

**HOUSE . . . . . No. 4139**

The Commonwealth of Massachusetts

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A MESSAGE FROM  
HIS EXCELLENCY THE GOVERNOR  
RETURNING THE GENERAL APPROPRIATION BILL  
FOR FISCAL YEAR 2010  
(SEE HOUSE, NO. 4129)  
AS RELATES TO  
ITEMS AND SECTION RETURNED WITH  
REDUCTIONS OR DISAPPROVALS  
UNDER THE PROVISIONS OF  
SECTION 5 OF ARTICLE LXIII  
AND SECTIONS RETURNED WITH  
RECOMMENDATIONS OF AMENDMENTS  
UNDER THE PROVISIONS OF ARTICLE LVI  
OF THE AMENDMENTS TO THE CONSTITUTION.

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June 30, 2009.

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June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Section 5 of Article 63 of the Amendments to the Constitution, I am today signing House 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements," and returning certain portions to you for reconsideration.

We are in the midst of a fiscal crisis. Since last Fall, when an unprecedented global economic decline began to cause state tax revenues to plummet, my Administration and the Legislature have worked together to close a cumulative \$3.9 billion gap in the fiscal year 2009 budget and a projected \$5.1 billion gap in the fiscal year 2010 budget. To maintain a balanced budget in fiscal year 2009, we have taken a blended approach, imposing a series of emergency spending reductions as well as using federal recovery funds and state reserves. We have taken a similar approach to the budget proposal for fiscal year 2010, even as revenue continued to deteriorate throughout the Spring. Spending reductions and savings comprise about half of our solutions to close the fiscal year 2010 budget gap.

A portion of the solutions to our fiscal crisis requires new taxes. Because I do not believe we can in good conscience and especially in times like these ask people to give more simply to maintain the status quo, I have insisted on fundamental changes in how government serves its people before I would accept a broad-based tax increase.

Specifically, I have insisted on the enactment of reforms to our ethics, transportation and pension systems as a prerequisite for my support of the Legislature's proposed increase in the sales tax. In the last ten days, the Legislature has taken major steps forward on all of these fronts. I have signed into law a far-reaching transportation reform bill that radically simplifies our transportation system and will save millions of dollars, as well as the most comprehensive pension reform bill in decades. Later this week, I will sign sweeping ethics and lobbying reforms that close loopholes which have for too long undermined public confidence in government. With these actions taken, I will sign an increase in the state sales tax from 5 percent to 6.25 percent, as proposed by the Legislature.

Today, I am signing most of the proposed conference committee budget into law. The conference committee budget totals \$27.41 billion. I am signing \$27.046 billion of that amount into law. I am vetoing \$364 million, of which \$217 million is a technical change until our county corrections reform legislation is signed into law. The remaining \$147 million in vetoes constitutes line-item spending reductions. A portion of these vetoes is being used to pay for supplemental appropriations that I am proposing in order to fund pressing Commonwealth priorities that were not adequately addressed in the conference committee report.

This is without question an austere budget, containing deep spending cuts that will have painful impacts and require shared sacrifice. After several years of budgets with positive growth in spending – and despite growing demands on state government – the budget that I am signing today will spend less than amounts in the previous fiscal year.

With significantly less revenue available, we have focused on prioritizing core functions of state government. In particular, I am pleased that the budget funds Chapter 70 education aid at its highest level in history at \$4.037 billion – reflecting the fundamental importance of education to the health of our economy and the future of our children. Consistent with my commitment earlier this year, all school districts are funded at foundation levels, with the help of federal recovery funds.

For cities and towns, the budget contains both unavoidable reductions in unrestricted general government aid and greater flexibility to raise revenue through modest increases in meals and room occupancy taxes, at local option, and through elimination of an unjustified property tax exemption on telephone poles and wires. Together, these tools will at least partially mitigate the reduction in Local Aid for cities and towns and strengthen municipal finances over the long-term.

The budget also preserves important aspects of our state's social safety net, in large part because of additional resources provided by the federal government through enhanced federal Medicaid matching funds. With one exception that I am proposing to address through amendment and supplemental funding, the budget maintains current eligibility for state-subsidized health insurance programs, including dental coverage. The budget also provides \$65.6 million for the Children's Behavioral Health Initiative which will serve children with severe emotional disturbances and other behavioral health problems. Moreover, it fully funds veterans' annuity payments and benefits

under Section 9 of Chapter 115 and maintains eligibility and benefits for the state's main cash assistance programs for needy families and individuals.

We are able to fund these essential functions of state government by foregoing other investments that may have merit but are unaffordable in difficult fiscal times, asking state agencies to re-examine their core missions to live within more limited means, using federal recovery aid and state reserves to build a bridge to better times and – *after* having taken all of those steps – relying on modest increases in tax revenues to ensure that state government can meet its most essential obligations.

Along with signing most of the conference committee budget into law, I am taking additional action to address important Commonwealth priorities that were not adequately addressed by the conference committee budget. For example, the conference committee budget terminated Commonwealth Care health insurance coverage for approximately 30,000 legal immigrants, a successful feature of our health care reform experiment. This would be a major step backwards from our progress at a time when the eyes of the nation are focused on this groundbreaking initiative. I am accordingly proposing an additional \$70 million in funding to continue state-subsidized health insurance for these residents – and ensure that our state continues to lead the nation in offering high-quality, affordable health care to all.

I am also proposing additional funding for initiatives that are essential to our state's short- and long-term economic progress. For example, I am proposing an additional \$10 million in *guaranteed* funding for life sciences research, on top of \$10 million provided in the conference committee budget that is contingent upon the availability of fiscal year 2009 surpluses. Investments in life sciences are critically important to job growth, by retaining our status as a world leader in one of the most exciting economic growth opportunities of the 21<sup>st</sup> century. Our ability to capitalize on this opportunity for innovation and economic leadership cannot depend solely on the availability of surpluses that are unlikely to materialize in this difficult fiscal climate.

I am also proposing an additional \$11 million for the Workforce Training Fund to ensure that business contributions to the fund are used for their intended purpose – to train workers in the skills that will speed our economic recovery and strengthen our long-term prosperity. And I am proposing to restore \$400,000 in funding to maintain a state office in Washington, D.C., as two-thirds of the states do. This staff has assisted us in securing billions of dollars of federal support in the last two years, proving their effectiveness repeatedly and winning the unanimous respect and support of our entire congressional delegation. With extensive opportunities for partnership with the Obama Administration on our state's priorities and an ongoing need for federal assistance during difficult economic and fiscal times, we should not shortchange having as strong as possible a presence in Washington.

To help pay for these and other priorities and address revenue exposures included in the conference committee budget, I am vetoing \$147 million in other line-item spending in the conference report. I am also proposing that the Legislature enact a series of fiscal management tools that will help keep us on track towards ensuring a balanced budget for fiscal year 2010. These tools include renewal of line-item transferability authority that would let us allocate surpluses arising in some programs towards shortfalls in other programs, and expanded 9C authority that would let us fairly and sensibly distribute any needed emergency spending reductions without disproportionate impacts on certain state functions.

Therefore:

- I am reducing appropriation amounts in items of section 2 of House 4129 enumerated in Attachment A of this message by the amount and for the reasons set forth in that Attachment;
- I am disapproving, or striking wording in, items of section 2 and 2B of House 4129 also set forth in Attachment A, for the reasons set forth in that Attachment;
- I am disapproving those sections of House 4129 itemized in Attachment B of this message for the reasons set forth in that Attachment; and
- Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth, I am returning sections 5, 21, 22, 31, 40, 66, 76, 87, 105, 112, 121, 130, 132, 133, 144 and 146 with recommendations for amendment. My reasons for doing so and the recommended amendments are set forth in separate letters dated today which are included with this message as Attachments C to Q, inclusive.

I approve the remainder of this Act.

This budget serves the public's interest. As much as possible, it maintains those services that are essential to the public and the Commonwealth's long-term economic interests, mindful that in times like these, people often demand more, not less, from state government. At the same time, many worthy programs and services have of necessity been cut. I recognize that it is difficult to ask people to contribute more in taxes of any kind when many are already struggling to deal with the personal effects of the economic downturn. But I am satisfied that the Legislature has made a significant commitment – through the reform legislation enacted in recent weeks – to change the way the public's business is done. We owe it to the public to continue on the path of reform.

