

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2066 Session of 2009

INTRODUCED BY DeLUCA, LEVDANSKY, BELFANTI, BEYER, CALTAGIRONE, CARROLL, D. COSTA, GIBBONS, GINGRICH, GOODMAN, GRUCELA, HARKINS, HESS, HORNAMAN, KOTIK, MANDERINO, MELIO, MILLER, QUINN, READSHAW, SANTONI, SIPTROTH, SOLOBAY, STURLA, WATERS, FRANKEL, KORTZ AND YUDICHAK, OCTOBER 29, 2009

SENATOR BROWNE, FINANCE, IN SENATE, RE-REPORTED AS AMENDED, SEPTEMBER 28, 2010

AN ACT

1 ~~Establishing the Sales and Use Tax Study Commission; and~~ ←
2 INDEPENDENT FISCAL OFFICE; providing for ITS POWERS AND ←
3 DUTIES, INCLUDING A study and report on sales and use tax; ←
4 AND MAKING A RELATED REPEAL. ←

5 ~~WHEREAS, Since the enactment of this Commonwealth's first~~ ←
6 ~~sales and use tax, significant changes in the structure of the~~
7 ~~State's economy have occurred; and~~

8 ~~WHEREAS, These changes have had both salutary and detrimental~~
9 ~~effects on business and consumers in this Commonwealth; and~~

10 ~~WHEREAS, The sales and use tax has become checkered with more~~
11 ~~than 50 exclusions and exemptions; and~~

12 ~~WHEREAS, The addition of certain exclusions and exemptions~~
13 ~~has caused confusion for consumers and vendors in the payment~~
14 ~~and collection of the sales and use tax; and~~

15 ~~WHEREAS, Many of the existing exclusions and exemptions have~~
16 ~~become antiquated and obsolete; and~~

1 ~~WHEREAS, Ensuring greater fairness in the sales and use tax~~
2 ~~will create a fair and more competitive climate leading to~~
3 ~~greater economic growth and stability in this Commonwealth; and~~

4 ~~WHEREAS, Viable opportunities to broaden the sales and use~~
5 ~~tax base should be comprehensively explored to enable this~~
6 ~~Commonwealth to lower the overall tax burden on the citizens of~~
7 ~~this State while also protecting the stability of the State~~
8 ~~budget.~~

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

11 ~~Section 1. Short title.~~



12 ~~This act shall be known and may be cited as the Sales and Use~~
13 ~~Tax Study Act.~~

14 ~~Section 2. Purpose.~~

15 ~~The purpose of this act is to establish the Pennsylvania~~
16 ~~Sales and Use Tax Study Commission to study and analyze the~~
17 ~~existing sales and use tax law, and to propose recommendations~~
18 ~~to the Governor and the General Assembly for amending the tax~~
19 ~~to:~~

20 ~~(1) eliminate obsolete and unnecessary provisions;~~

21 ~~(2) expand the tax base as necessary;~~

22 ~~(3) ensure a competitive economic market in this State;~~

23 and

24 ~~(4) protect the stability of the Commonwealth's budget.~~

25 ~~Section 3. Definitions.~~

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

29 ~~"Commission." The Sales and Use Tax Study Commission~~
30 ~~established under this act.~~

1 ~~"Department." The Department of Revenue of the~~
2 ~~Commonwealth.~~

3 ~~Section 4. Pennsylvania Sales and Use Tax Study Commission.~~

4 ~~(a) Establishment. There is hereby established the~~
5 ~~Pennsylvania Sales and Use Tax Study Commission.~~

6 ~~(b) Purpose. The purpose of the commission shall be to~~
7 ~~evaluate the current sales and use tax structure in the~~
8 ~~Commonwealth and recommend changes to the sales and use tax~~
9 ~~structure that will eliminate obsolete provisions and broaden~~
10 ~~the tax base, as necessary, thereby allowing the overall tax~~
11 ~~burden to be reduced and creating a better tax climate in this~~
12 ~~Commonwealth.~~

13 ~~Section 5. Tasks.~~

14 ~~(a) Study. The commission shall study viable options for~~
15 ~~increasing fairness and competitiveness in the sales and use tax~~
16 ~~structure of the Commonwealth. The commission shall develop~~
17 ~~solutions to ensure that the portion of State general funds~~
18 ~~derived from the sales and use tax is not diminished.~~

