

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 261 Session of
2007

INTRODUCED BY D. EVANS, CALTAGIRONE, CAPPELLI, CURRY,
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PAYTON, WALKO AND GRELL, FEBRUARY 6, 2007

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 29, 2007

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing, in
21 budget procedures, for revenue estimates, for transmission of
22 budget information to legislature, for budget implementation
23 data and for electronic access to information; and
24 establishing the Independent Fiscal Review Board.

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

1 Section 1. Sections 618 and 619 of the act of April 9, 1929
2 (P.L.177, No.175), known as The Administrative Code of 1929,
3 added September 27, 1978 (P.L.775, No.149), are amended to read:

4 Section 618. Revenue Estimates.--(a) The Department of
5 Revenue in conjunction with the Secretary of the Budget shall
6 make revenue estimates for the use of the Governor in preparing
7 the budget with periodic revisions until the final estimate is
8 signed by the Governor not later than the time he signs the
9 general appropriation bill. The revenue estimates used to sign
10 any appropriation bill shall show separately State revenues,
11 Federal funds, and, if specifically appropriated, funds from
12 other sources. The Governor shall item veto any part of any
13 appropriation bill that causes total appropriations to exceed
14 the official estimate plus any unappropriated surplus. No
15 changes in the revenue estimates shall be made thereafter unless
16 changes in statutes affecting revenues and receipts are enacted.

17 (b) The revenue estimates shall be prepared in a way that
18 they are subject to complete and thorough oversight by the
19 Appropriations Committees of the Senate and the House of
20 Representatives and the Independent Fiscal Review Board with
21 full knowledge of all data, assumptions, and econometric models
22 which were used to develop the projections and any subsequent
23 revisions of these projections.

24 (c) A committee consisting of the Governor, the Secretary of
25 the Budget, the Secretary of Revenue [and the Chairmen], the
26 Chairs of the Appropriations Committees of the Senate and the
27 House of Representatives and the Chair of the Independent Fiscal
28 Review Board is hereby established to oversee the development,
29 maintenance and/or use of econometric models which may be
30 applied in the forecasting of State revenues. A model or models

1 shall be developed for this purpose in the event that one does
2 not currently exist. The Governor's Office shall maintain and
3 update the model or models or appoint an appropriate agency or
4 agencies to perform this responsibility. The Governor's Office
5 shall inform the Oversight Committee of any changes to be made
6 to the model or models to keep it updated. The equations of the
7 model or models and any historic data bases related thereto
8 shall be available to any member of the Oversight Committee or
9 to the Minority [Chairman] Chair of the Appropriations Committee
10 of the Senate or House of Representatives upon request at any
11 time for any reason. Members of the Oversight Committee or the
12 Minority [Chairman] Chair of the Appropriations Committee of the
13 Senate or the House of Representatives may request the
14 Governor's Office or the appropriate agency to run the model or
15 models for any purpose including the testing of new equations
16 and to produce forecasts. Forecasts produced by the model or
17 models and any forecasted data bases related thereto shall be
18 kept confidential by the Governor's Office and the appropriate
19 agency or agencies producing these forecasts until or unless the
20 individual requesting such forecast shall release them from this
21 requirement. In no way shall this confidentiality provision be
22 construed to prevent access by the Appropriations Committees of
23 the Senate or House of Representatives or the Independent Fiscal
24 Review Board to forecasts used in the preparation of the
25 Governor's revenue estimates after the presentation of the
26 budget as required in section 619(b).

27 Section 619. Transmission of Budget Information to the
28 General Assembly.--(a) In December of each year, the Governor
29 shall meet with the Majority and Minority [Chairmen] Chairs of
30 the Appropriations Committees and the officers of the General

1 Assembly to brief the legislative leadership on the issues he
2 can foresee as being imminent in the budget for the next fiscal
3 year and exchange views with them on issues on the budget before
4 it is formally submitted to the General Assembly. The Governor's
5 briefing shall include:

6 (1) Major anticipated increases or decreases in programs.

7 (2) The results or anticipated results of employee union
8 negotiations for salaries, wages and other benefits.

9 (3) The statistics involved in preliminary forecasts of the
10 major programs mandated by statute such as education subsidies,
11 all public assistance programs, debt service and forecasts of
12 revenue.

13 (4) Other appropriate budget information.

14 The legislative officers shall also inform the Governor of
15 financial matters which should be considered in the budget.