Respectfully submitted,

Deval Patrick

**DISAPPROVALS AND REDUCTIONS**

The Governor’s actions are as follows:

I disapprove the following items:

in Section 2

- 1599-6425
- 4510-0716
- 7061-0011
- 7061-9634
- 8910-8200
- 8910-8210
- 8910-8300
- 8910-8310
- 8910-8400
- 8910-8500
- 8910-8600
- 8910-8610
- 8910-8700
- 8910-8710
- 8910-8800
- 8910-8810

I disapprove Sections 89, 90, 91, 92, 93, 120, 129, 140, and 145.

I reduce the following items in Section 2 to the following amounts:

Section 2	Reduce By	Reduce To
0321-0100	111,341	1,000,000
0321-2205	506,704	1,000,000
0330-0300	5,763,036	190,422,288
0330-3337	1,892,192	9,300,000
0333-0002	702,478	18,611,265
0335-0001	310,109	6,862,466
0339-1001	9,000,000	122,138,285
0339-1003	788,786	23,404,762
0699-0015	20,986,427	1,804,013,573
0699-0016	996,269	11,003,731
0810-0045	363,636	3,133,588
1201-0118	54,800	5,429,718
1310-1000	466,000	1,459,270
2200-0100	117,228	29,637,373
2200-0107	200,000	275,000
2511-0100	100,000	4,683,708
2511-0105	1,000,000	11,000,000
2800-0501	74,976	13,060,407
2820-0101	250,000	1,291,621
4000-0265	400,000	450,000
4000-0355	133,128	813,128
4000-0500	3,873,282	3,456,559,882
4000-0950	2,311,037	65,688,963
4200-0200	500,000	23,868,223
4510-0715	250,000	250,000
4510-0810	500,000	3,003,336
4512-0202	2,000,000	2,000,000
4512-0203	1,000,000	1,000,000
4513-1000	100,000	4,655,623
4513-1002	1,100,000	12,465,092
4513-1111	1,159,313	7,295,685
4590-0915	797,000	137,664,607
4800-0038	2,500,000	299,234,364
5046-0000	500,000	309,783,591
5095-0015	600,000	169,333,412
6000-1700	564,146	5,586,841
6005-0015	435,854	44,235,055
6030-7201	7,000,000	58,000,000
7000-9401	2,250,000	12,341,160
7002-0017	114,202	2,783,169
7002-0500	202,534	20,555,968
7003-0605	450,000	450,000
7003-0803	441,231	4,994,467

7004-9005	2,800,000	62,500,000
7004-9316	1,940,000	3,060,000
7006-0040	222,000	2,760,991
7007-0500	210,000	210,000
7007-0951	4,000,000	2,500,000
7007-1000	1,500,000	4,500,000
7030-1002	1,000,000	25,748,947
7061-0012	1,000,000	140,113,160
7061-9604	53,081	1,546,270
7066-0009	67,500	300,000
7100-0200	1,500,000	411,898,263
8000-1700	165,848	21,098,510
8700-1150	449,174	3,582,564
9110-1633	1,500,000	36,068,041
9500-0000	568,921	17,067,606
9600-0000	1,009,726	30,292,914
9700-0000	158,808	6,333,424

I reduce the following items in Section 2 to the following amounts, and disapprove the wording as indicated:

Section 2	Reduce By	Reduce To	Wording Stricken
0610-0050	100,000	2,057,305	" ; provided further, that \$100,000 shall be expended for the investigation and enforcement division of the alcoholic beverages control commission's implementation of the enhanced liquor enforcement programs"
2810-0100	125,000	46,558,361	" ; provided further, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the department of conservation and recreation"
4000-0600	25,000,000	2,114,610,628	" ; provided further, that notwithstanding any general or special law to the contrary, funds shall be expended from this item for the purpose of maintaining a personal needs allowance of \$72.80 per month for individuals residing in nursing homes and rest homes who are eligible for MassHealth, Emergency Aid to the Elderly Disabled and Children program or Supplemental Security Income; provided further, care management under section 3 of chapter 211 of the acts of 2006 shall be implemented through Aging & Disability Resource Consortiums, which shall include a combination of 1 or more Aging Services Access Points and Independent Living Centers"
4200-0300	500,000	99,326,675	" ; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B, after March 15, 2009 ; and provided further, that after March 15, 2009 , no charge or contract shall be made with alternate vendors to provide pharmacy services other than the state office of pharmacy services"
8324-0000	2,514,767	14,394,926	" ; provided further, that not less than \$1,750,000 shall be provided for the Boston fire department training academy; provided further, that \$100,000 shall be expended to Norfolk county to maintain and improve services of the Norfolk county regional fire & rescue dispatch center"
			and
			" ; provided further, that \$500,000 shall be provided for the Boston, Cambridge and Everett fire department hazardous material response teams"

I reduce the following items in Section 2 by striking the wording as indicated and inserting in place thereof the following wording set forth below:

Section 2	Reduce By	Reduce To	Wording Stricken
4000-0700	23,374,735	1,607,619,796	" ; provided further, that \$25,000,000 shall be expended from this item, or item 4000-0500, if necessary to achieve maximum

federal financial participation, to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively"

and

"; provided further, that the executive office shall not, in fiscal year 2010, fund programs relating to case management with the intention of reducing length of stay for neonatal intensive care unit cases; provided further, that the division of health care finance and policy and the executive office of health and human services shall establish a new rate methodology to cover the cost of care provided by any facility licensed by the department of public health as a chronic disease hospital providing services solely to children and adolescents as follows: (1) the rate of reimbursement for any such facility shall be developed collaboratively through an agreement among the office of Medicaid, the division of health care finance and policy and any such facility; (2) the reimbursement rate for any such facility shall incorporate the following components: (a) utilization of the reimbursement methodology used by the division and the executive office of health and human services to determine payments for Medicaid disproportionate share pediatric hospitals in effect in 2007 utilizing the most recently filed 403 cost report with the division and the payments received from Medicaid-eligible patients for the base period; (b) a per-diem rate for inpatient and a payment on account factor for outpatient shall be established which reimburses the full unrecovered cost, including capital; and (c) the rates shall be inflated over the base period by the applicable Medicare market basket inflation factors; and (3) notwithstanding any general or special law to the contrary, in no event shall the rates of payment be lower than the rates in effect for such facility in the prior fiscal year"

Wording Inserted

"; provided further, that \$20,000,000 shall be expended from this item, or item 4000-0500, if necessary to achieve maximum federal financial participation, to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively"

I disapprove in the following items in Section 2 the wording as indicated:

Section 2	Wording Stricken
1000-0001	"; provided further, that notwithstanding any general or special law to the contrary, the comptroller shall deduct \$1,000 from any item of appropriation in section 2 in which a reporting requirement is stipulated within such item and which report is not filed within 10 days of the stated due date; provided further, that all amounts deducted shall be deposited into the General Fund and the comptroller shall notify the house and senate committees on ways and means of all amounts so deducted"
1100-1100	" that the secretary shall conduct an ongoing review of affirmative action steps taken by the various agencies, boards, departments, commissions or divisions to determine whether such agencies, boards, departments, commissions or divisions are complying with the commonwealth's policies of non-discrimination and equal opportunity; provided further, that whenever non-compliance is determined by the secretary, the secretary shall hold a public hearing on the matter and report her resulting recommendations to the head of the particular agency, board, department, commission or division, to the governor and to the Massachusetts commission against discrimination; provided further, that the secretary shall report on the status of each agency, board, department, commission or division receiving monies under this act, including supplemental and deficiency budgets, as to compliance or non-compliance with affirmative action policies to the chairs of the house and senate committees on ways and means, the joint committee on public service and the joint committee on labor and workforce development on or before December 1, 2009; and provided further,"
1201-0100	"; provided further, that the department may conduct a public awareness and education outreach campaign about state and local tax credits, deductions, deferrals and exemptions and other tax information available to persons age 65 and over including, but not limited to, section 6 of chapter 62 and section 5 of chapter 59 of the General Laws; provided further, that the

department may work in conjunction with the executive office of elder affairs in disseminating information and conducting the campaign; provided further, that the department may conduct the campaign from July 1, 2009, to April 15, 2010, inclusive, and shall report their efforts to the house and senate committee on ways and means and the joint committee on elder affairs not later than May 31, 2010; and provided further, that the department shall also file an interim report to the house and senate committee on ways and means and the joint committee on elder affairs not later than January 1, 2010"