19 ~~(b) Report. The commission shall provide a comprehensive~~
20 ~~report of the study conducted under subsection (a). The report~~
21 ~~shall thoroughly discuss options and viable recommendations~~
22 ~~considered and express clear rationales for options not~~
23 ~~recommended. Specific changes to the sales and use tax~~
24 ~~recommended by the commission shall be included in the report.~~
25 ~~The commission shall present the report to the Governor, the~~
26 ~~chairman and minority chairman of the Finance Committee of the~~
27 ~~Senate and the chairman and minority chairman of the Finance~~
28 ~~Committee of the House of Representatives on or before March 1,~~
29 ~~2012.~~

30 ~~Section 6. Composition of the commission.~~

1 ~~(a) Members. The commission shall consist of the following~~
2 ~~members:~~

3 ~~(1) Seven members appointed by the Governor. The~~
4 ~~appointees shall be members of various constituencies~~
5 ~~affected by or knowledgeable about the sales and use tax and~~
6 ~~its impact on this Commonwealth's economy. These~~
7 ~~constituencies include, but are not limited to, corporations,~~
8 ~~tax policy experts and tax practitioners. Five of the~~
9 ~~Governor's seven appointees, one from each organization,~~
10 ~~shall be members of the Pennsylvania Bar Association, the~~
11 ~~Pennsylvania Chamber of Business and Industry, the~~
12 ~~Pennsylvania Institute of Certified Public Accountants, the~~
13 ~~Pennsylvania Bankers Association and the Pennsylvania~~
14 ~~Retailers Association.~~

15 ~~(2) The President pro tempore of the Senate and the~~
16 ~~Minority Leader of the Senate and the Speaker of the House of~~
17 ~~Representatives and the Minority Leader of the House of~~
18 ~~Representatives shall each select one private sector citizen~~
19 ~~representative from constituencies affected by or~~
20 ~~knowledgeable about the Commonwealth's business taxes.~~
21 ~~Staff from organizations representing business organizations are~~
22 ~~not eligible for membership on the commission.~~

23 ~~(b) Chairperson. The Secretary of Revenue shall chair the~~
24 ~~commission and shall serve as a member.~~

25 ~~(c) Staffing. The Commonwealth shall, through the~~
26 ~~department, provide reasonable and necessary clerical, research~~
27 ~~and administrative support and may contract for research,~~
28 ~~analysis and editorial work in support of the commission as~~
29 ~~necessary.~~

30 ~~Section 7. Public meetings.~~

1 ~~All meetings, except for organizational meetings and planning~~
2 ~~sessions shall be conducted as open meetings under 65 Pa.C.S.~~
3 ~~Ch. 7 (relating to open meetings).~~

4 ~~Section 8. Cooperation by State agencies.~~

5 ~~The department shall serve as the administrative support~~
6 ~~agency of the commission and shall provide facilities, personnel~~
7 ~~assistance, information and services necessary to fulfill the~~
8 ~~mission of the commission. All other Commonwealth agencies are~~
9 ~~directed to cooperate with and assist the commission in~~
10 ~~fulfilling its duties and responsibilities.~~

11 ~~Section 9. Expiration.~~

12 ~~This act shall expire 180 days after the submission of the~~
13 ~~report provided for under section 5.~~

14 ~~Section 10. Effective date.~~

15 ~~This act shall take effect July 1, 2011.~~

16 SECTION 1. SHORT TITLE.

17 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE INDEPENDENT
18 FISCAL OFFICE ACT.

19 SECTION 2. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
21 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 "COMMITTEE." THE INDEPENDENT FISCAL OFFICE SELECTION AND
24 ORGANIZATION COMMITTEE.

25 "COMMONWEALTH AGENCY." ANY OFFICE, DEPARTMENT, AUTHORITY,
26 BOARD, MULTISTATE AGENCY OR COMMISSION OF THE EXECUTIVE BRANCH.
27 THE TERM INCLUDES:

28 (1) THE OFFICE OF THE GOVERNOR.