16 (a.1) At the same time that the Governor presents the budget
17 to the General Assembly, the Governor shall, as provided in
18 section ~~2810-D~~ 2809-D, present a documented revenue forecast as <—
19 defined in section 2802-D.

20 (b) In the year the Governor is inaugurated, the Governor
21 shall present the budget to the General Assembly no later than
22 the first full week in March and in other years, no later than
23 the first full week in February.

24 (c) The budget shall include the results of any program
25 evaluation report completed by the Budget Office in the fiscal
26 year preceding the year in which the budget request is made. The
27 results of the evaluation report and its recommendations shall
28 be summarized and included in the budget documentation.

29 (d) The Governor and each department or agency of the
30 Commonwealth, upon request of the [Chairman] Chair of the

1 Appropriations Committees of either the Senate or the House of
2 Representatives, shall provide documentation of any budget
3 request, including revenue estimates upon which the Governor's
4 budget estimate is based.

5 Section 2. Section 620 of the act, amended November 26, 1997
6 (P.L.530, No.57), is amended to read:

7 Section 620. Budget Implementation Data.--(a) The Governor
8 shall make monthly expenditure data available to the Majority
9 and Minority [Chairmen] Chairs of the Appropriations Committees
10 of the Senate and the House of Representatives. Monthly data
11 shall be provided within fifteen (15) days after the end of each
12 month. The monthly data shall be prepared in such a way that the
13 last monthly submission is a summary inclusive of the preceding
14 months of the fiscal year and shall be usable to establish a
15 history of expenditure file. This data, at the discretion of the
16 Majority and Minority [Chairmen] Chairs of the Appropriations
17 Committees of the Senate and the House of Representatives may be
18 provided either in finished reports or on computer tapes. The
19 data shall be provided by fund, by appropriation, by department
20 and by organization within each department and shall include:

21 (1) Number of filled personnel positions and their cost.

22 (2) Itemized personnel vacancies and their cost.

23 (3) New positions created and their cost.

24 (4) Wage and overtime costs.

25 (5) Allotments and expenditures for itemized personnel
26 expenses.

27 (6) Allotments and expenditures for itemized operating
28 expenses.

29 (7) Allotments and expenditures for itemized fixed assets.

30 (8) The rate of expenditures in appropriations for major

1 subsidy and grant programs during the month.
2 In addition to the above specified budgetary data, the Governor
3 shall make available any other budgetary data as may be
4 requested from time to time by the Majority and Minority
5 [Chairmen] Chairs of the Appropriations Committees of the Senate
6 and the House of Representatives.

7 (b) The Governor shall make monthly revenue reports to the
8 Majority and Minority [Chairmen] Chairs of the Appropriations
9 Committees of the Senate and the House of Representatives and
10 the Independent Fiscal Review Board. The revenue reports shall
11 show the actual collection of revenue itemized by source and a
12 comparison of the actual collections with estimated collections
13 for each month. The comparison shall be accompanied by an
14 analysis which would indicate any change in collection patterns
15 which will cause a shortfall or overrun on the annual estimates
16 of more than one per centum (1%).

17 (c) The Governor shall cause to be prepared any other
18 revenue data as may be requested from time to time by the
19 Majority or Minority [Chairmen] Chairs of the Appropriations
20 Committees of the Senate or the House of Representatives and to
21 the Chair of the Independent Fiscal Review Board.

22 Section 3. Section 620.1 of the act, added August 14, 1991
23 (P.L.331, No.35), is amended to read:

24 Section 620.1. Electronic Access [of] to Information.--
25 Except for confidential information, the Majority and Minority
26 [Chairmen] Chairs of the Appropriations Committees of the Senate
27 and House of Representatives and the Chair of the Independent
28 Fiscal Review Board shall have access to all information
29 available on inquiry-only screens through the Integrated Central
30 System.

1 Section 4. The act is amended by adding an article to read:

2 ARTICLE XXVIII-D

3 POWERS AND DUTIES OF THE INDEPENDENT FISCAL

4 REVIEW BOARD

5 Section 2801-D. Legislative purpose.

6 The General Assembly recognizes the continued need for public
7 services which ensure the economic and social well-being of
8 individuals and businesses in this Commonwealth.

9 (1) To that end, the General Assembly finds and declares
10 that the Commonwealth should establish an independent entity
11 to do all of the following:

12 ~~(i) Recommend changes which will modernize and~~ <—
13 ~~reform the Commonwealth and local revenue systems which~~
14 ~~supports these public services.~~

15 ~~(ii) Continually monitor this system.~~

16 (I) CONTINUALLY MONITOR THE STATE AND LOCAL REVENUE <—
17 SYSTEM.