- 1790-0100 "; and provided further, that the division shall file a report by secretariat with the house and senate committees on ways and means not later than December 15, 2009 that shall include, but not be limited to, the following: (a) financial statements detailing savings realized from the consolidation of information technology services within each executive office; (b) the number of personnel assigned to the information technology services within each executive office; and (c) efficiencies that have been achieved from the sharing of resources"
- 2800-0100 "; provided further, that the amount transferred pursuant to interagency service agreements shall not increase from fiscal year 2009; and provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation"
- 4180-0100 "; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; and provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services other than the state office of pharmacy services"
- 4190-0100 "; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; and provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services other than the state office of pharmacy services"
- 4403-2000 "; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; and provided further, that the report shall state the department's most accurate assessment of the probable effects of benefit or eligibility changes upon recipient families"
- 4408-1000 "; and provided further, that, notwithstanding any general or special law to the contrary, 60 days before implementing any eligibility or benefit changes, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes"
- 4800-0015 "; provided further, that the report shall also contain, for each area office, the number of kinship guardianship subsidies that it provided for the calendar quarters ending on March 31, 2009 and June 30, 2009, the number of kinship guardianship subsidies provided in the month covered by the report, and the number of kinship guardianship subsidies provided in that month for which federal reimbursement was received; provided further, that the report shall also contain, for each area office, the total spending on services other than case management services provided to families for the purposes of keeping a child with his parents or reunifying the child with his parents, spending by type of the service, and the unduplicated number of families that receive the services; provided further, that the report shall also contain for each area office, the total number of families in the month residing in shelter paid for by the department, a list of where the families are sheltered, the total cost and average cost per family of those shelters, and a description of how the department determines who does or does not qualify for shelter; provided further, that the report shall include, for each area office, broken down by type of service, the number of requests for voluntary services, whether the request was approved or denied, the reasons for denying the service, and what, if any, referrals were made for services by other agencies or entities"
- 6010-0001 "; provided further, that the costs of routine highway maintenance provided by private and union workers in contract areas 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B and 5C and for costs associated with police services and overtime within such areas shall be paid from this item"
- 7004-0101 "; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the undersecretary shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of the executive office of housing and economic development that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes"



- 7009-1700 "; provided, that the secretary shall file a report with the house and senate committees on ways and means not later than December 15, 2009 that shall include, but not be limited to, the following: (a) financial statements detailing savings realized from said consolidation; (b) the number of personnel assigned to the information technology services within the executive office; and (c) efficiencies that have been achieved from the sharing of resources"
- 7010-0033 "; and provided further, that funds appropriated in this item for said Institute may be expended through June 30, 2011"
- 8000-0125 "; provided, that the \$75 registration fee paid by convicted sex offenders shall be directed from the General Fund to the Massachusetts office for victim assistance"
- 8400-0001 "; provided further, that the registrar of motor vehicles shall report to the house and senate committees on ways and means and the joint committee on transportation 60 days prior to the closure of any registry branch; provided further, that said report shall include all cost savings associated with the closure"
- 8900-0001 "; provided, that before closing any correctional facility, the commissioner of corrections and the secretary of public safety and homeland security shall report to the house and senate committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved"
- 8910-0102 "; and provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B"
- 8910-0105 "; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B, not later than June 30, 2010; and provided further, that upon transitioning to the state office of pharmacy services, no charge or contract shall be made with an alternate vendor to provide pharmacy services other than the state office of pharmacy services"
- 8910-0107 "; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B, not later than June 30, 2010; and provided further, that upon transitioning to the state office of pharmacy services, no charge or contract shall be made with an alternate vendor to provide pharmacy services other than the state office of pharmacy services"
- 8910-0108 "; and provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B"
- 8910-0110 "; and provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B"
- 8910-0145 "; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B, not later than June 30, 2010; and provided further, that upon transitioning to the state office of pharmacy services, no charge or contract shall be made with an alternate vendor to provide pharmacy services other than the state office of pharmacy services"
- 8910-0619 "; and provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B"

I disapprove in the following items in Section 2B the wording as indicated:

Section 2B            Wording Stricken

- 4510-0108 "; provided further, that SOPS shall continue to be the sole provider of pharmacy services for the following agencies currently under SOPS: the department of public health, the department of mental health, the department of developmental services, the department of correction, the department of youth services, the sheriff's departments of Bristol, Essex, Franklin, Hampden, Hampshire, and Plymouth, and the Soldiers' Homes in Holyoke and Chelsea; provided further, that SOPS shall become the sole provider of pharmacy services to the following agencies currently not being serviced by SOPS: the sheriff's departments of Worcester, Middlesex, Berkshire, Suffolk, Norfolk, Barnstable and Dukes; provided further, that SOPS shall be the sole provider of pharmacy services for all said agencies and all costs for pharmacy services shall be charged by this item; provided further, that said agencies shall not charge or contract with any other alternative vendor for pharmacy services other than SOPS; provided further, that SOPS shall develop an implementation plan to transition the following agencies within the current fiscal year: the sheriff's departments of Worcester, Middlesex, Berkshire, Suffolk, Norfolk, Barnstable and Dukes"

I return for amendment, pursuant to the authority vested in me by Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, Sections 5, 21, 22, 31, 40, 66, 76, 87, 105, 112, 121, 130, 132, 133, 144, and 146. The text of my recommended amendments is set forth in separate letters of this date to the Senate and House of Representatives.[See Attachments C through Q]

The remainder of this bill I approve.