29 (2) THE OFFICE OF ATTORNEY GENERAL, THE DEPARTMENT OF
30 THE AUDITOR GENERAL AND THE TREASURY DEPARTMENT.



1 (3) AN INDEPENDENT AGENCY AS DEFINED IN 62 PA.C.S. § 103
2 (RELATING TO DEFINITIONS).

3 (4) A STATE-AFFILIATED ENTITY AS DEFINED IN 62 PA.C.S. §
4 103 (RELATING TO DEFINITIONS).

5 (5) THE GENERAL ASSEMBLY.

6 (6) THE JUDICIARY.

7 "DIRECTOR." THE DIRECTOR OF THE INDEPENDENT FISCAL OFFICE.

8 "OFFICE." THE INDEPENDENT FISCAL OFFICE ESTABLISHED IN
9 SECTION 3.

10 SECTION 3. OFFICE ESTABLISHED.

11 THERE IS ESTABLISHED A NONPARTISAN INDEPENDENT FISCAL OFFICE
12 AS AN INDEPENDENT AGENCY.

13 SECTION 4. DUTIES OF OFFICE.

14 (A) MANDATORY.--THE OFFICE SHALL:

15 (1) PREPARE REVENUE ESTIMATES TO INCLUDE FEDERAL FUNDS,
16 STATE REVENUES AND FUNDS FROM OTHER RESOURCES, INCLUDING ANY
17 PROJECTED REVENUE SURPLUS OR DEFICIT FOR A GIVEN FISCAL YEAR,
18 AS PROVIDED UNDER SECTION 5.

19 (2) BY NOVEMBER 15 OF EACH YEAR, PROVIDE AN ASSESSMENT
20 OF THE STATE'S CURRENT FISCAL CONDITION AND A PROJECTION OF
21 WHAT THE FISCAL CONDITION WILL BE DURING THE NEXT FIVE YEARS.
22 THE ASSESSMENT SHALL TAKE INTO ACCOUNT THE STATE OF THE
23 ECONOMY, DEMOGRAPHICS, REVENUES AND EXPENDITURES.

24 (3) DEVELOP PERFORMANCE MEASURES FOR EXECUTIVE LEVEL
25 PROGRAMS AND DEPARTMENTS AND EVALUATE PERFORMANCE MEASURES
26 AND RESULTS AS PROMULGATED AND REPORTED BY EXECUTIVE LEVEL
27 DEPARTMENTS. PERFORMANCE MEASUREMENTS SHALL BE OUTCOMES-BASED
28 AND INCLUDE, BUT NOT BE LIMITED TO, ACTIVITY COST ANALYSIS,
29 MEASURES OF STATUS IMPROVEMENT OF RECIPIENT POPULATIONS,
30 ECONOMIC OUTCOMES AND PERFORMANCE BENCHMARKS AGAINST SIMILAR

1 STATE PROGRAMS.

2 (4) PROVIDE AN ANALYSIS, INCLUDING ECONOMIC IMPACT, OF
3 ALL TAX AND REVENUE PROPOSALS SUBMITTED BY THE GOVERNOR OR
4 THE OFFICE OF THE BUDGET.

5 (5) STUDY AND ANALYZE THE EXISTING SALES AND USE TAX LAW
6 AND PROPOSE RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL
7 ASSEMBLY FOR AMENDING THE TAX TO:

8 (I) ELIMINATE OBSOLETE AND UNNECESSARY PROVISIONS;

9 (II) EXPAND THE TAX BASE AS NECESSARY;

10 (III) ENSURE A COMPETITIVE ECONOMIC MARKET IN THIS
11 COMMONWEALTH; AND

12 (IV) PROTECT THE STABILITY OF THE COMMONWEALTH'S
13 BUDGET.

14 (6) ESTABLISH AN INTERNET WEBSITE.

15 (B) DISCRETIONARY.--THE OFFICE MAY:

16 (1) DEVELOP AND USE ECONOMETRIC MODELS TO ANNUALLY
17 FORECAST STATE REVENUES AND UPDATE THE MODELS. THE OFFICE
18 SHALL MAKE THE EQUATIONS OF A MODEL AND ANY HISTORIC
19 DATABASES RELATED THERETO AVAILABLE TO THE CHAIRMAN AND
20 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE
21 SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
22 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES, THE
23 MAJORITY LEADER AND MINORITY LEADER OF THE SENATE AND THE
24 MAJORITY LEADER AND MINORITY LEADER OF THE HOUSE OF
25 REPRESENTATIVES.