18 ~~(iii) (II) Encourage discussion in a public forum of~~ <—
19 ~~issues and concerns related to this system.~~

20 ~~(iv) (III) Particularly focus on revenue forecasts~~ <—
21 ~~and legislation affecting the General Fund.~~

22 (2) The General Assembly further recognizes that the
23 Commonwealth should establish an independent entity which is
24 composed of professionals who are experts in their fields and
25 who can encourage debate on whether the Commonwealth revenue
26 system equitably distributes the burden of payment, promotes
27 economic efficiency and growth, provides appropriate and
28 timely revenues, is easy to understand and easy to administer
29 and ensures accountability.

30 Section 2802-D. Definitions.

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

"Board." The Independent Fiscal Review Board established in section 2803-D.

"Chairs of the Appropriations Committees." The Majority Chair and the Minority Chair of the Appropriations Committee of the Senate and the Majority Chair and the Minority Chair of the Appropriations Committee of the House of Representatives.

"Council." The Economic Advisory Council established in section ~~2809-D~~ 2808-D.

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"Documented revenue forecast." General Fund revenue estimates for the current and succeeding two fiscal years accompanied by supporting documentation which is sufficient for an individual to independently replicate and verify the forecast. Supporting documentation includes:

(1) All reference and data sources used to prepare the forecast.

(2) Economic growth assumptions accompanied with supporting rationale.

(3) All historical and forecast data used, including the effective rate of taxes.

(4) All adjustments to historical and forecast data accompanied with supporting rationale. The rationale includes a discussion of adjustments due to statutory changes, litigation and administrative practices.

(5) All models used, including econometric, structural and cash flow models.

(6) All formulas and calculations used to be accompanied with supporting rationale.

1 "General Fund revenue." The income sources for the General
2 Fund.

3 "Official estimate." The official estimate as required under
4 section 618(a) for General Fund revenue.

5 "Revenue system." The taxes levied by the various taxing
6 jurisdictions in this Commonwealth.

7 Section 2803-D. Board.

8 The Independent Fiscal Review Board is established as an
9 independent advisory board.

10 Section 2804-D. Purpose.

11 The board shall prepare periodic advisory General Fund
12 revenue estimates and reports; monitor Commonwealth and local
13 revenue systems; and act as an advisor to the Governor, the
14 General Assembly and the public concerning the following:

15 (1) General Fund revenue forecasts.

16 (2) Economic conditions in this Commonwealth.

17 (3) Trends and developments relevant to revenue systems
18 in this Commonwealth.

19 (4) Other information or analysis related to
20 Commonwealth and local revenue systems which the Governor or
21 the Chairs of the Appropriations Committees may request or as
22 may be required by law.

23 Section 2805-D. Membership.

24 (a) Members.--

25 (1) The board shall consist of nine members.

26 (2) The Governor shall appoint one member, and each of
27 the Chairs of the Appropriations Committees shall appoint one
28 member. The appointments under this paragraph shall be made
29 within 30 days of the effective date of this section.

30 (3) The five members under paragraph (2) shall appoint

1 four additional members to the board. The five board members
2 under paragraph (2) must unanimously approve each of the four
3 additional members. The members under this paragraph shall be
4 appointed within 60 days of the effective date of this
5 section.

6 (4) The board shall by a vote of six of the nine members
7 elect one of the four members under paragraph (3) to serve as
8 chair of the board.

9 (5) If a vacancy occurs on the board, the vacancy shall
10 be filled within 60 days. A successor shall be appointed by
11 the same appointing authority as the member being replaced.

12 (b) Requirements.--

13 (1) Each member must be skilled and knowledgeable in tax
14 policy, and have at least five years' experience in public
15 finance, economics or accounting. At least three members must
16 have a minimum of five years' professional economic
17 forecasting experience. At least one member must have a
18 minimum of five years of corporate tax accounting experience.

19 (2) A member may not be a lobbyist, as defined in 65
20 Pa.C.S. § 13A03 (relating to definitions).

21 (3) A board member must not be an employee of the
22 executive, legislative or judicial branch of State
23 government.

24 (4) A member may not seek or hold a position as any
25 other public official within this Commonwealth or as a party
26 officer during the member's term. A member may not seek
27 election as a public official or party officer for one year
28 after service with the board. A member may serve as an
29 appointed public official any time after service with the
30 board.