**Attachment A**  
**FY10 Budget**  
**Veto Items: Line Item Accounts**

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Board of Bar Examiners			
0321-0100	Reduce	111,341	1,000,000
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Suffolk Social Law Library			
0321-2205	Reduce	506,704	1,000,000
I am reducing this item by an amount not recommended in light of available revenues.			
Trial Court Administration			
0330-0300	Reduce	5,763,036	190,422,288
I am reducing this item by an amount not recommended in light of available revenues.			
Trial Court Additional Expense			
0330-3337	Reduce	1,892,192	9,300,000
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Probate and Family Court			
0333-0002	Reduce	702,478	18,611,265
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Boston Municipal Court			
0335-0001	Reduce	310,109	6,862,466
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Commissioner of Probation			
0339-1001	Reduce	9,000,000	122,138,285
I am reducing this item by an amount not recommended in light of available revenues.			
Community Corrections Administration			
0339-1003	Reduce	788,786	23,404,762
I am reducing this item to an amount consistent with my House 1 revised recommendation.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Alcoholic Beverages Control Commission			
0610-0050	Reduce/Strike Wording	100,000	2,057,305
I am striking language which earmarks funding for a program not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Consolidated Long-Term Debt Service			
0699-0015	Reduce	20,986,427	1,804,013,573
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Accelerated Bridge Program			
0699-0016	Reduce	996,269	11,003,731
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Wage Enforcement Program			
0810-0045	Reduce	363,636	3,133,588
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Comptroller Operations			
1000-0001	Strike Wording		
I am striking this language because my Administration will comply promptly with legislative reporting requirements, and therefore it is unnecessary.			
Secretary of Administration and Finance			
1100-1100	Strike Wording		
I am striking this language because the required report is unduly burdensome.			
Tax Administration			
1201-0100	Strike Wording		
I am striking this language because the required report is unduly burdensome.			
Division of Local Services			
1201-0118	Reduce	54,800	5,429,718
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Appellate Tax Board			
1310-1000	Reduce	466,000	1,459,270
I am reducing this item to an amount consistent with my House 1 revised recommendation.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Municipal Regionalization Reserve			
1599-6425	Veto	1,000,000	0
I am vetoing this item because it is not consistent with my House 1 revised recommendation.			
Information Technology Division			
1790-0100	Strike Wording		
I am striking this language because the required report is duplicative of the reporting requirements in Executive Order 510.			
Environmental Protection Administration			
2200-0100	Reduce	117,228	29,637,373
I am reducing this item by an amount not recommended in light of available revenues.			
Redemption Centers Operations			
2200-0107	Reduce	200,000	275,000
I am reducing this item by an amount not recommended in light of available revenues.			
Agricultural Resources			
2511-0100	Reduce	100,000	4,683,708
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Emergency Food Assistance			
2511-0105	Reduce	1,000,000	11,000,000
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Conservation and Recreation			
2800-0100	Strike Wording		
I am striking language that imposes an unnecessary restriction on the department's operations.			
Beach Preservation			
2800-0501	Reduce	74,976	13,060,407
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
State Parks and Recreation			
2810-0100	Reduce/Strike Wording	125,000	46,558,361
I am reducing this item to an amount consistent with my House 1 revised recommendation and striking language that imposes an unnecessary restriction on the department's operations.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
State House Park Rangers			
2820-0101	Reduce	250,000	1,291,621
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Primary Care Workforce			
4000-0265	Reduce	400,000	450,000
I am reducing this item by an amount not recommended in light of available revenues.			
Health Care Quality and Cost Council			
4000-0355	Reduce	133,128	813,128
I am reducing this item by an amount not recommended in light of available revenues.			
MassHealth Managed Care			
4000-0500	Reduce	3,873,282	3,456,559,882
I am reducing this item by an amount not recommended in light of available revenues.			
MassHealth Senior Care			
4000-0600	Reduce/Strike Wording	25,000,000	2,114,610,628
I am striking language which earmarks funding for a program not recommended, and I am reducing this item by an amount not recommended in light of available revenues.			
MassHealth Fee for Service			
4000-0700	Reduce Earmarking	23,374,735	1,607,619,796
I am striking language which earmarks funding for a program not recommended, and I am reducing this item and earmarked funding by an amount not recommended in light of available revenues.			
Children's Behavioral Health Initiative			
4000-0950	Reduce	2,311,037	65,688,963
I am reducing this item by an amount not recommended in light of available revenues.			
Chelsea Soldiers' Home			
4180-0100	Strike Wording		
I am striking this language because it is unduly burdensome.			
Holyoke Soldiers' Home			
4190-0100	Strike Wording		
I am striking this language because it is unduly burdensome.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Detained Residential			
4200-0200	Reduce	500,000	23,868,223
I am reducing this item by an amount not recommended in light of available revenues.			
Residential Services			
4200-0300	Reduce/Strike Wording	500,000	99,326,675
I am reducing this item by an amount not recommended in light of available revenues and I am striking this language because it is unduly burdensome.			
TAFDC Grant Payments			
4403-2000	Strike Wording		
I am striking this language because it places requirements on the agency that are unduly burdensome.			
Emergency Aid to the Elderly, Disabled, & Children			
4408-1000	Strike Wording		
I am striking this language because it places requirements on the agency that are unduly burdensome.			
Primary Care Center and Loan Forgiveness Program			
4510-0715	Reduce	250,000	250,000
I am reducing this item by an amount not recommended in light of available revenues.			
Academic Detailing Program			
4510-0716	Veto	250,000	0
I am vetoing this item because it is not consistent with my House 1 revised recommendation.			
SANE and Pedi-SANE Programs			
4510-0810	Reduce	500,000	3,003,336
I am reducing this item by an amount not recommended in light of available revenues.			
Secure Treatment Facilities for Opiate Addiction			
4512-0202	Reduce	2,000,000	2,000,000
I am reducing this item by an amount not recommended in light of available revenues.			
Substance Abuse Family Intervention & Care Pilot			
4512-0203	Reduce	1,000,000	1,000,000
I am reducing this item by an amount not recommended in light of available revenues.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Family Health Services			
4513-1000	Reduce	100,000	4,655,623
I am reducing this item by an amount not recommended in light of available revenues.			
WIC Program			
4513-1002	Reduce	1,100,000	12,465,092
I am reducing this item by an amount not recommended in light of available revenues.			
Health Promotion and Disease Prevention			
4513-1111	Reduce	1,159,313	7,295,685
I am reducing this item by an amount not recommended in light of available revenues.			
Hospital Operations			
4590-0915	Reduce	797,000	137,664,607
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Social Worker Services and Support			
4800-0015	Strike Wording		
I am striking language that imposes an unnecessary restriction on the department's operations and because the required report is unduly burdensome.			
Svcs for Children & Families			
4800-0038	Reduce	2,500,000	299,234,364
I am reducing this item by an amount not recommended in light of available revenues.			
Mental Health Services			
5046-0000	Reduce	500,000	309,783,591
I am reducing this item by an amount not recommended in light of available revenues.			
Hospital Services			
5095-0015	Reduce	600,000	169,333,412
I am reducing this item by an amount not recommended in light of available revenues.			
Transportation IT Consolidation			
6000-1700	Reduce	564,146	5,586,841
I am reducing this item by an amount not recommended in light of available revenues.			



<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Regional Transit Authorities			
6005-0015	Reduce	435,854	44,235,055
I am reducing this item by an amount not recommended in light of available revenues.			
Massachusetts Highway Departme			
6010-0001	Strike Wording		
I am striking language that imposes an unnecessary restriction on the department's operations.			
Snow and Ice Control			
6030-7201	Reduce	7,000,000	58,000,000
I am reducing this item to the amount projected to be necessary.			
Regional Library Local Aid			
7000-9401	Reduce	2,250,000	12,341,160
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Housing and Economic Development IT Consolidation			
7002-0017	Reduce	114,202	2,783,169
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Division of Industrial Accidents			
7002-0500	Reduce	202,534	20,555,968
I am reducing this item by an amount not recommended in light of available revenues.			
Manufacturing Extension Partnership			
7003-0605	Reduce	450,000	450,000
I am reducing this item by an amount not recommended in light of available revenues.			
One-Stop Career Centers			
7003-0803	Reduce	441,231	4,994,467
I am reducing this item by an amount not recommended in light of available revenues.			
Family Shelters			
7004-0101	Strike Wording		
I am striking language because it places requirements on the agency that are unduly burdensome.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Housing Authority Subsidies			
7004-9005	Reduce	2,800,000	62,500,000
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Family Residential Assistance			
7004-9316	Reduce	1,940,000	3,060,000
I am reducing this item by an amount not recommended in light of available revenues.			
Professional Licensure			
7006-0040	Reduce	222,000	2,760,991
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Biotech Research Institute			
7007-0500	Reduce	210,000	210,000
I am reducing this item by an amount not recommended in light of available revenues.			
Commonwealth Zoological Corporation			
7007-0951	Reduce	4,000,000	2,500,000
I am reducing this item by an amount not recommended in light of available revenues.			
Local Tourist Councils			
7007-1000	Reduce	1,500,000	4,500,000
I am reducing this item by an amount not recommended in light of available revenues.			
Education IT Consolidation			
7009-1700	Strike Wording		
I am striking this language because the required report is duplicative of the reporting requirements in Executive Order 510.			
Literacy Programs			
7010-0033	Strike Wording		
I am striking language that is not consistent with my House 1 revised recommendation.			
Kindergarten Expansion Grants			
7030-1002	Reduce	1,000,000	25,748,947
I am reducing this item by an amount not recommended in light of available revenues.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Foundation Reserve			
7061-0011	Veto	3,500,000	0
I am vetoing this item because it is not consistent with my House 1 revised recommendation.			
Special Education Residential			
7061-0012	Reduce	1,000,000	140,113,160
I am reducing this item by an amount not recommended in light of available revenues.			
Teacher Certification			
7061-9604	Reduce	53,081	1,546,270
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Mentoring Grants			
7061-9634	Veto	250,000	0
I am vetoing this item because it is not consistent with my House 1 revised recommendation.			
New England Board of Higher Education			
7066-0009	Reduce	67,500	300,000
I am reducing this item by an amount not recommended in light of available revenues.			
University of Massachusetts			
7100-0200	Reduce	1,500,000	411,898,263
I am reducing this item by an amount not recommended in light of available revenues.			
Sex Offender Registry Board			
8000-0125	Strike Wording		
I am striking language that redirects state funds for a purpose not recommended in light of available revenues.			
Public Safety IT Consolidation			
8000-1700	Reduce	165,848	21,098,510
I am reducing this item by an amount not recommended in light of available revenues.			
Department of Fire Services			
8324-0000	Reduce/Strike Wording	2,514,767	14,394,926
I am striking language which earmarks funding for programs not recommended, and I am reducing this item by an amount not recommended in light of available revenues.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Registry of Motor Vehicles			
8400-0001	Strike Wording		
I am striking this language because the required report is unduly burdensome.			
National Guard Tuition and Fee			
8700-1150	Reduce	449,174	3,582,564
I am reducing this item to the amount projected to be necessary.			
Department of Corrections Faci			
8900-0001	Strike Wording		
I am striking this language because the required report is unduly burdensome.			
Hampden Sheriff			
8910-0102	Strike Wording		
I am striking language that imposes an unnecessary restriction on sheriffs' operations.			
Worcester Sheriff			
8910-0105	Strike Wording		
I am striking language that imposes an unnecessary restriction on sheriffs' operations.			
Middlesex Sheriff			
8910-0107	Strike Wording		
I am striking language that imposes an unnecessary restriction on sheriffs' operations.			
Franklin Sheriff			
8910-0108	Strike Wording		
I am striking language that imposes an unnecessary restriction on sheriffs' operations.			
Hampshire Sheriff			
8910-0110	Strike Wording		
I am striking language that imposes an unnecessary restriction on sheriffs' operations.			
Berkshire Sheriff			
8910-0145	Strike Wording		
I am striking language that imposes an unnecessary restriction on sheriffs' operations.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Essex Sheriff			
8910-0619	Strike Wording		
I am striking language that imposes an unnecessary restriction on sheriffs' operations.			
Barnstable Sheriff			
8910-8200	Veto	21,176,700	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			
Barnstable Sheriff Federal RR			
8910-8210	Veto	250,000	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			
Bristol Sheriff			
8910-8300	Veto	27,256,334	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			
Bristol Sheriff RR			
8910-8310	Veto	6,500,000	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			
Dukes Sheriff			
8910-8400	Veto	2,567,765	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Nantucket Sheriff			
8910-8500	Veto	782,593	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			
Norfolk Sheriff			
8910-8600	Veto	22,871,958	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			
Norfolk Sheriff's Department RR			
8910-8610	Veto	2,500,000	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			
Plymouth Sheriff			
8910-8700	Veto	23,943,379	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			
Plymouth Sheriff's Department RR			
8910-8710	Veto	16,000,000	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			
Suffolk Sheriff			
8910-8800	Veto	85,442,734	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Suffolk Sheriff's Department RR			
8910-8810	Veto	8,000,000	0
I am vetoing this item to make a technical change to the line item structure because insufficient revenue is available to support this appropriation until legislation is enacted transferring this sheriff's department to the commonwealth. It is also inappropriate to fund a county sheriff's department entirely with state funds. I am proposing supplemental appropriations today to provide state funding upon enactment of such transfer legislation.			
Home Care Case Mgmt & Admin			
9110-1633	Reduce	1,500,000	36,068,041
I am reducing this item by an amount not recommended in light of available revenues.			
Senate Operations			
9500-0000	Reduce	568,921	17,067,606
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
House Operations			
9600-0000	Reduce	1,009,726	30,292,914
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
Joint Legislative Operations			
9700-0000	Reduce	158,808	6,333,424
I am reducing this item to an amount consistent with my House 1 revised recommendation.			
State Office for Pharmacy Services			
4510-0108	Strike Wording		
I am striking this language because it is unduly burdensome.			