26 (2) PROVIDE AN ANALYSIS OF THE EXECUTIVE BUDGET,
27 INCLUDING BUDGETARY PROJECTIONS, ECONOMIC OUTLOOK AND
28 ECONOMIC IMPACT. THE BUDGET ANALYSIS MAY INCLUDE PERFORMANCE
29 RECOMMENDATIONS TO SECURE GREATER EFFICIENCY AND ECONOMY.

30 (3) PROVIDE AN ASSESSMENT OF THE PENNSYLVANIA ECONOMY

1 AND THE NATIONAL ECONOMY AND THE IMPACT OF THE EXISTING OR
2 EMERGING STATE OR NATIONAL ECONOMIC TRENDS ON REVENUE
3 PERFORMANCE FOR THE CURRENT YEAR AND THE FORECASTED OR
4 PROJECTED REVENUE COLLECTIONS FOR THE BUDGET YEAR AND THE
5 SUCCEEDING YEAR.

6 SECTION 5. REVENUE ESTIMATES.

7 (A) INITIAL REVENUE ESTIMATE.--BY MAY 1, THE OFFICE SHALL
8 SUBMIT TO THE GENERAL ASSEMBLY AN INITIAL REVENUE ESTIMATE FOR
9 THE NEXT FISCAL YEAR.

10 (B) OFFICIAL REVENUE ESTIMATE.--

11 (1) BY JUNE 15 OF EACH YEAR THE OFFICE SHALL SUBMIT AN
12 OFFICIAL REVENUE ESTIMATE FOR THE NEXT FISCAL YEAR.

13 (2) A REVENUE ESTIMATE SUBMITTED UNDER THIS SECTION
14 SHALL ESTABLISH THE MAXIMUM AMOUNT OF REVENUE WHICH MAY BE
15 CONSIDERED FOR THE GENERAL APPROPRIATION ACT FOR THE ENSUING
16 FISCAL YEAR. NO CHANGES IN A REVENUE ESTIMATE SUBMITTED BY
17 THE OFFICE UNDER PARAGRAPH (1) SHALL BE MADE BY THE OFFICE
18 THEREAFTER UNLESS CHANGES IN LAW AFFECTING REVENUES AND
19 RECEIPTS ARE ENACTED OR PROPOSED TO BE ENACTED WITH THE
20 ANNUAL STATE BUDGET OR UNLESS SIGNIFICANT CHANGES IN ECONOMIC
21 ASSUMPTIONS OCCUR PRIOR TO JUNE 30. THE OFFICE SHALL SUBMIT
22 THE AMENDED REVENUE ESTIMATE TO THE GENERAL ASSEMBLY WITHIN
23 TEN DAYS OF THE CHANGE.

24 (3) THE OFFICE SHALL PUBLISH THE METHODOLOGY USED TO
25 DEVELOP REVENUE ESTIMATES.

26 (C) INFORMATION.--THE OFFICE SHALL PROVIDE THE CHAIRMAN AND
27 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE,
28 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
29 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE SECRETARY OF
30 THE BUDGET ALL DATA, ASSUMPTIONS OR ECONOMETRIC MODELS USED TO

1 DEVELOP PROJECTIONS AND REVENUE ESTIMATES.

2 (D) REQUIRED INFORMATION.--

3 (1) A REVENUE ESTIMATE SUBMITTED BY THE OFFICE UNDER
4 SUBSECTION (B) SHALL INCLUDE:

5 (I) PROJECTED REVENUE COLLECTIONS BY SPECIFIC TAX OR
6 REVENUE SOURCE, INCLUDING FEDERAL FUNDS, THE GENERAL
7 FUND, THE LOTTERY FUND AND THE MOTOR LICENSE FUND.

8 (II) ALL DATA, ASSUMPTIONS AND ECONOMETRIC MODELS
9 USED TO DEVELOP A REVENUE ESTIMATE.

10 (III) ANY PROJECTED REVENUE SURPLUS OR DEFICIT FOR
11 THE CURRENT FISCAL YEAR.

