court of Pennsylvania.

6 (ii) The Superior Court of Pennsylvania.

7 (iii) The Commonwealth Court of Pennsylvania.

8 (iv) Any other court or other officer or agency of
9 the unified judicial system.

10 (2) The term does not include an executive agency,
11 legislative agency, independent agency, State-affiliated
12 entity, State-related institution, political subdivision or
13 any local, regional or metropolitan transportation authority.

14 "Legislative agency."

15 (1) Any of the following:

16 (i) The Senate of Pennsylvania.

17 (ii) The Pennsylvania House of Representatives.

18 (iii) Any other officer or agency of the General
19 Assembly.

20 (2) The term does not include an executive agency,
21 judicial agency, independent agency, State-affiliated entity,
22 State-related institution, political subdivision or any
23 local, regional or metropolitan transportation authority.

24 "Recipient." A person to which an expenditure is made.

25 "State-affiliated entity." A Commonwealth authority or a
26 Commonwealth entity. The term includes the Pennsylvania Gaming
27 Control Board, the Commonwealth Financing Authority, the
28 Pennsylvania Turnpike Commission, the Pennsylvania Housing
29 Finance Agency, the Pennsylvania Municipal Retirement System,
30 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. The term does not include a judicial agency,
4 legislative agency, State-related institution, political
5 subdivision or any local, regional or metropolitan
6 transportation authority.

7 "State audit or report." An audit report issued by the
8 Auditor General, a Commonwealth agency, including the Governor's
9 Office, Office of Comptroller Operations, the Joint State
10 Government Commission or the Legislative Budget and Finance
11 Committee, relating to a funding recipient, a budget program or
12 an agency.

13 "State-related institution." The Pennsylvania State
14 University, the University of Pittsburgh, Lincoln University or
15 Temple University.

16 Section 3. Searchable budget database.

17 (a) Development.--By August 31, 2011, the State Treasurer
18 shall develop, implement and maintain a single, searchable,
19 public Internet website to be known as PennWATCH. The Internet
20 website shall contain the revenue and expenditure information
21 for Commonwealth agencies as required under subsection (b) in
22 numerical and, where appropriate, graphical depictions. The
23 Internet website shall allow the public to search for and
24 aggregate information at no cost.

25 (b) Contents.--Except as provided under subsection (c) and
26 by August 31 of each fiscal year, the Internet website shall
27 include the source tax and amount of revenue received by the
28 Commonwealth for the previous fiscal year and the following
29 information relating to each expenditure of a Commonwealth
30 agency for the previous fiscal year:

1 (1) The name and principal location or address of the
2 recipient of the expenditure.

3 (2) The amount of expenditure.

4 (3) The fund source of the expenditure.

5 (4) The applicable appropriation line item in the
6 General Appropriation Act from which the expenditure is made.

7 (5) If the expenditure was made under a contract, a
8 hyperlink to the copy of the contract maintained under
9 Chapter 17 of the act of February 14, 2008 (P.L.6, No.3),
10 known as the Right-to-Know Law.

11 (6) A description of the program under which the
12 expenditure is made.

13 (7) The expected performance outcomes achieved from the
14 expenditure, if available.

15 (8) Any State audit report relating to the recipient,
16 the program or the Commonwealth agency administering the
17 funding.

18 (9) Any other relevant information specified by the
19 State Treasurer.

20 (c) Exemption.--The following shall not be included in the
21 Internet website:

22 (1) Records, material dates or other information
23 exempted from disclosure under 24 Pa.C.S. § 8502(e) (2)
24 (relating to administrative duties of board).

25 (2) Records, material dates or other information
26 exempted from disclosure 71 Pa.C.S. § 5902(e) (2) (relating to
27 administrative duties of board).

28 (3) Records exempted from disclosure under the Right-to-
29 Know Law.

30 (d) Maintenance.--Beginning August 31, 2011, information for

1 a fiscal year shall remain on the Internet website for a period
2 of at least ten years from the date of posting.

3 Section 4. Administration.

4 (a) Commonwealth agency requirements.--Each Commonwealth
5 agency shall cooperate with and provide to the State Treasurer
6 all information required under section (3)(b) no later than 30
7 days after the information becomes available to the Commonwealth
8 agency.

9 (b) Format.--Each Commonwealth agency shall create and
10 maintain the information required to be posted under section
11 3(b) in ASCII-delimited text file, spreadsheet file or other
12 file as required by the State Treasurer.

13 Section 5. Compliance.

14 The State Treasurer shall not be considered in compliance
15 with this act unless the data required for the searchable budget
16 database is:

- 17 (1) available in a searchable manner; or
18 (2) are to be aggregated or, if the public is redirected
19 to other government Internet websites, the other Internet
20 websites contain the data required under this act.

21 Section 6. Effective date.

22 This act shall take effect in 90 days.