**Attachment B  
FY10 Budget  
Veto Items: Outside Sections**

Assistant Judicial Case Managers - Middlesex
Section 89
I am vetoing this section because it authorizes new positions that are not affordable in the present fiscal situation.

<p>Clerk of Courts for Worcester County I</p> <p>Section 90</p> <p>I am vetoing this section because it inappropriately and inconsistently intrudes on the functioning of the judicial department.</p>
<p>Clerk of Courts for Worcester County II</p> <p>Section 91</p> <p>I am vetoing this section because it inappropriately and inconsistently intrudes on the functioning of the judicial department.</p>
<p>Clerk of Courts for Hampden County I</p> <p>Section 92</p> <p>I am vetoing this section because it inappropriately and inconsistently intrudes on the functioning of the judicial department.</p>
<p>Clerk of Courts for Hampden County II</p> <p>Section 93</p> <p>I am vetoing this section because it inappropriately and inconsistently intrudes on the functioning of the judicial department.</p>
<p>Division of Health Care Finance and Policy Rate Freeze</p> <p>Section 120</p> <p>I am vetoing this section because it retroactively revokes rates necessary for savings assumed in balancing this budget.</p>
<p>Continuation of FY2009 Cost Shifts to State Authorities</p> <p>Section 129</p> <p>I am vetoing this section because it adversely affects financially self-supported independent authorities that serve important public purposes. My Administration has worked closely with our quasi-public entities to identify appropriate and affordable contributions they can make to support state services related to their missions without adversely affecting the core services they were created to provide, and they have made tens of millions of dollars of contributions as a result.</p>
<p>Spending Oversight of Transportation Agencies</p> <p>Section 140</p> <p>I am vetoing this section because it unnecessarily restricts flexibility in the transportation reform transition. I will use my existing allotment authority to ensure that spending remains within the legislative appropriation.</p>



Water Infrastructure Finance Commission

Section 145

I am vetoing this section because it requires scarce state resources to duplicate my Administration's already substantial efforts to formulate a comprehensive interagency water proposal.

## ATTACHMENT C

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 5 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 5 requires CORI checks for volunteers or employees of a children's school or camp that will be instructing a climbing course or a challenge course program. I support the purposes of this section.

This section, however, allows the Criminal History Systems Board to assess only one fee on the school or camp for the CORI check on these volunteers and employees. To avoid significant additional costs to the CHSB, I recommend allowing it to assess a fee per request.

For these reasons, I recommend that Section 5 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 5. Chapter 6 of the General Laws is hereby amended by inserting after section 172J the following section:--

Section 172K. Notwithstanding section 172 or any other general or special law to the contrary, a children's camp or school that plans to employ or accept as a volunteer for a climbing wall or challenge course program, a person who is or has previously been the subject of a record check pursuant to sections 172G, 172H, 172I or section 38R of chapter 71, shall not be required to conduct a second record check by reason of such person's employment or volunteering for a climbing wall or challenge course program, within 12 months of the previous record check. The camp or school may either simultaneously submit to the criminal history systems board applications for a record check under sections 172G, 172H, 172I or section 38R of chapter 71 and this section, or use the information obtained within the prior 12 months under sections 172G, 172H, 172I or section 38R of chapter 71 for the purpose of the climbing wall or challenge course program. If the camp or school submits simultaneous applications, the criminal history systems board shall conduct the most comprehensive record check required by either application, and the results of such record check shall satisfy the camp or school's obligations to request record information with respect to both job functions. The camp or school may also disseminate information obtained under this section to the department of public safety. The criminal history systems board shall assess the camp

or school 1 fee for simultaneous requests and may assess the camp or school for each additional request filed pursuant to this section.

Information obtained pursuant to this section shall not be disseminated for any purpose other than to further the protection of children.

Respectfully submitted,

## ATTACHMENT D

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 21 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

This section establishes a Commonwealth Transportation Fund to provide funding for the transportation reform legislation that I recently approved. But this fund is inconsistent in several ways with a fund with the same name established in the enacted transportation reform statute. Therefore, I am returning this section with recommended amendments to ensure consistency.

For these reasons, I recommend that Section 21 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 21. Chapter 29 of the General Laws is hereby amended by striking out section 2ZZZ, inserted by section 35 of chapter 24 of the acts of 2009, and inserting in place thereof the following section:-

Section 2ZZZ. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Transportation Fund, which shall be used exclusively for financing transportation-related purposes. There shall be credited to the fund all fees received by the registrar of motor vehicles pursuant to section 34 of chapter 90, all receipts paid into the treasury of the commonwealth and directed to be credited to the Commonwealth Transportation Fund pursuant to chapters 64A, 64E, 64F and any other applicable general or special law and all amounts appropriated into the fund by the general court. The fund shall be subject to appropriation and shall be used for transportation related expenses of the executive office of transportation or any successor agency or authority, including to pay or reimburse the General Fund for payment of debt service on bonds issued by, or otherwise payable pursuant to a lease or other contract assistance agreement by, the commonwealth for transportation purposes.

(b) Notwithstanding subsection (a), the crediting of receipts from the tax imposed pursuant to chapter 64A to the fund shall not affect the obligations of the commonwealth relating to notes issued pursuant to

sections 9 to 10D, inclusive, of chapter 11 of the acts of 1997 and the pledge of receipts from the portion of the tax per gallon imposed pursuant to said chapter 64A equal to 10 cents per gallon, to secure the payment of such bonds under the circumstances described in the trust agreements relating to such notes is hereby ratified and confirmed in all respects and shall remain in full force and effect as long as any such notes issued as of July 1, 2009 remain outstanding in accordance with their terms and secured by funds in the fund.