12 (2) A REVENUE ESTIMATE SHALL BE BASED ON EXISTING LAW
13 AND TAX POLICY AND EXISTING OR EMERGING STATE OR NATIONAL
14 ECONOMIC TRENDS.

15 (E) PROPOSED CHANGE IN LAW.--THE OFFICE SHALL PREPARE A
16 REVENUE ESTIMATE OF ANY CHANGE IN LAW AFFECTING REVENUES AND
17 RECEIPTS, INCLUDING INCREASES IN REGULATORY FEES, PROPOSED OR
18 CONSIDERED AS PART OF THE ANNUAL STATE BUDGET. IF THE PROPOSED
19 CHANGE IN LAW WILL HAVE A FISCAL IMPACT IN EXCESS OF \$10,000,000
20 IN ANY FISCAL YEAR, THE ESTIMATE SHALL BE PREPARED ON THE BASIS
21 OF ASSUMPTIONS THAT ESTIMATE THE PROBABLE BEHAVIORAL RESPONSES
22 OF TAXPAYERS, BUSINESSES AND OTHER PERSONS TO THE PROPOSED
23 CHANGES AND SHALL INCLUDE A STATEMENT IDENTIFYING THOSE
24 ASSUMPTIONS. THE INFORMATION MAY BE USED TO REVISE THE REVENUE
25 ESTIMATE UNDER SUBSECTION (A).

26 (F) DEPARTMENT OF REVENUE.--THE DEPARTMENT OF REVENUE IN
27 CONJUNCTION WITH THE SECRETARY OF THE BUDGET SHALL MAKE REVENUE
28 ESTIMATES FOR THE USE OF THE GOVERNOR IN PREPARING THE BUDGET.

29 (G) GOVERNOR.--THE GOVERNOR SHALL CERTIFY THAT ANY
30 APPROPRIATION BILL DOES NOT CAUSE TOTAL APPROPRIATIONS TO EXCEED

1 THE OFFICIAL REVENUE ESTIMATE UNDER SUBSECTION (B) PLUS ANY
2 UNAPPROPRIATED SURPLUS AS PROVIDED IN SECTION 618 OF THE ACT OF
3 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
4 CODE OF 1929.

5 SECTION 6. BUDGET INFORMATION.

6 THE OFFICE SHALL BE NOTIFIED AND SHALL ATTEND ANY BRIEFINGS
7 PROVIDED BY THE GOVERNOR OR THE SECRETARY OF THE BUDGET UNDER
8 SECTION 619 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN
9 AS THE ADMINISTRATIVE CODE OF 1929.

10 SECTION 7. EXPENDITURES.

11 (A) EXPENDITURE REPORTS.--COMMONWEALTH AGENCIES SHALL MAKE
12 MONTHLY EXPENDITURE DATA AVAILABLE TO THE OFFICE. THE DATA SHALL
13 BE PROVIDED WITHIN SEVEN DAYS AFTER THE END OF EACH MONTH. THE
14 MONTHLY DATA SHALL INCLUDE A SUMMARY OF THE LAST MONTHLY
15 SUBMISSION. THE DATA SHALL BE PROVIDED IN FINISHED REPORTS OR
16 ELECTRONICALLY, AS PROVIDED IN THE ACT OF APRIL 9, 1929
17 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929. 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) ALLOTMENT AND EXPENDITURES FOR ITEMIZED FIXED
29 ASSETS.

30 (8) THE RATE OF EXPENDITURES IN APPROPRIATIONS FOR MAJOR

1 SUBSIDY AND GRANT PROGRAMS DURING THE MONTH.

2 (B) REVENUE REPORTS.--THE GOVERNOR SHALL DIRECT THAT MONTHLY
3 REVENUE REPORTS BE SUBMITTED TO THE OFFICE. THE REVENUE REPORTS
4 SHALL SHOW THE ACTUAL COLLECTION OF REVENUE ITEMIZED BY SOURCE
5 AND A COMPARISON OF THE ACTUAL COLLECTIONS WITH ESTIMATED
6 COLLECTIONS FOR EACH MONTH. THE COMPARISON SHALL INCLUDE AN
7 ANALYSIS OF ANY CHANGE IN COLLECTION PATTERNS WHICH WILL CAUSE A
8 SHORTFALL OR OVERRUN ON ANNUAL ESTIMATES OF MORE THAN 1%.

