

HOUSE No. 1647

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:
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/12/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/20/2017</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>1/19/2017</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/26/2017</i>

HOUSE No. 1647

By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 1647) of Jay R. Kaufman and others relative to establishing a joint legislative budget office within the General Court. Rules of the two branches, acting concurrently.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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:

1 SECTION 1. Chapter 3 of the General Laws, is hereby amended by inserting after section
2 71 the following section:-

3 Section 72. (a) There is hereby established the Joint Legislative Budget Office,
4 hereinafter referred to as the “office”. The office shall be headed by a Director; and there shall be
5 a Deputy Director who shall perform such duties as may be assigned to him by the Director and,
6 during the absence or incapacity of the Director or during a vacancy in that office, shall act as
7 Director.

8 (b)(1) The Director shall be appointed by the speaker of the house of representatives and
9 senate president, in consultation with the chairmen of the house and senate committees on post
10 audit and oversight, the chairmen of the house and senate committees on ways and means, and
11 the minority leaders of both chambers. The person so appointed shall be selected without regard
12 to political affiliation. The term of office of the Director shall be 5 years. Any individual

13 appointed as Director to fill a vacancy prior to the expiration of a term shall serve only the
14 unexpired portion of that term. The person so appointed may be removed from office, for cause,
15 by the speaker and senate president, in consultation with the chairmen of the house and senate
16 committees on post audit and oversight, the chairmen of the house and senate committees on
17 ways and means, and the minority leaders of both chambers. Such cause may include substantial
18 neglect of duty, gross misconduct, indictment, or conviction of a crime. The reasons for removal
19 of the Director shall be stated in writing and shall include the basis for such removal. Such
20 writing shall be sent to the clerk of the senate and the clerk of the house of representatives at the
21 time of the removal.

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

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

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

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

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

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

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

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

52 (ii) finances;

53 (iii) grants to individual and private entities;

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

55 (8) conduct revenue forecasts.

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

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

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