

No. 2011-18

AN ACT

HB 15

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

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

Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania Web Accountability and Transparency (PennWATCH) Act.

Section 2. Definitions.

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

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

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

Section 3. Searchable budget database.

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

- (1) The name and address of the Commonwealth agency or other entity receiving funding and the applicable identifier and classification under the vendor identification system under section 5 of the entity receiving a payment.
- (2) The amount of the funding action or expenditure.
- (3) The agency initiating the funding action or expenditure.
- (4) The applicable appropriation and the appropriation fiscal year from which the funding action or expenditure is made.
- (5) A counter to show the number of times the website is accessed.
- (6) The funding source.

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

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

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

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

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

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

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

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

(1) Name.

(2) Position or title.

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

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

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

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

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

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

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

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

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

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

Section 4. Administration.

(a) Commonwealth agency requirements.—Each Commonwealth agency shall cooperate with the Governor's Office of Administration. The following shall apply:

(1) Each Commonwealth agency shall provide the office with all appropriation and funding action or expenditure information as required

under this act at the time the funding action or expenditure is paid by the State Treasury.

(2) Each Commonwealth agency shall provide the office with complement and employment compensation information as required under this act prior to the end of each month.

(b) Accuracy.—Each Commonwealth agency is responsible for verifying the accuracy and completeness of information submitted to the office.

(c) Format.—Each Commonwealth agency shall establish and maintain the information required to be posted under section 3 in a manner prescribed by the office. The office shall consult with judicial agencies, legislative agencies and other Commonwealth agencies to develop the format to be utilized.

Section 5. Vendor identification system.

The vendor identification system specified by the Governor's Office of Administration shall be used to provide a common designation of each entity and to facilitate aggregation.

Section 6. Report to Governor and General Assembly.

The Governor's Office of Administration shall prepare an annual report containing statistical information on the usage and performance of the website. The report shall contain frequency of user access of the website, types of data being accessed and website performance. The report shall be submitted to the Governor and the Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives by March 30 of each year beginning March 30, 2014.

Section 40. Effective date.

This act shall take effect immediately.

APPROVED—The 30th day of June, A.D. 2011

TOM CORBETT