

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 261 Session of
2007

INTRODUCED BY D. EVANS, CALTAGIRONE, CAPPELLI, CURRY,
DePASQUALE, FREEMAN, GALLOWAY, HARHAI, HARPER, JAMES,
JOSEPHS, W. KELLER, KING, LEACH, MARSHALL, PARKER, PASHINSKI,
SHAPIRO, SOLOBAY, STURLA, THOMAS, WANSACZ, WHEATLEY AND
YOUNGBLOOD, FEBRUARY 6, 2007

REFERRED TO COMMITTEE ON APPROPRIATIONS, FEBRUARY 6, 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:

27 Section 1. Sections 618 and 619 of the act of April 9, 1929

1 (P.L.177, No.175), known as The Administrative Code of 1929,
2 added September 27, 1978 (P.L.775, No.149), are amended to read:

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

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

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

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

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

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

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

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

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

12 (4) Other appropriate budget information.

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

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

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

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

28 (d) The Governor and each department or agency of the
29 Commonwealth, upon request of the [Chairman] Chair of the
30 Appropriations Committees of either the Senate or the House of

1 Representatives, shall provide documentation of any budget
2 request, including revenue estimates upon which the Governor's
3 budget estimate is based.

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

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

- 20 (1) Number of filled personnel positions and their cost.
- 21 (2) Itemized personnel vacancies and their cost.
- 22 (3) New positions created and their cost.
- 23 (4) Wage and overtime costs.
- 24 (5) Allotments and expenditures for itemized personnel
25 expenses.
- 26 (6) Allotments and expenditures for itemized operating
27 expenses.
- 28 (7) Allotments and expenditures for itemized fixed assets.
- 29 (8) The rate of expenditures in appropriations for major
30 subsidy and grant programs during the month.

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

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

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

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

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

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

1 ARTICLE XXVIII-D

2 POWERS AND DUTIES OF THE INDEPENDENT FISCAL

3 REVIEW BOARD

4 Section 2801-D. Legislative purpose.

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

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

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

14 (ii) Continually monitor this system.

15 (iii) Encourage discussion in a public forum of
16 issues and concerns related to this system.

17 (iv) Particularly focus on revenue forecasts and
18 legislation affecting the General Fund.

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

27 Section 2802-D. Definitions.

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

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

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

7 "Council." The Economic Advisory Council established in
8 section 2809-D.

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

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

16 (2) Economic growth assumptions accompanied with
17 supporting rationale.

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

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

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

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

28 "General Fund revenue." The income sources for the General
29 Fund.

30 "Official estimate." The official estimate as required under

1 section 618(a) for General Fund revenue.

2 "Revenue system." The taxes levied by the various taxing
3 jurisdictions in this Commonwealth.

4 Section 2803-D. Board.

5 The Independent Fiscal Review Board is established as an
6 independent advisory board.

7 Section 2804-D. Purpose.

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

12 (1) General Fund revenue forecasts.

13 (2) Economic conditions in this Commonwealth.

14 (3) Trends and developments relevant to revenue systems
15 in this Commonwealth.

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

20 Section 2805-D. Membership.

21 (a) Members.--

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

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

27 (3) The five members under paragraph (2) shall appoint
28 four additional members to the board. The five board members
29 under paragraph (2) must unanimously approve each of the four
30 additional members. The members under this paragraph shall be

1 appointed within 60 days of the effective date of this
2 section.

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

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

9 (b) Requirements.--

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

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

18 (3) A board member must not be an employee of the
19 executive, legislative or judicial branch of State
20 government.

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

28 (c) Terms.--

29 (1) Of the nine initial appointments, two shall be
30 appointed for a term of two years, three for a term of three

1 years and four for a term of four years.

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

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

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

9 (5) A board member may be reappointed to serve
10 subsequent terms.

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

13 (d) Meetings.--

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

17 (2) The chair shall be responsible for calling meetings
18 of the board and shall set a date, time and place for
19 meetings.

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

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

28 (e) Procedure.--

29 (1) The chair shall, when present, preside at the
30 meeting. In the chair's absence, a member designated by the

1 board shall preside. Actions of the chair are subject in
2 every case to majority approval of the board.

3 (2) Five members constitute a quorum.