9 (C) OTHER REVENUE DATA.--COMMONWEALTH AGENCIES SHALL CAUSE
10 TO BE PREPARED ANY OTHER REVENUE DATA AS MAY BE REQUESTED FROM
11 TIME TO TIME BY THE OFFICE.

12 (D) ELECTRONIC ACCESS.--EXCEPT FOR INFORMATION THAT IS
13 CONFIDENTIAL PURSUANT TO STATUTE, THE OFFICE SHALL HAVE ACCESS
14 TO ALL INFORMATION AVAILABLE UNDER THIS SECTION ON INQUIRY-ONLY
15 SCREENS THROUGH AN INTEGRATED CENTRAL COMPUTER SYSTEM.

16 SECTION 8. REVENUE CONFERENCE.

17 BY JANUARY 31 OF EACH YEAR, THE OFFICE SHALL CONVENE A
18 MEETING WITH THE SECRETARY OF THE BUDGET, THE SECRETARY OF
19 REVENUE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
20 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
21 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE
22 OF REPRESENTATIVES TO DISCUSS THE FOLLOWING:

23 (1) THE PENNSYLVANIA ECONOMY AND THE NATIONAL ECONOMY
24 AND THE IMPACT OF THE ECONOMIC TRENDS ON REVENUE PERFORMANCE
25 FOR THE BUDGET YEAR AND THE SUCCEEDING YEAR.

26 (2) CURRENT YEAR-TO-DATE REVENUE COLLECTIONS BY SPECIFIC
27 TAX OR REVENUE SOURCE, INCLUDING FEDERAL FUNDS, THE GENERAL
28 FUND, THE LOTTERY FUND AND THE MOTOR LICENSE FUND AND
29 VARIATIONS THAT MAY BE OCCURRING IN THE REVENUE ESTIMATE
30 SUBMITTED UNDER SECTION 5(A).

1 (3) ANY STATUTORY OR TAX POLICY CHANGES THAT MAY BE
2 RECOMMENDED BY THE GOVERNOR OR THE GENERAL ASSEMBLY FOR THE
3 NEXT SUCCEEDING FISCAL YEAR.

4 SECTION 9. ACCESS TO INFORMATION.

5 (A) AGENCIES.--THE DIRECTOR IS AUTHORIZED TO SECURE
6 INFORMATION, DATA, EXPENSE INFORMATION, ESTIMATES AND STATISTICS
7 DIRECTLY FROM A COMMONWEALTH AGENCY OR A POLITICAL SUBDIVISION.
8 ALL COMMONWEALTH AGENCIES AND POLITICAL SUBDIVISIONS SHALL
9 FURNISH THE DIRECTOR WITH ALL REPORTS OF EXPENDITURE FOR EACH
10 AGENCY AND ANY OTHER AVAILABLE MATERIAL OR DATA WHICH THE
11 DIRECTOR DETERMINES TO BE NECESSARY IN THE PERFORMANCE OF THE
12 DUTIES OF THE OFFICE, OTHER THAN MATERIAL THE DISCLOSURE OF
13 WHICH WOULD BE A VIOLATION OF LAW. THE DIRECTOR IS ALSO
14 AUTHORIZED, UPON AGREEMENT WITH THE HEAD OF ANY COMMONWEALTH
15 AGENCY OR POLITICAL SUBDIVISION, TO UTILIZE THE SERVICES,
16 FACILITIES AND PERSONNEL OF THE AGENCY WITH OR WITHOUT
17 REIMBURSEMENT.