1 (c) Terms.--

2 (1) Of the nine initial appointments, two shall be
3 appointed for a term of two years, three for a term of three
4 years and four for a term of four years.

5 (2) The chair of the board, whose initial term shall be
6 for four years, shall have the other appointees draw lots to
7 determine which length of initial term each of them shall
8 serve.

9 (3) After initial terms, each term shall be four years.

10 (4) An individual appointed to fill a vacancy shall
11 serve the unexpired term.

12 (5) A board member may be reappointed to serve
13 subsequent terms.

14 (6) If the chair becomes vacant, the board shall elect a
15 new chair as provided in subsection (a)(4).

16 (d) Meetings.--

17 (1) The board shall meet as frequently as it deems
18 appropriate, but at least once during each quarter of the
19 fiscal year.

20 (2) The chair shall be responsible for calling meetings
21 of the board and shall set a date, time and place for
22 meetings.

23 (3) The member appointed by the Governor shall set a
24 date, time and place for the initial organizational meetings
25 of the board within ten days after the completion of the
26 initial five appointments and within ten days after the
27 completion of the remaining four appointments.

28 (4) The chair shall call a meeting of the board if a
29 request for such meeting is submitted to the chair by at
30 least three members of the board.

1 (e) Procedure.--

2 (1) The chair shall, when present, preside at the
3 meeting. In the chair's absence, a member designated by the
4 board shall preside. Actions of the chair are subject in
5 every case to majority approval of the board.

6 (2) Five members constitute a quorum.

7 (f) Reimbursement.--Members shall receive reimbursement for
8 actual and necessary expenses incurred while performing the
9 business of the board.

10 Section 2806-D. Powers and duties.

11 (a) Funds.--The board may expend appropriated funds
12 necessary to perform the function provided for in this article.

13 (b) Administration.--

14 (1) The board shall hire an executive director to aid in
15 carrying out the powers and duties of the board. The chair
16 shall, upon the approval of a majority of the members,
17 delegate to the executive director powers the chair deems
18 necessary to carry out the purposes of the board, subject to
19 the supervision and control of the board. The initial
20 appointment of the executive director shall take place within
21 30 days after all initial appointments to the board.

22 (2) The executive director may not seek or hold a
23 position as any other public official within this
24 Commonwealth or as a party officer during service with the
25 board. The executive director may not seek election as a
26 public official or party officer for one year after service
27 with the board. The executive director may serve as an
28 appointed public official any time after service with the
29 board.

30 (3) The executive director shall hire support staff as

1 necessary to carry out the functions of the board. The
2 initial chair of the board shall use the staff of the
3 Governor's Office as support staff until the executive
4 director has hired necessary support staff.

5 ~~(c) Fiscal review. The board shall conduct a comprehensive~~ <—
6 ~~fiscal review and recommend a proposal, within 18 months of the~~
7 ~~effective date of this section, to redesign and modernize~~
8 ~~Commonwealth and local revenue systems as required under section~~
9 ~~2807 D. The board shall carry out all of its powers and duties~~
10 ~~imposed by this article by first addressing and completing its~~
11 ~~duties with regard to the comprehensive fiscal review before~~
12 ~~exercising any of its powers and duties with regard to~~
13 ~~documented revenue forecasts, fiscal analysis and Commonwealth~~
14 ~~and local revenue systems as provided in subsections (d) and~~
15 ~~(e).~~

16 ~~(d) (C) Revenue forecast.--~~ <—

17 (1) The board shall prepare a documented revenue
18 forecast by April 30 and at any other time deemed necessary
19 by the board.

20 (2) The board shall analyze the documented revenue
21 forecasts which the Governor submits to the board as required
22 under section 2810-D 2809-D. The board shall ensure that the <—
23 documented revenue forecasts are a matter of public record.

24 (3) The board shall analyze how its most recent General
25 Fund revenue forecast compares with the official estimate.
26 Part of the analysis shall include a comparison of the
27 documented revenue forecast with the monthly report of the
28 official estimate as required under section 620(b). The board
29 shall provide to the public a summary of information
30 presented in a manner which a lay person can understand. The

1 board shall meet to approve information by a majority vote
2 before the information is released. Except as otherwise
3 provided, the board shall make information available in
4 printed form to the Governor, the Chairs of the
5 Appropriations Committees and the public by July 15, October
6 15, January 15, April 15 and June 15 and at any other time
7 that the board deems necessary. For purposes of this
8 paragraph, publication in the Pennsylvania Bulletin within
9 one week of the due date shall be sufficient to meet the
10 public reporting requirement.

