

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, REICHLEY, ROAE, ROCK, SACCONI, SANTARSIERO, SAYLOR, SCAVELLO, SCHRODER, SHAPIRO, SIMMONS, K. SMITH, M. SMITH, STEVENSON, SWANGER, TALLMAN, TOEPEL, TURZAI, VEREB, WAGNER, WATSON, BROOKS, LAWRENCE, BLOOM, RAVENSTAHL, ADOLPH, DAVIS, MIRABITO, STEPHENS, GILLEN, HORNAMAN AND KAVULICH, JANUARY 19, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, FEBRUARY 8, 2011

AN ACT

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

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

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

6 "EMPLOYMENT COMPENSATION." PAYMENT, INCLUDING GROSS SALARY, ←
7 OVERTIME AND BONUS, MADE TO AN EMPLOYEE OR OFFICER OF A
8 COMMONWEALTH AGENCY IN EXCHANGE FOR SERVICES RENDERED TO THAT
9 COMMONWEALTH AGENCY.

10 "ENTITY." ANY NATURAL PERSON, CORPORATION, ASSOCIATION,
11 UNION, LIMITED LIABILITY COMPANY OR LIMITED LIABILITY
12 PARTNERSHIP; ANY OTHER LEGAL BUSINESS ENTITY, INCLUDING A
13 NONPROFIT, A GRANTEE, A CONTRACTOR AND A SOLE PROPRIETOR; AND
14 ANY COUNTY, CITY OR OTHER LOCAL GOVERNMENT ENTITY.

15 "Executive agency."

16 (1) Any one of the following:

17 (i) The Governor and the departments, boards,
18 commissions, authorities and other officers and agencies
19 of the Commonwealth.

20 (ii) The Treasury Department.

21 (iii) The Department of the Auditor General.

22 (iv) The Office of Attorney General.

23 (2) The term does not include a judicial agency,
24 legislative agency, independent agency, State-affiliated
25 entity, State-related institution, political subdivision or
26 any local, regional or metropolitan transportation authority.

27 ~~"Expenditures." A disbursement of Commonwealth funds. The ←~~
28 ~~term includes a grant, a payment under a contract, an~~
29 ~~appropriation, tax exemption or tax credit. The term does not~~
30 ~~include a payment to an individual of State public or~~

1 ~~unemployment assistance or services or to an employee for unused~~
2 ~~benefits upon retirement.~~

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

6 "FUNDING ACTION OR EXPENDITURE." A PAYMENT BY A COMMONWEALTH ←
7 AGENCY MADE TO AN ENTITY UNDER THE TERMS OF A GRANT AGREEMENT OR
8 FOR THE PURCHASE OF GOODS AND SERVICES, INCLUDING PAYMENTS IN
9 CASH, BY CHECK OR BY ANY FORM OF ELECTRONIC FUNDS TRANSFER OR
10 DEPOSIT. THE TERM DOES NOT INCLUDE SOCIAL SERVICES PAYMENTS,
11 UNEMPLOYMENT COMPENSATION, PROPERTY TAX OR RENT REBATE CHECKS OR
12 ANY OTHER PAYMENTS OFFERED NOT IN REGARD TO GOODS PROVIDED OR
13 SERVICES RENDERED OR NOT PURSUANT TO A GRANT AGREEMENT BUT
14 OFFERED AS DIRECT MONETARY PAYMENTS FOR WHICH ELIGIBILITY IS
15 DETERMINED IN WHOLE OR IN PART BY INCOME LEVEL OR ECONOMIC
16 STATUS.

17 "FUNDING SOURCE." THE AGENCY RESPONSIBLE FOR REQUESTING,
18 AUTHORIZING OR DIRECTING A FUNDING ACTION OR EXPENDITURE.

19 "Independent agency." Boards, commissions and other agencies
20 and officers of the Commonwealth which are not subject to the
21 policy supervision and control of the Governor. The term does
22 not include an executive agency, judicial agency, legislative
23 agency, State-affiliated entity, State-related institution,
24 political subdivision or any local, regional or metropolitan
25 transportation authority.