18 (B) OFFICE OF THE BUDGET.--IN CARRYING OUT THE DUTIES AND
19 FUNCTIONS OF THE OFFICE, THE DIRECTOR IS AUTHORIZED TO OBTAIN
20 INFORMATION, DATA, ESTIMATES AND STATISTICS DEVELOPED BY THE
21 OFFICE OF THE BUDGET AND ALL COMMONWEALTH AGENCIES. THE OFFICE
22 OF THE BUDGET SHALL SUBMIT TO THE OFFICE COPIES OF FINAL AGENCY
23 BUDGET REQUESTS AT THE SAME TIME THEY ARE SUBMITTED TO THE
24 GENERAL ASSEMBLY UNDER THE ACT OF APRIL 9, 1929 (P.L.177,
25 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

26 (C) COMPUTER DATABASE.--IN ORDER TO CARRY OUT ITS DUTIES
27 UNDER THIS ACT, THE OFFICE SHALL HAVE ACCESS TO ANY COMPUTERIZED
28 DATABASE OF A STATE AGENCY THAT IS REQUIRED TO AID THE OFFICE IN
29 THE PERFORMANCE OF ITS DUTIES, EXCEPT THAT ANY STATUTORY
30 REQUIREMENTS REGARDING PRIVACY OF INDIVIDUALS' RECORDS SHALL BE

1 OBSERVED IN PROVIDING ACCESS.

2 (D) DAILY REVENUE DATA.--

3 (1) THE SECRETARY OF REVENUE AND THE SECRETARY OF THE
4 BUDGET SHALL POST REVENUE COLLECTION DATA FOR EACH DEPOSIT
5 DAY AND MAKE THE INFORMATION AVAILABLE TO THE OFFICE AND THE
6 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
7 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY
8 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
9 REPRESENTATIVES.

10 (2) THE GOVERNOR, THE ATTORNEY GENERAL, THE AUDITOR
11 GENERAL AND THE STATE TREASURER SHALL CAUSE TO BE PREPARED
12 ANY OTHER REVENUE DATA AS MAY BE REQUESTED BY THE OFFICE.

13 (E) TAX INFORMATION.--FOR THE PURPOSES OF CARRYING OUT ITS
14 OFFICIAL DUTIES UNDER SECTION 5 AND NOTWITHSTANDING ANY OTHER
15 LAW, THE OFFICE SHALL BE AUTHORIZED TO ACCESS ANY INFORMATION IN
16 THE POSSESSION OF THE DEPARTMENT OF REVENUE THAT IS OBTAINED
17 FROM TAX PAYMENTS, RETURNS OR REPORTS, INCLUDING ADJUSTMENTS OR
18 CORRECTIONS MADE BY THE DEPARTMENT. THE INFORMATION ACCESSED
19 UNDER THIS SECTION SHALL BE CONFIDENTIAL EXCEPT FOR OFFICIAL
20 PURPOSES AND ANY PERSON DIVULGING THE INFORMATION SHALL BE
21 SUBJECT TO SECTION 731 OF THE ACT OF APRIL 9, 1929 (P.L.343,
22 NO.176), KNOWN AS THE FISCAL CODE.

23 (F) CIVIL ACTION.--IF INFORMATION IS NOT MADE AVAILABLE BY A
24 COMMONWEALTH AGENCY OR POLITICAL SUBDIVISION WITHIN A REASONABLE
25 TIME, THE DIRECTOR MAY MAKE A WRITTEN REQUEST TO THE AGENCY
26 HEAD, STATING THE AUTHORITY TO RECEIVE THE INFORMATION. THE
27 AGENCY HEAD SHALL HAVE 15 DAYS TO RESPOND. IF THE INFORMATION IS
28 NOT PROVIDED WITHIN 15 DAYS OF THE RECEIPT OF THE AGENCY
29 RESPONSE, THE DIRECTOR MAY BRING A CIVIL ACTION TO REQUIRE THE
30 AGENCY HEAD TO PROVIDE THE INFORMATION.

1 SECTION 10. SELECTION AND ORGANIZATION COMMITTEE.

2 (A) SELECTION AND ORGANIZATION COMMITTEE.--THE INDEPENDENT
3 FISCAL OFFICE SELECTION AND ORGANIZATION COMMITTEE IS HEREBY
4 ESTABLISHED TO ORGANIZE THE OFFICE AND SELECT THE DIRECTOR OF
5 THE OFFICE. THE COMMITTEE SHALL CONSIST OF THE FOLLOWING:

6 (1) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
7 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
8 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE
9 HOUSE OF REPRESENTATIVES.