4 (f) Reimbursement.--Members shall receive reimbursement for
5 actual and necessary expenses incurred while performing the
6 business of the board.

7 Section 2806-D. Powers and duties.

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

10 (b) Administration.--

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

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

27 (3) The executive director shall hire support staff as
28 necessary to carry out the functions of the board. The
29 initial chair of the board shall use the staff of the
30 Governor's Office as support staff until the executive

director has hired necessary support staff.

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

(d) Revenue forecast.--

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

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

(3) The board shall analyze how its most recent General Fund revenue forecast compares with the official estimate. Part of the analysis shall include a comparison of the documented revenue forecast with the monthly report of the official estimate as required under section 620(b). The board shall provide to the public a summary of information presented in a manner which a lay person can understand. The board shall meet to approve information by a majority vote before the information is released. Except as otherwise provided, the board shall make information available in

1 printed form to the Governor, the Chairs of the
2 Appropriations Committees and the public by July 15, October
3 15, January 15, April 15 and June 15 and at any other time
4 that the board deems necessary. For purposes of this
5 paragraph, publication in the Pennsylvania Bulletin within
6 one week of the due date shall be sufficient to meet the
7 public reporting requirement.

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

14 (e) Fiscal analysis.--

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

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

27 (i) no bill proposing to expand, alter or reduce
28 General Fund revenue shall be given second consideration
29 in either chamber of the General Assembly until the board
30 has attached a fiscal analysis; and

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

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

16 (f) Evaluation.--

17 (1) The board shall periodically monitor and, using the
18 evaluation criteria set forth in section 2808-D, evaluate the
19 relationship of Commonwealth and local revenue systems to
20 fiscal policy in this Commonwealth and to changes and
21 developments in factors which impact the revenue systems.

22 Factors the board should consider include:

23 (i) General economic and demographic trends.

24 (ii) Patterns of business methods and organization.

25 (iii) Economic activity.

26 (iv) Federal and State legislative and
27 administrative actions.

28 (v) Accounting standards.

29 (vi) Regulatory requirements.

30 (2) At its discretion or upon request of the Governor or

1 the General Assembly, the board shall evaluate the impact of
2 any factor on the revenue systems in this Commonwealth and
3 recommend any revisions to policy that it deems advisable.

4 Section 2807-D. Comprehensive fiscal review.

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

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

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

29 (d) Publication.--Within 105 days of issuing the report
30 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. Evaluation criteria.

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 tax burden.

(8) The system of taxation within various jurisdictions and the incentives for households to move and firms to

1 relocate activities to jurisdictions which provide more
2 favorable tax treatment.

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

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

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

9 (ii) Changes in the types and forms of business
10 organizations, such as the formation of S corporations
11 and limited liability companies.

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

17 (iv) Changes in technology and regulations, such as
18 in telecommunications and financial services.

19 (v) Goals of Commonwealth economic development
20 policy, such as targeted job creation and public
21 investments.

22 Section 2809-D. Economic Advisory Council.

23 (a) Establishment.--The Economic Advisory Council is
24 established to act in an advisory capacity to the board
25 concerning Commonwealth and local revenue systems, economic
26 conditions in this Commonwealth and General Fund revenue
27 forecasts, whenever the board calls upon it. The council shall
28 meet with the board at least once during each quarter of the
29 fiscal year.

30 (b) Membership.--

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

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

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

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

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

20 Section 2810-D. Duties of the Governor and Cabinet officers.

21 (a) Revenue forecast.--The Governor shall submit to the
22 board a documented revenue forecast with the submission of the
23 Executive Budget as required under section 613 and with the
24 official estimate.

25 (b) Confidentiality.--Notwithstanding any statute or
26 regulation regarding confidential information to the contrary,
27 the Secretary of the Budget and the Secretary of Revenue shall
28 provide information which the board requests for purposes of
29 fulfilling its duties under this article. The board shall be
30 bound by the same statutes and regulations regarding

1 confidentiality as the person that provides the confidential
2 information to the board.

3 (c) Information and reports.--In order to facilitate the
4 board's carrying out its powers and duties under section 2806-
5 D(d), the Secretary of the Budget and Secretary of Revenue shall
6 make available to the board all information and reports used for
7 generating General Fund revenue forecasts.

8 Section 5. This act shall take effect immediately.