26 "Judicial agency."

27 (1) Any of the following:

28 (i) The Supreme Court of Pennsylvania.

29 (ii) The Superior Court of Pennsylvania.

30 (iii) The Commonwealth Court of Pennsylvania.

1 (iv) Any other court or other officer or agency of
2 the unified judicial system.

3 (2) The term does not include an executive agency,
4 legislative agency, independent agency, State-affiliated
5 entity, State-related institution, political subdivision or
6 any local, regional or metropolitan transportation authority.
7 "Legislative agency."

8 (1) Any of the following:

9 (i) The Senate of Pennsylvania.

10 (ii) The Pennsylvania House of Representatives.

11 (iii) Any other officer or agency of the General
12 Assembly.

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

17 ~~"Recipient." A person to which an expenditure is made.~~ ←

18 "SOCIAL SERVICES PAYMENTS." CASH ASSISTANCE AND OTHER ←
19 WELFARE BENEFITS PAYMENTS, EDUCATION BENEFITS PAYMENTS, WORKERS'
20 COMPENSATION AND UNEMPLOYMENT COMPENSATION PAYMENTS.

21 "State-affiliated entity." A Commonwealth authority or a
22 Commonwealth entity. The term includes the Pennsylvania Gaming
23 Control Board, the Commonwealth Financing Authority, the
24 Pennsylvania Turnpike Commission, the Pennsylvania Housing
25 Finance Agency, the Pennsylvania Municipal Retirement System,
26 the Pennsylvania Infrastructure Investment Authority, the State
27 Public School Building Authority, the Pennsylvania Higher
28 Educational Facilities Authority and the State System of Higher
29 Education. The term does not include a judicial agency,
30 legislative agency, State-related institution, political

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

3 "State audit or report." An audit report issued by the
4 Auditor General, a Commonwealth agency, including the Governor's
5 Office, Office of Comptroller Operations, the Joint State
6 Government Commission or the Legislative Budget and Finance
7 Committee, relating to a funding ~~recipient~~ ACTION OR
8 EXPENDITURE, a budget program or ~~an~~ A COMMONWEALTH agency.



9 "State-related institution." The Pennsylvania State
10 University, the University of Pittsburgh, Lincoln University or
11 Temple University.

12 "STATE TREASURY." THE TREASURY DEPARTMENT OF THE
13 COMMONWEALTH.



14 Section 3. Searchable budget database.

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



24 ACTION OR EXPENDITURE INFORMATION FOR COMMONWEALTH AGENCIES.
25 INFORMATION ON THE INTERNET WEBSITE SHALL INCLUDE:

26 (1) THE NAME AND ADDRESS OF THE PRINCIPAL LOCATION OR
27 RESIDENCE AND THE APPLICABLE VENDOR IDENTIFICATION SYSTEM OF
28 THE ENTITY RECEIVING PAYMENT.

29 (2) THE AMOUNT OF THE FUNDING ACTION OR EXPENDITURE.

30 (3) THE FUND SOURCE AND THE FUNDING SOURCE OF THE

1 FUNDING ACTION OR EXPENDITURE.

2 (4) THE APPLICABLE APPROPRIATION AND APPROPRIATION
3 FISCAL YEAR FROM WHICH THE EXPENDITURE IS MADE.

4 (5) A COUNTER TO SHOW THE NUMBER OF TIMES THE INTERNET
5 WEBSITE IS ACCESSED.

6 (B) ADDITIONAL DATA.--BY DECEMBER 31, 2013, THE PENNWATCH
7 WEBSITE SHALL PROVIDE ADDITIONAL DATA, INCLUDING:

8 (1) IF AN EXPENDITURE WAS MADE UNDER A CONTRACT, A
9 HYPERLINK TO THE COPY OF THE CONTRACT MAINTAINED UNDER
10 CHAPTER 17 OF THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
11 KNOWN AS THE RIGHT-TO-KNOW LAW.