10 (2) THE MAJORITY LEADER AND THE MINORITY LEADER OF THE
11 SENATE AND THE MAJORITY LEADER AND THE MINORITY LEADER OF THE
12 HOUSE OF REPRESENTATIVES.

13 (3) THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE
14 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

15 (B) DUTIES OF COMMITTEE.--BY JANUARY 15, 2011, THE SELECTION
16 AND ORGANIZATION COMMITTEE SHALL DELIBERATE THE FOLLOWING:

17 (1) THE PROCEDURES TO BE ADOPTED TO SELECT THE DIRECTOR
18 OF THE OFFICE.

19 (2) THE OPERATIONAL BUDGET FOR THE OFFICE.

20 SECTION 11. APPOINTMENT.

21 (A) DIRECTOR.--THE OFFICE SHALL BE HEADED BY A DIRECTOR
22 APPOINTED BY THE SELECTION AND ORGANIZATION COMMITTEE BY MAY 30,
23 2011. THE APPOINTMENT SHALL BE MADE WITHOUT REGARD TO POLITICAL
24 AFFILIATION AND SOLELY ON THE BASIS OF FITNESS TO PERFORM THE
25 DUTIES OF THE OFFICE BASED ON QUALIFICATIONS PUBLISHED BY THE
26 SELECTION AND ORGANIZATION COMMITTEE.

27 (B) DEPUTY DIRECTOR.--THE DIRECTOR SHALL APPOINT A DEPUTY
28 DIRECTOR WHO SHALL PERFORM SUCH DUTIES AS ASSIGNED BY THE
29 DIRECTOR AND WHO SHALL DURING THE ABSENCE OR INCAPACITY OF THE
30 DIRECTOR OR A VACANCY ACT AS THE DIRECTOR.

1 (C) TERM.--THE TERM OF OFFICE OF THE DIRECTOR SHALL BE SIX
2 YEARS. AN INDIVIDUAL APPOINTED AS DIRECTOR TO FILL A VACANCY
3 PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR THE
4 UNEXPIRED PORTION OF THAT TERM. AN INDIVIDUAL SERVING AS
5 DIRECTOR AT THE EXPIRATION OF A TERM MAY CONTINUE TO SERVE UNTIL
6 A SUCCESSOR IS APPOINTED.

7 (D) REMOVAL.--THE DIRECTOR MAY BE REMOVED BY A CONCURRENT
8 RESOLUTION PASSED BY THE SENATE AND THE HOUSE OF
9 REPRESENTATIVES.

10 SECTION 12. POWERS AND DUTIES OF DIRECTOR.

11 (A) PERSONNEL.--THE DIRECTOR SHALL APPOINT AND FIX THE
12 COMPENSATION OF PERSONNEL AS NECESSARY TO CARRY OUT THE DUTIES
13 AND FUNCTIONS OF THE OFFICE. ALL PERSONNEL OF THE OFFICE SHALL
14 BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY
15 ON THE BASIS OF THEIR FITNESS TO PERFORM THEIR DUTIES.

16 (B) EXPERTS AND CONSULTANTS.--IN CARRYING OUT THE DUTIES AND
17 FUNCTIONS OF THE OFFICE, THE DIRECTOR MAY PROCURE THE TEMPORARY
18 OR INTERMITTENT SERVICES OF ATTORNEYS, EXPERTS OR CONSULTANTS OR
19 ORGANIZATION THEREOF BY CONTRACT.

20 SECTION 19. RECORDS.

21 THE OFFICE SHALL BE A LEGISLATIVE AGENCY FOR PURPOSE OF THE
22 ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-
23 KNOW LAW.

24 SECTION 39. REPEAL.

25 (A) INTENT.--THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL
26 UNDER SUBSECTION (B) IS NECESSARY TO EFFECTUATE THE PURPOSES OF
27 THIS ACT.

28 (B) PROVISION.--SECTION 618 OF THE ACT OF APRIL 9, 1929
29 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, IS
30 REPEALED TO THE EXTENT IT IS INCONSISTENT WITH THIS ACT.

1 SECTION 40. EFFECTIVE DATE.

2 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

3 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

4 (2) SECTION 10 SHALL TAKE EFFECT NOVEMBER 30, 2010.

5 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT MAY 1,
6 2011.