



Senate Finance Committee

168 Main Capitol Building
Harrisburg, PA 17120-0036
(717) 787-4420

Senator Mike Brubaker
Chairman

Mark Ryan
Executive Director
mryan@pasen.gov

AMENDMENT SUMMARY

Amendment: A00653
Legislation: Senate Bill 105, P.N. 88
Date: February 11, 2011

Overview:

A00653 removes the existing provisions of Senate Bill 105, P.N. 88 and inserts provisions that parallel House Bill 15, P.N. 531 as it passed the House of Representatives.

Summary:

Senate Bill 105, as amended by A00653, creates the PennWATCH Act requiring the Independent Fiscal Office to develop, implement and maintain a searchable, public Internet website containing revenue and expenditure information for Commonwealth agencies, including executive agencies, legislative agencies, judicial agencies, independent agencies and state-affiliated entities. Implementation would take place in two phases.

The first phase shall be implemented by December 2011 and shall include:

- Annual appropriation information and funding action/expenditure (payment) information for Commonwealth agencies.
- The name, address and applicable vendor identifier of any entity receiving payment.
- The amount of the expenditure.
- The fund source (agency) of the funding action or expenditure (payment).
- The appropriation and appropriation fiscal year from which the expenditure is made.
- A counter showing the number of times the website is visited.

The second phase shall be implemented by December 31, 2013 and shall include all information required in the first phase, in addition to the following:

- If a payment was made under a contract, a hyperlink to the contract maintained under Chapter 17 of the Right-to-Know Law.
- A description of the program under which the funding action or expenditure (payment) was made.
- The expected performance outcomes of the expenditure, if available.
- A hyperlink to a final state audit report relating to the entity, the program or the funding source administering the funding action or expenditure.

Note: A funding action or expenditure is a payment by a Commonwealth agency to an entity under the terms of a grant agreement or for the purchase of goods and services. The term excludes social service payments, unemployment compensation, property tax or rent rebate checks or any other payments for which eligibility is determined in whole or in part by income level or economic status.

The following additional data shall be provided on the Internet website annually beginning in 2012:

- By February 15, compensation data for all Commonwealth agency employees, including total compensation (gross salary, overtime and any bonus), name of the employee receiving the compensation, position title and the funding source.
- By August 31, taxes and revenue received by the Commonwealth in the previous fiscal year; the total number of individuals employed by each Commonwealth agency for the previous fiscal year; and links to each Commonwealth agency website where available.

The following requirements shall apply to the Internet website:

- It shall allow the public to search for and aggregate information at no cost.
- Information for a fiscal year shall remain available for at least 10 years.

Exemptions – The following shall not be included on the Internet website.

- Records, materials or data received, prepared, used or retained by the PSERS board or its employees, investment professionals or agents relating to an investment. 24 Pa.C.S. §8502(e)(2)
- Records, materials or data received, prepared, used or retained by the SERS board or its employees, investment professionals or agents relating to an investment. 71 Pa.C.S. §5902(e)(2)
- Records exempt from disclosure under the Right-to-Know-Law.

Administration, classification and vendor identification:

- The Independent Fiscal Office may require the use of a classification system to allow consistent categorization of different types of goods and services.
- The Independent Fiscal Office shall work with the Commonwealth agencies in maintaining a vendor identification system to provide a common designation for each payee and to facilitate aggregation of data on the website.
- The Independent Fiscal Office shall not be considered to be in compliance with the act unless the required data is available by the dates specified.
- Commonwealth agencies shall provide all required information to the Independent Fiscal Office at the time a request for funding action or expenditure is submitted. Commonwealth agencies are responsible for the accuracy and completeness of the information submitted.

The Independent Fiscal Office shall submit an annual report to the General Assembly and the Governor by March 30th, beginning in 2012. The report shall contain information on the use and performance of the website, including the frequency of use, types of data accessed, and website performance.