(c) In addition to those revenues credited to the fund pursuant to subsection (a), beginning in fiscal year 2011, there shall be credited to the fund all monies received by the commonwealth equal to .385 percent of the receipts from sales, as defined by chapter 64H, and .385 per cent of the sales price of purchases, as defined by chapter 64I, from that portion of the taxes imposed under said chapters 64H and 64I as excises upon the sale and use at retail of tangible property or of services, and upon the storage, use or other consumption of tangible property, or of services, including interest thereon or penalties, but not including any portion of the taxes that constitute special receipts within the meaning of subsection (b ½) of section 10 of chapter 152 of the acts of 1997 or within the meaning of said subsection (b ½). If in a fiscal year the amount credited to the fund under this subsection is less than \$275,000,000, then the comptroller shall transfer an amount from the General Fund to make up the difference between the amount credited to the fund and \$275,000,000, not later than September 1 of the following fiscal year.

(d) Annually, beginning in fiscal year 2011, not less than the following amounts from the fund shall be distributed to the Massachusetts Bay Transportation Authority and regional transit authorities:

- (1) \$160,000,000 to the Massachusetts Bay Transportation Authority or any fund controlled by the authority in each fiscal year; and
- (2) \$15,000,000 to regional transit authorities organized under chapter 161B or predecessor statutes in each fiscal year.

Respectfully submitted,

## ATTACHMENT E

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 22 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 22 limits the amount of volatile revenues that could be incorporated into the annual operating budget, but also provides a mechanism for building a significant level of reserves to help mitigate the negative effects on program and services during difficult fiscal times such as the present one. I am pleased that the House, the Senate, and my Administration agree on this important principle that will stabilize future state revenues.

My Administration has been discussing with key legislators some technical improvements in this mechanism. To advance that discussion, I am proposing the following language, which will require the annual consensus revenue forecast to include a maximum available amount of capital gains income tax revenue and limit the amount that may be considered for general appropriation to \$1 billion. When capital gains income tax revenue exceeds an amount that would be consistent with \$1 billion annually, according to quarterly estimates by the Department of Revenue, the excess will be transferred to a new Capital Gains Revenue Holding Fund and then annually to the Commonwealth Stabilization Fund.

For these reasons, I recommend that Section 22 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 22. Chapter 29 of the General Laws is hereby amended by inserting after section 2ZZZ the following section:-

Section 2AAAA. There shall be established upon the books of the commonwealth a separate fund to be known as the Capital Gains Revenue Holding Fund, in this section called the fund. Upon the periodic certification by the commissioner of revenue during a fiscal year, as provided in section 5B, of the tax revenues estimated to be collected during the preceding interim period from capital gains income, if the estimate of year-to-date

revenue from capital gains income through the interim period exceeds the year-to-date amount that would be consistent with \$1 billion in annual revenue from capital gains income through such period, as provided in section 5B, the comptroller shall transfer between the General Fund and the fund the amount required to ensure that the balance in the fund is equal to the difference between the estimate of year-to-date revenue from capital gains income through the interim period and the year-to-date amount through such period that would be consistent with \$1 billion in annual revenue from capital gains income. But this transfer shall occur only if the total state tax revenues received as of that date equal or exceed the consensus tax revenue forecast determined under section 5B through that date. Upon any periodic certification by the commissioner of estimated year-to-date tax revenue collected through the preceding interim period from capital gains income in an amount below the year-to-date amount of revenue from capital gains income that would be consistent with \$1 billion in annual revenue from capital gains income through such period, as estimated in accordance with section 5B, the comptroller shall transfer the difference in such amounts from the fund, to the extent of any balance in the fund, to the General Fund. Following the commissioner's certification of estimated tax revenues from capital gains income in the final interim period of a fiscal year and any associated transfers to or from the General Fund as provided in this section, the comptroller shall transfer any remaining balances in the fund to the Commonwealth Stabilization Fund established by section 2H.

SECTION 22A. Section 5B of said chapter 29 is hereby amended by striking out the last paragraph, as appearing in the 2008 Official Edition, and inserting in place thereof the following paragraph:-

On or before January 15, the secretary of administration and finance shall meet with the house and senate committees on ways and means and shall jointly develop a consensus tax revenue forecast for the budget for the ensuing fiscal year which shall be agreed to by the secretary and those committees; but in the first year of the term of office of a governor who has not served in the preceding year, they shall agree to the consensus tax revenue forecast not later than January 31. In developing the consensus tax revenue forecast, the secretary and the committees, or subcommittees of the committees, may hold joint hearings on the economy of the commonwealth and its impact on tax revenue forecasts. The consensus tax revenue estimate shall be net of the amount necessary to transfer, from the General Fund to the commonwealth's Pension Liability Fund, to fully fund the system according to the schedule established pursuant to paragraph (1) of section 22C of chapter 32. The commissioner of revenue shall recommend and the secretary and the committees shall agree upon an amount of taxes to be included in the consensus tax revenue estimate from capital gains income, as defined under chapter 62, taking into account the commissioner's projection of capital gains tax revenue for the fiscal year and principles of prudent budgeting necessary to modulate the year-to-year impact of this fluctuating revenue source. Any amount of estimated tax revenue from capital gains income in excess of \$1 billion shall be transferred to the Capital Gains Revenue Holding Fund, established by section 2AAAA, such that the amount of taxes to be included in the consensus tax revenue estimate from capital gains income shall not exceed \$1 billion. To facilitate accurate periodic transfers into the Capital

Gains Revenue Holding Fund, the department of revenue shall provide an estimate of the level of income from capital gains, for each month of the fiscal year, which would be consistent with \$1 billion in annual capital gains revenue. The department of revenue shall report on or before February 15, June 1, July 15, and October 15 with respect to the estimated capital gains revenue received through the end of the prior month, to the house and senate committees on ways and means, the joint committee on revenue, the secretary and the comptroller. The consensus tax revenue forecast, including the consensus tax revenue estimate from capital gains income as determined above, shall be included in a joint resolution and placed before the members of the general court for their consideration. This joint resolution, if passed by both branches of the general court, shall establish the maximum amount of tax revenue which may be considered for the general appropriation for the ensuing fiscal year.

SECTION 22B. Section 5C of said chapter 29, as so appearing, is hereby amended by inserting after the word "and", in line 7, the following words:- , if no transfer to the Commonwealth Stabilization Fund has been made under section 2ZZZ for that fiscal year,.

SECTION 22C. Section 6A of chapter 62F of the General Laws is hereby repealed.

Respectfully submitted,



## ATTACHMENT F

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 31 and 40 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Sections 31 and 40 require public disclosure and analysis of the results of refundable or transferable tax credit programs, including the number of jobs created. I strongly support the purposes of these sections, and I proposed language to accomplish these purposes in my own budget.

As enacted, however, these sections omit important information -- especially the identity of the taxpayer -- necessary to analyze fully the effect of these tax credit programs. While in general I support strict confidentiality of taxpayer information, these refundable or transferable tax credit programs are no different from other state grant programs, where the recipient's identity has always been a public record. Transparency and analysis of these programs requires the same treatment. I am also recommending some administrative improvements recommended by the Department of Revenue since I made my original proposal.

For these reasons, I recommend that Sections 31 and 40 be amended by striking out their text and inserting in place thereof the following text:-

SECTION 31. Section 1 of chapter 62C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the definition of "Building contractor" the following definition:-

"Administering agency head", the agency head responsible for administering the applicable state tax credit program. For the brownfields tax credit and the film tax credit the administering agency head is the department of revenue. For the medical device tax credit, the administering agency head is the Massachusetts life sciences center.

SECTION 31A. Said section 1 of chapter 62C of the General Laws, as so appearing, is hereby further amended by striking out the definition of "Code.

SECTION 31B. Said section 1 of chapter 62C, as so appearing, is hereby further amended by inserting after the definition of "Promoter" the following definition:-

"Secretary", the secretary of administration and finance.