12 (2) A DESCRIPTION OF THE PROGRAM UNDER WHICH THE FUNDING
13 ACTION OR EXPENDITURE IS MADE.

14 (3) THE EXPECTED PERFORMANCE OUTCOMES ACHIEVED FROM THE
15 FUNDING ACTION OR EXPENDITURE, IF AVAILABLE.

16 (4) INFORMATION FOR PENNWATCH TO OFFER A HYPERLINK TO
17 ANY FINAL STATE AUDIT REPORT RELATING TO THE ENTITY, THE
18 PROGRAM OR THE FUNDING SOURCE ADMINISTERING THE FUNDING
19 ACTION OR EXPENDITURE.

20 (C) ACCESS.--THE INTERNET WEBSITE SHALL ALLOW THE PUBLIC TO
21 SEARCH FOR AND AGGREGATE INFORMATION AT NO COST.

22 ~~(b) Contents~~ (D) SOURCE TAX AND AMOUNT.--Except as provided ←
23 under subsection ~~(c) and~~ (E), by August 31 of each fiscal year, ←
24 BEGINNING IN FISCAL YEAR 2012-2013, the Internet website shall
25 include the source tax and amount of revenue received by the
26 Commonwealth for the previous fiscal year ~~and the following~~ ←
27 ~~information relating to each expenditure of a Commonwealth~~
28 ~~agency for the previous fiscal year~~ AND SUCH OTHER INFORMATION ←
29 AS REQUIRED BY THIS SUBSECTION:

30 ~~(1) The name and principal location or address of the~~

1 ~~recipient of the expenditure.~~

2 ~~(2) The amount of expenditure.~~

3 ~~(3) The fund source of the expenditure.~~

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

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

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

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

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

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

19 (1) THE TOTAL NUMBER OF INDIVIDUALS EMPLOYED BY EACH ←
20 COMMONWEALTH AGENCY FOR THE PREVIOUS FISCAL YEAR.

21 (2) LINKS TO EACH COMMONWEALTH AGENCY INTERNET WEBSITE
22 WHERE AVAILABLE.

23 ~~(e)~~ (E) Exemption.--The NOTWITHSTANDING THE REQUIREMENTS ←
24 OUTLINED IN SUBSECTIONS (A), (B), (C) AND (D), THE following
25 shall not be included in the Internet website:

26 (1) Records, material, data or other information ←
27 exempted from disclosure under 24 Pa.C.S. § 8502(e) (2)
28 (relating to administrative duties of board).

29 (2) Records, material, data or other information ←
30 exempted from disclosure 71 Pa.C.S. § 5902(e) (2) (relating to

1 administrative duties of board).

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

4 ~~(d) (F) Maintenance.--Beginning August 31, 2011, information~~ ←
5 INFORMATION for a fiscal year shall remain on the Internet ←
6 website for a period of at least ten years from the date of
7 posting.

8 Section 4. Administration.

9 (a) Commonwealth agency requirements.--Each Commonwealth
10 agency shall cooperate with and provide to the State Treasurer ←
11 ~~all information required under section (3)(b) no later than 30-~~
12 ~~days after the information becomes available to the Commonwealth-~~
13 ~~agency.~~ TREASURY ALL REQUIRED INFORMATION AT THE TIME THE ←
14 REQUEST FOR FUNDING ACTION OR EXPENDITURE IS SUBMITTED.

15 (B) ACCURACY.--EACH COMMONWEALTH AGENCY IS RESPONSIBLE FOR
16 VERIFYING THE ACCURACY AND COMPLETENESS OF THE INFORMATION THAT
17 IT SUBMITS TO THE STATE TREASURY.

