HOUSE DOCKET, NO. 1599 FILED ON: 1/17/2013

HOUSE . . . . . No. 3218

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act creating a legislative budget office.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jay R. Kaufman	*15th Middlesex*	*1/17/2013*
James J. Dwyer	*30th Middlesex*	*1/17/2013*
Michael J. Barrett	*Third Middlesex*	*1/17/2013*
Denise Andrews	*2nd Franklin*	*1/17/2013*
Jason M. Lewis	*Fifth Middlesex*	*1/17/2013*
Denise Provost	*27th Middlesex*	*1/17/2013*
Cory Atkins	*14th Middlesex*	*1/17/2013*
Michael R. Knapik	*Second Hampden and Hampshire*	*1/17/2013*
Carolyn C. Dykema	*8th Middlesex*	*1/17/2013*
Bruce E. Tarr	*First Essex and Middlesex*	*1/17/2013*
Angelo M. Scaccia	*14th Suffolk*	*1/17/2013*
Danielle W. Gregoire	*4th Middlesex*	*1/17/2013*
Carl M. Sciortino, Jr.	*34th Middlesex*	*1/17/2013*
Kay Khan	*11th Middlesex*	*1/17/2013*

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HOUSE . . . . . No. 3218

By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 3218) of Jay R. Kaufman and others for legislation to establish a legislative budget office. Ways and Means.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act creating a legislative budget office.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Sections 56 through 61, inclusive, of chapter 3 of the General Laws, as appearing in the 2010 Official Edition, are hereby repealed.

SECTION 2. Chapter 3 of the General Laws, as so appearing, is hereby amended by adding the following 4 sections:-

Section 68. (a) There is hereby established the Joint Legislative Budget Office, hereinafter referred to as the "office". The office shall be headed by a Director; and there shall be a Deputy Director who shall perform such duties as may be assigned to him by the Director and, during the absence or incapacity of the Director or during a vacancy in that office, shall act as Director.

(b)(1) The Director shall be appointed by the speaker of the house of representatives and senate president, in consultation with the chairmen of the house and senate committees on post audit and oversight, the chairmen of the house and senate committees on ways and means, and the minority leaders of both chambers. The person so appointed shall be selected without regard to political affiliation. The term of office of the Director shall be 5 years. Any individual appointed as Director to fill a vacancy prior to the expiration of a term shall serve only the unexpired portion of that term. The person so appointed may be removed from office, for cause, by the speaker and senate president, in consultation with the chairmen of the house and senate committees on post audit and oversight, the chairmen of the house and senate committees on ways and means, and the minority leaders of both chambers. Such cause may include substantial neglect of duty, gross misconduct, indictment, or conviction of a crime. The reasons for removal of the Director shall be stated in writing and shall include the basis for such removal. Such

writing shall be sent to the clerk of the senate and the clerk of the house of representatives at the time of the removal.

(2) The Deputy Director shall be appointed by the Director. Any Deputy Director shall serve until the expiration of the term of office of the Director who appointed him, unless sooner removed by the Director.

(c) The Director shall, subject to appropriation, appoint and may remove such employees, as he deems necessary to carry out the duties and functions of the office, and may determine their salaries and duties; provided, however, that the total amount of all such salaries shall not exceed the sum appropriated therefore by the general court. The personnel of the office shall include at least one certified public accountant and at least one attorney. All personnel of the office shall be appointed without regard to political affiliation and shall be appointed solely on the basis of their fitness to perform their duties. For purposes of pay, employment benefits, rights, privileges, and disciplinary matters, all personnel of the office shall be considered employees of the general court.

(d) The office shall be nonpartisan and may perform duties including, but not limited to, the following:

(1) advise and assist any committee of the senate or house of representatives, upon request, in the analysis, appraisal, and evaluation of legislative proposals within that committee's jurisdiction or recommendations submitted to the general court by the governor or any agency, department or division within the executive branch, and by providing such other research and analytical services as the committee considers appropriate, or otherwise to assist in furnishing a basis for the proper evaluation and determination of legislative proposals and recommendations generally;

(2) advise and assist any member of the senate or house of representatives, upon request, on the fiscal impact of a bill or budget item, or review proposed legislation, provided, however, that the office shall have no legislative powers to originate or file legislation;

(3) prepare and provide information, research, and reference materials and services to committees and members of the senate and house of representatives to assist them in their legislative and representative functions;

(5) conduct studies, develop options, and make recommendations on fiscal matters that relate to the state budget, including:

(i) taxes and revenues, including the state tax expenditure budget;

(ii) finances;

(iii) grants to individual and private entities;

(7) review the proposed state budget at each stage of its consideration, and;

(8) conduct revenue forecasts.

(e) The office shall have the authority and ability to access documents maintained by agencies or authorities of the commonwealth relating to their expenditures, revenues, operations and organizational structures.

(f) The office shall provide an annual report detailing the work and performance of the office to the state library, the speaker of the house, the senate president, the chair of the house committee on ways and means, the chair of the senate committee on ways and means, the chairs of the house and senate post audit and oversight committees, and the minority leaders of both the house and senate. A copy of the same shall be filed with the clerk of the house of representatives and the clerk of the senate on or before the 2nd Wednesday of November in each year.

(g) The office shall be considered a part of the general court for the purposes of public records under section 18 of chapter 66.