11 (4) The board shall act in an advisory capacity and
12 shall develop policies and procedures for maintaining the
13 confidentiality of individual requests concerning General
14 Fund revenue forecasts, General Fund revenue proposals and
15 General Fund revenue analysis, upon the request of the
16 Governor or the Chairs of the Appropriations Committees.

17 ~~(e)~~ (D) Fiscal analysis.--

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18 (1) The board shall prepare and issue a fiscal analysis
19 for any bill proposing to expand, alter or reduce General
20 Fund revenue and for any amendment to a bill proposing to
21 expand, alter or reduce General Fund revenue. The fiscal
22 analysis shall include policy effects and estimated revenue
23 impacts for the current fiscal year and for each of the two
24 succeeding fiscal years, including all reference and data
25 sources and an explanation of the methodology used to
26 estimate the revenue impacts. In preparing a fiscal analysis,
27 the board shall consider the evaluation criteria set forth in
28 section ~~2808-D~~ 2807-D.

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29 (2) Except as provided in paragraph (3):

30 (i) no bill proposing to expand, alter or reduce

1 General Fund revenue shall be given second consideration
2 in either chamber of the General Assembly until the board
3 has attached a fiscal analysis; and

4 (ii) no amendment to any bill which proposes
5 amendment to expand, alter or reduce General Fund revenue
6 shall be considered by either chamber of the General
7 Assembly until the board has attached a fiscal analysis.

8 (3) If the board fails to attach a fiscal analysis
9 within 20 legislative days after a bill proposing to expand,
10 alter or reduce General Fund revenue has received first
11 consideration, the bill may be further considered in the same
12 manner as if the fiscal analysis had been attached to the
13 bill. If the board fails to attach a fiscal analysis within
14 20 legislative days after an amendment to a bill proposing to
15 expand, alter or reduce General Fund revenue has been
16 submitted to the board, the amendment may be considered in
17 the same manner as if the fiscal analysis had been attached
18 to the amendment.

19 ~~(f)~~ (E) Evaluation.--

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20 (1) The board shall periodically monitor and, using the
21 evaluation criteria set forth in section ~~2808-D~~ 2807-D,
22 evaluate the relationship of Commonwealth and local revenue
23 systems to fiscal policy in this Commonwealth and to changes
24 and developments in factors which impact the revenue systems.
25 Factors the board should consider include:

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26 (i) General economic and demographic trends.
27 (ii) Patterns of business methods and organization.
28 (iii) Economic activity.
29 (iv) Federal and State legislative and
30 administrative actions.

1 (v) Accounting standards.

2 (vi) Regulatory requirements.

3 (2) At its discretion or upon request of the Governor or
4 the General Assembly, the board shall evaluate the impact of
5 any factor on the revenue systems in this Commonwealth and
6 recommend any revisions to policy that it deems advisable.

7 ~~Section 2807 D. Comprehensive fiscal review.~~

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8 ~~(a) Purpose. The purpose of the comprehensive fiscal review~~
9 ~~is to address the structural problems in the existing revenue~~
10 ~~systems in this Commonwealth and, in turn, to develop a~~
11 ~~consensus proposal for making Commonwealth and local revenue~~
12 ~~systems straightforward, fair, efficient and reliable for~~
13 ~~funding the public programs and services provided in this~~
14 ~~Commonwealth. It is the intent of the General Assembly that the~~
15 ~~proposal not result in excess revenues.~~

16 ~~(b) Review. Within three months of the effective date of~~
17 ~~this section, the board shall commence a review of the entire~~
18 ~~structure of Commonwealth and local revenue systems. Using the~~
19 ~~evaluation criteria set forth in section 2808 D, the board shall~~
20 ~~make a comprehensive assessment of the revenue systems in this~~
21 ~~Commonwealth and recommend a proposal to redesign and modernize~~
22 ~~such systems.~~

23 ~~(c) Final report. No later than 16 months after the~~
24 ~~effective date of this section, the board shall issue to the~~
25 ~~Governor and the General Assembly a final report containing its~~
26 ~~evaluation of the Commonwealth and local revenue systems and~~
27 ~~recommended proposal for improving the systems, including~~
28 ~~supporting analysis, such as rationale and fiscal analyses.~~
29 ~~Within 90 days of issuing the report, the board shall submit~~
30 ~~suggested statutory language for implementing its~~