18 ~~(b) Format.--Each Commonwealth agency shall create and~~ ←

19 (C) FORMAT AND CLASSIFICATION SYSTEM.-- ←

20 (1) EACH COMMONWEALTH AGENCY SHALL CREATE AND maintain
21 the information required to be posted under section ~~3(b) in~~ ←
22 ~~ASCII delimited text file, spreadsheet file or other file as~~
23 ~~required by the State Treasurer.~~ 3 IN ASCII-FIXED TEXT FILE, ←
24 XML OR OTHER COMMONLY AGREED UPON FILE FORMAT.

25 (2) THE STATE TREASURY MAY REQUIRE THE USE OF A
26 CLASSIFICATION SYSTEM TO ALLOW CONSISTENT CATEGORIZATION OF
27 DIFFERENT TYPES OF GOODS AND SERVICES THAT MAY BE THE SUBJECT
28 OF A FUNDING ACTION OR EXPENDITURE.

29 SECTION 5. SUBMISSION OF INFORMATION.

30 (A) EMPLOYMENT COMPENSATION.--BEGINNING IN 2012, BY FEBRUARY

1 15, EACH COMMONWEALTH AGENCY SHALL SUBMIT INFORMATION TO THE
2 STATE TREASURY PROVIDING THE EMPLOYMENT COMPENSATION FOR EACH OF
3 ITS EMPLOYEES FOR THE PRECEDING CALENDAR YEAR.

4 (B) REQUIRED INFORMATION.--EACH COMMONWEALTH AGENCY SHALL
5 SUBMIT THE FOLLOWING INFORMATION TO THE STATE TREASURY:

6 (1) NAME OF THE EMPLOYEE RECEIVING COMPENSATION.

7 (2) AMOUNT OF TOTAL EMPLOYMENT COMPENSATION.

8 (3) FUNDING SOURCE.

9 (4) POSITION TITLE.

10 SECTION 6. VENDOR IDENTIFICATION SYSTEM.

11 (A) VENDOR IDENTIFICATION SYSTEM.--THE STATE TREASURY MAY
12 MAINTAIN A VENDOR IDENTIFICATION SYSTEM FOR MANDATORY USE BY ALL
13 COMMONWEALTH AGENCIES IN ORDER TO PROVIDE A COMMON DESIGNATION
14 OF EACH PAYEE AND TO FACILITATE AGGREGATION OF DATA ON THE
15 PUBLIC INTERNET WEBSITE.

16 (B) COOPERATION WITH AGENCIES.--THE STATE TREASURY SHALL
17 WORK WITH COMMONWEALTH AGENCIES IN MAINTAINING THE VENDOR
18 IDENTIFICATION SYSTEM.

19 (C) COMPATIBILITY.--THE VENDOR IDENTIFICATION SYSTEM SHALL
20 BE COMPATIBLE WITH EXISTING SYSTEMS WITHIN COMMONWEALTH
21 AGENCIES.

22 SECTION 7. REPORT TO GENERAL ASSEMBLY AND GOVERNOR.

23 THE STATE TREASURER SHALL PREPARE AN ANNUAL REPORT CONTAINING
24 STATISTICAL INFORMATION ON THE USAGE AND PERFORMANCE OF THE
25 INTERNET WEBSITE MANDATED BY THIS ACT. THE REPORT SHALL CONTAIN,
26 BUT NOT BE LIMITED TO, FREQUENCY OF USER ACCESS OF THE WEBSITE,
27 TYPES OF DATA BEING ACCESSED AND WEBSITE PERFORMANCE. THE REPORT
28 SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY AND THE GOVERNOR BY
29 MARCH 30 OF EACH YEAR BEGINNING MARCH 30, 2012.

30 Section ~~5~~ 8. Compliance.



1 The State ~~Treasurer~~ TREASURY shall not be considered in ←
2 compliance with this act unless the data required for the
3 Internet website is available ~~in a searchable manner and able to~~ ←
4 ~~be aggregated~~ BY THE DATES SPECIFIED IN THIS ACT. ←
5 Section ~~6~~ 20. Effective date. ←
6 This act shall take effect ~~in 90 days~~ IMMEDIATELY. ←