SECTION 31C. Said section 1 of chapter 62C, as so appearing, is hereby further amended by inserting after the definition of "Show" the following definition:-

"Tax credit program", one of the following credits against the state income tax to stimulate economic development and other policy goals: the brownfields tax credit in section 38Q of chapter 63 and subsection (j) of section 6 of chapter 62; the dairy farmer tax credit in section 38Z of chapter 63 and subsection (o) of section 6 of chapter 62; the FDA user fees credit in section 31M of chapter 63 and subsection (n) of section 6 of chapter 62; the film tax credit in subsection (b) of section 38X of chapter 63 and subsection (l) of section 6 of chapter 62; the historic rehabilitation tax credit in section 38R of chapter 63 and section 6J of chapter 62; the life sciences investment tax credit in section 38U of chapter 63 and subsection (m) of section 6 of chapter 62; the low-income housing tax credit in section 31H of chapter 63 and section 6I of chapter 62; the medical device tax credit in section 31L of chapter 63 and section 6 1/2 of chapter 62; and the refundable research credit in subsection (j) of section 38M of chapter 63.

SECTION 40. Said chapter 62C is hereby further amended by adding the following section:-

Section 88. (a)(1) On or before May 15 each year, the administering agency head of each tax credit program shall submit a report to the commissioner on each tax credit program authorized for the previous calendar year, in this section called the report, which shall be a public record.

(2) The report shall contain the following information:

(i) the identity of each taxpayer authorized by the administering agency head to receive a tax credit;

(ii) the amount of tax credit award and issued tax credit for each taxpayer and each project, if applicable;

(iii) the date of the tax credit award or issued tax credit for each taxpayer and each project; and

(iv) additional data and criteria that the secretary determines to be relevant to analyzing the effectiveness of that tax credit program.

(b)(1) On or before February 15 of every year, each taxpayer receiving an authorized tax credit from the administering agency head in the previous calendar year shall submit data and analysis reasonably determined by the Secretary to be relevant to analyzing the effectiveness of the tax credit program.

(2) On or before May 15 of each year, or by another date that the secretary determines to be practicable, the administering agency head shall submit to the commissioner, in a form prescribed by the commissioner, copies of any data and analysis required by paragraph (1),

with the report required by subsection (a). The commissioner shall provide this information on a government internet website for public disclosure.

Respectfully submitted,

## ATTACHMENT G

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 66 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 66 requires the Registrar of Motor Vehicles to provide, at no cost, a set of veteran's registration plates or emblems for a passenger vehicle owned and principally used by United States Armed Services personnel awarded the Iraqi Freedom Campaign Ribbon, and an emblem to those who served in Operation Enduring Freedom (Afghanistan). In general, I support the purpose of this section as consistent with my Administration's commitment to our veterans. However, as enacted, the language of this section discriminates against service members who have served honorably in other campaigns and wars. It also treats Iraq and Afghan veterans differently by requiring only the latter to pay for their plates. I believe this section's purposes can be substantially achieved by affording to veterans of the Iraq and Afghanistan conflicts registration plates or emblems in the same fashion as other veterans residing in the Commonwealth.

For these reasons, I recommend that Section 66 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 66. Section 2 of chapter 90 of the General Laws, as appearing in the 2008 Official edition, is hereby amended by striking out the fifteenth paragraph and inserting in place thereof the following paragraph:-

The registrar shall furnish, upon application, to owners of private passenger motor vehicles and motorcycles who are veterans, as defined in clause Forty-third of section 7 of chapter 4 and upon presentation of evidence deemed satisfactory by the registrar, distinctive registration plates bearing on the left side the word "VETERAN". These plates shall also include a distinctive emblem or decal for those individuals who have been awarded the Iraqi Freedom Campaign Ribbon or who served in Operation Enduring Freedom. There shall be an annual \$20 fee for such "VETERAN"

plates in addition to the established registration fee for private passenger motor vehicles and motorcycles. For the purposes of this paragraph, the word “motorcycles” shall not include motorized bicycles.

Respectfully submitted,

## ATTACHMENT H

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 76 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 76 requires the Department of Public Health (DPH) to adopt regulations prohibiting health care facilities (hospitals and ambulatory surgery centers) from charging or seeking reimbursement for services provided as the result of an occurrence of a healthcare-associated infection (HAI). It amends section 51H of chapter 111 of the General Laws, as appearing in section 65 of chapter 451 of the Acts of 2008, which takes effect on October 1, 2012. I support this amendment, which will improve health care quality and reduce the costs associated with HAI.

My proposed budget and the House and Senate final budgets each also contained a section making an identical amendment to the current section 51H, as appearing in section 9 of chapter 305 of the Acts of 2008, which would require DPH to adopt these HAI non-payment regulations immediately. Perhaps inadvertently, the enacted budget omits this section.

To rectify this omission, and thereby authorize DPH to adopt HAI regulations immediately, I recommend that section 76 be amended by adding the following section:-

SECTION 76A. Said section 51H of said chapter 111, inserted by section 9 of chapter 305 of the acts of 2008, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) The department shall adopt regulations prohibiting a health care facility from charging or seeking reimbursement for services provided as a result of the occurrence of a health-care associated infection or serious reportable event. A health care facility shall not charge or seek reimbursement for a health-care associated infection or serious reportable event that the facility has determined, through a documented review process, and under regulations adopted by the department, was (i)

preventable; (ii) within its control; and (iii) unambiguously the result of a system failure based on the health care provider's policies and procedures.

Respectfully submitted,

## ATTACHMENT I

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 87 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 87 allows the union that represents personal care attendants (PCAs) to charge an "agency fee" to PCAs who do not join the union, but to do so without those individuals' written consent as our employment law usually requires. Because of the unique PCA labor arrangements, I am willing to accept this unprecedented provision but only for a limited time to allow the union to get organized and negotiate appropriate union security provisions.

Therefore, I am recommending that this unusual provision be limited to two years, that in the meantime the state and the union should negotiate this issue further, and that binding arbitration be available if they cannot agree.

For these reasons, I recommend that Section 87 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 1. The first paragraph of section 17G of chapter 180 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Deductions on payroll schedules shall be made from the salary of any state, county or municipal employee of any amount which the employee may specify in writing to any state, county or municipal officer, or the head of the state, county or municipal department, board or commission, by whom or which he is employed, or which may be specified by a collective bargaining agreement with the PCA quality homecare workforce council, for the payment of agency service fees to the employee organization, which in accordance with chapter 150E is duly recognized by the employer or designated by the commonwealth employment relations board as the exclusive bargaining agent for the appropriate unit in which the employee is employed.



SECTION 2. Said first paragraph of said section 17G of said chapter 180 is hereby further amended by striking out the first sentence, inserted by section 1, and inserting in place thereof the following sentence:-  
Deductions on payroll schedules shall be made from the salary of any state, county or municipal employee of any amount which the employee may specify in writing to any state, county or municipal officer, or the head of the state, county or municipal department, board or commission, by whom or which he is employed, for the payment of agency service fees to the employee organization, which in accordance with chapter 150E is duly recognized by the employer or designated by the commonwealth employment relations board as the exclusive bargaining agent for the appropriate unit in which the employee is employed.

SECTION 3. The PCA quality homecare workforce council and the duly authorized collective bargaining representative of personal care attendants as defined in section 28 of chapter 118G shall negotiate in good faith regarding procedures to facilitate the payment of agency service fees from personal care attendants to the extent they are required, as a condition of employment, to pay agency service fees to the bargaining representative, pursuant to section 1. If the parties are unable to reach an agreement regarding such procedures by September 30, 2009, the matter may be submitted to binding interest arbitration in accordance with the terms of the parties' collective bargaining agreement.

SECTION 4. The PCA quality homecare workforce council and the duly authorized collective bargaining representative of personal care attendants as defined in section 28 of chapter 118G of the General Laws shall negotiate in good faith regarding procedures to facilitate the collection of written authorizations for the payment of agency service fees from personal care attendants to the extent they are required, as a condition of employment, to pay agency service fees to the bargaining representative. If the parties are unable to reach an agreement regarding these procedures by December 31, 2010, the matter may be submitted to binding interest arbitration in accordance with the terms of the parties' collective bargaining agreement.

SECTION 5. Section 2 shall take effect on July 1, 2011.

Respectfully submitted,

## ATTACHMENT J

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 105 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 105 authorizes the University of Massachusetts Building Authority to use an alternative procurement process, including design-build, for the design and construction of a bio-processing facility in Fall River. I support the purposes of this section to accelerate and improve this procurement process.