~~recommendations.~~

~~(d) Publication. Within 105 days of issuing the report required by subsection (b), the board shall publish in the Pennsylvania Bulletin all of the following:~~

~~(1) A brief summary of the report.~~

~~(2) A notice of availability of the text of the report, the statutory language for implementing the recommendations set forth in the report and a fiscal analysis relating to the recommendations.~~

~~(3) A request for written comments.~~

~~Section 2808-D 2807-D. Evaluation criteria.~~

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~~In carrying out its powers and duties under this article, the board shall take into consideration all of the following:~~

~~(1) The simplicity of the taxes and the ability of individual taxpayers to easily understand and comply with them.~~

~~(2) The overall mix of taxes.~~

~~(3) Whether the tax burden is distributed fairly among taxpayers in terms of ability to pay and the relationship between benefits received and payments made.~~

~~(4) The need to eliminate subjective interpretation of taxes.~~

~~(5) The reliability of taxes and whether their bases yield automatic growth and cyclical stability in revenues generated.~~

~~(6) The collection and enforcement costs associated with the various taxes and the ability to easily administer the taxes.~~

~~(7) Whether the taxes create incentives for individuals and firms to alter their behavior in order to minimize their~~

1 tax burden.

2 (8) The system of taxation within various jurisdictions
3 and the incentives for households to move and firms to
4 relocate activities to jurisdictions which provide more
5 favorable tax treatment.

6 (9) The value of tax incentives and whether they meet
7 the performance requirements on which they are based.

8 (10) The responsiveness of revenue systems to economic
9 and social conditions, including the following:

10 (i) Changes in the economic base, such as the shift
11 from manufacturing to services.

12 (ii) Changes in the types and forms of business
13 organizations, such as the formation of S corporations
14 and limited liability companies.

15 (iii) Expansion of interstate and international
16 businesses and transactions, which impacts nexus
17 requirements, apportionment methods and methods of
18 reporting, including combined or separate company
19 reporting.

20 (iv) Changes in technology and regulations, such as
21 in telecommunications and financial services.

22 (v) Goals of Commonwealth economic development
23 policy, such as targeted job creation and public
24 investments.

25 Section 2809-D 2808-D. Economic Advisory Council.

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26 (a) Establishment.--The Economic Advisory Council is
27 established to act in an advisory capacity to the board
28 concerning Commonwealth and local revenue systems, economic
29 conditions in this Commonwealth and General Fund revenue
30 forecasts, whenever the board calls upon it. The council shall

1 meet with the board at least once during each quarter of the
2 fiscal year.

3 (b) Membership.--

4 (1) The council shall consist of at least seven members.

5 (2) The council shall consist of a representative from
6 each of the following sectors: labor, manufacturing, banking,
7 nonbanking financial services, retail and public utilities.

8 (3) The board shall appoint each member for a two-year
9 term based upon a majority vote.

10 (4) If a vacancy occurs on the council, the vacancy
11 shall be filled within 60 days. An individual appointed to
12 fill a vacancy shall serve the unexpired term.

13 (c) Other offices.--A member may not seek or hold a position
14 as any other public official within this Commonwealth or as a
15 party officer while serving on the council. A member may not
16 seek election as a public official or party officer for one year
17 after service with the council. A member may serve as an
18 appointed public official any time after service with the
19 council. A member may not be a lobbyist, as defined in 65
20 Pa.C.S. § 13A03 (relating to definitions). A member may not be
21 an employee of the executive, legislative or judicial branch of
22 State government.

23 Section ~~2810-D~~ 2809-D. Duties of the Governor and Cabinet
24 officers.

25 (a) Revenue forecast.--The Governor shall submit to the
26 board a documented revenue forecast with the submission of the
27 Executive Budget as required under section 613 and with the
28 official estimate.

29 (b) Confidentiality.--Notwithstanding any statute or
30 regulation regarding confidential information to the contrary,

1 the Secretary of the Budget and the Secretary of Revenue shall
2 provide information which the board requests for purposes of
3 fulfilling its duties under this article. The board shall be
4 bound by the same statutes and regulations regarding
5 confidentiality as the person that provides the confidential
6 information to the board.

7 (c) Information and reports.--In order to facilitate the
8 board's carrying out its powers and duties under section ~~2806~~ <—
9 ~~D(d)~~ 2806-D(C), the Secretary of the Budget and Secretary of <—
10 Revenue shall make available to the board all information and
11 reports used for generating General Fund revenue forecasts.

12 Section 5. This act shall take effect ~~immediately~~ JULY 1, <—
13 2011.