I am concerned, however, that due to the size, complexity and duration of this project, the public interest and labor harmony require its construction by project labor agreement. Therefore, I recommend that the Commonwealth, in its capacity as a market participant for public construction projects, require a project labor agreement, including a uniform grievance and arbitration procedure and an obligation not to strike, for construction work on this project.

For these reasons, I recommend that Section 105 be amended by adding the following words: - ; provided further, that in order to further promote labor harmony, all construction employees employed in the construction of the bio-processing facility project shall be paid not less than the wage rate established for such work pursuant to a project labor agreement with the appropriate labor organization or labor organizations, which includes (1) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project; and (3) an obligation for any such labor organization and its constituent members not to strike with respect to work on such project; provided further, that it shall not be a precondition to the award of a contract that a bidder has previously entered into a collective bargaining agreement with a labor organization, but only that the bidder be willing to execute and comply with the project labor agreement for this project if it is awarded a contract for such designated project.

Respectfully submitted,

## ATTACHMENT K

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 112 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 112 allows the Chief Justice for Administration and Management to transfer funds among Trial Court accounts under specified conditions. I support the purposes of this section to promote efficiencies and to respect the independence of the judicial department.

This section, however, exempts the Commissioner of Probation and the Office of Community Corrections from such transferability. I see no reason to exempt these two offices from the salutary purposes of this section.

For these reasons, I recommend that Section 112 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 112. Notwithstanding subclause (a) of clause (xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws, or any other general or special law to the contrary, the chief justice for administration and management may, from the effective date of this act through April 30, 2010, transfer funds from any item of appropriation within the trial court to any other item of appropriation within the trial court. These transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means. The schedule shall include the following: (1) the amount of money transferred from 1 item of appropriation to another; (2) the reason for the necessity of the transfer; and (3) the date on which the transfer is to be completed. A transfer under this section shall not occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means.

Respectfully submitted,



## ATTACHMENT L

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 121 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 121 eliminates Commonwealth Care health insurance coverage for approximately 30,000 legal immigrants (known as "Aliens with Special Status") who do not currently qualify for federal reimbursement. I am instead proposing to invest \$70 million to continue state-subsidized health insurance for these individuals.

For these reasons, I recommend that Section 121 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 121. (a) Except as provided in subsection (b), notwithstanding any general or special law to the contrary, an eligible individual pursuant to section 3 of chapter 118H of the General Laws shall not include persons who cannot receive federally-funded benefits under sections 401, 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as amended, for fiscal year 2010. The Commonwealth Health Insurance Connector Authority shall provide notice at least 30 days prior to termination of benefits for any member pursuant to this section.

(b) Notwithstanding any general or special law to the contrary, the secretary of administration and finance, the secretary of health and human services and the executive director of the Commonwealth Health Insurance Connector Authority, in their full discretion and subject only to the terms and conditions in this subsection, may establish or designate a health insurance plan in which a person who cannot receive federally-funded benefits as of July 1, 2009 under sections 401, 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as amended, and who is also an eligible individual pursuant to section 3 of chapter 118H of the General Laws, may enroll effective September 1, 2009 through June 30, 2010. This plan may be

contracted for selectively from the health plans that are contracting in fiscal year 2010 to provide insurance coverage to Commonwealth Care or MassHealth enrollees. Total state costs of providing coverage to all such persons, net of enrollee contributions and any federal financial participation, shall not exceed \$70 million for fiscal year 2010. To the extent additional federal financial participation becomes available for paying the costs of such coverage, the secretary of administration and finance may direct the comptroller to make such amounts available from the General Fund for the purpose of paying the costs of such coverage. If the secretary of administration and finance, the secretary of health and human services and the executive director of the Commonwealth Health Insurance Connector Authority determine that the projected costs of enrolling eligible individuals in such coverage in fiscal year 2010 will exceed net state costs of \$70 million, they shall limit enrollment in such coverage.

Respectfully submitted,

ATTACHMENT M

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 130 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 130 transfers a total of \$31 million from certain trust funds to the General Fund. While this section is consistent with a proposal that I filed as part of my revised budget proposal, it requires the transfer of balances that are no longer available in certain trust funds.

For these reasons, I recommend that Section 130 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 130. Notwithstanding any general or special law to the contrary, the comptroller shall transfer the following amounts to the General Fund after notice from the secretary of administration and finance that sufficient funds are available:

(a) \$3,000,000 from the County Registers Technological Fund, established in section 2KKK of chapter 29 of the General Laws;

(b) \$3,000,000 from the Commonwealth Covenant Fund established in section 35EE of chapter 10 of the General Laws;

(c) \$1,859,744 from the Massachusetts Board of Higher Education Scholar-Internship Match Fund; and

(d) \$1,140,256 from the Massachusetts Science, Technology Engineering, and Mathematics Grant Fund established in section 2MMM of chapter 29.

Transfers under this section shall be made not later than June 30, 2010.

Respectfully submitted,





## ATTACHMENT N

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 132 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 132 transfers \$2 million to the District Local Technical Assistance Fund for fiscal year 2010. In general, I support the purpose of this section as consistent with my Administration's commitment to supporting responsible planning and promoting regionalism.

However, given the extraordinarily challenging fiscal climate producing increasing stresses on state programs to meet the needs of our citizens, this need is less critical than competing priorities such as safety net services which play a fundamental role in protecting the well-being of the people of Commonwealth in difficult economic times. I therefore propose reducing this transfer to \$1 million.

For these reasons, I recommend that Section 132 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 132. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$1,000,000 from the General Fund to the District Local Technical Assistance Fund, established by section 2XXX of chapter 29 of the General Laws.

Respectfully submitted,

## ATTACHMENT O

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 133 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 133 transfers \$10 million to the Massachusetts Life Sciences Fund, but only from any consolidated net surplus that may exist at the end of fiscal year 2009. I support this section.

It is unlikely, however, that the available fiscal year 2009 surplus will even approach this amount. Moreover, the promotion of life sciences research is so fundamental to our citizens' well-being and to the Commonwealth's economic future that I believe an additional \$10 million transfer is justified, and I have reduced other spending to the extent necessary to afford this. This is consistent with the \$20 million transfer that I proposed in my original budget for fiscal year 2010.

For these reasons, I recommend that Section 133 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 133. (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2009 as follows: (i) the comptroller shall transfer \$10,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 23I of the General Laws; and (ii) the remaining balance shall be transferred from the General Fund to the Stabilization Fund.

(b) Notwithstanding any general or special law to the contrary, the total administrative and operational expenses of the Massachusetts Life Sciences Center established in section 3 of said chapter 23I shall not exceed \$3,000,000 for fiscal year 2010. The center shall report on the center's annual operating expenses including, but not limited to: payroll costs, contracted personnel costs, consultant costs, travel costs, pension and insurance costs, office related expenses, lease costs, facility operating

expenses, energy costs and costs of equipment leases and maintenance. The center shall file a report with the clerks of the house of representatives and the senate, who shall forward the same to the house and senate committees on ways and means and the joint committee on economic development and emerging technologies, on or before February 28, 2010.

(c) All transfers specified in subsection (a) shall be made from the undesignated fund balances in the budgetary funds proportionally from the undesignated fund balances, but no such transfer shall cause a deficit in any of the funds.

(d) In addition to the transfers specified in subsection (a), the comptroller, in consultation with the secretary of administration and finance, shall transfer \$10,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund, established by section 6 of chapter 23I of the General Laws, no later than June 30, 2010.

Respectfully submitted,

## ATTACHMENT P

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 144 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 144 establishes a process for the disposition and redevelopment of the Department of Developmental Services developmental centers in the towns of Templeton and Monson. The process involves close cooperation between the Commonwealth and the affected towns. I support the purposes of this section.

This section, however, does not provide for the Department of Developmental Services to participate in reuse and disposition discussions, even though it may have a continuing interest in one or both centers. Furthermore, while this Administration has already begun discussions with the affected towns regarding the future of these properties and looks forward to working together with the towns in determining appropriate reuses of the centers, this section allows the towns to effectively control the disposition of each campus in ways that are at variance with the Administration's policy regarding state control over the disposition of state properties. In addition, this section gives each town a right of first refusal to acquire the center in that town, but does not specify any time for the exercise of that right. Finally, the section includes a requirement for value-engineering that is not appropriate for disposition of properties. Therefore, I am returning this section for amendment to include the Department of Developmental Services in the reuse and disposition discussions, to reflect this Administration's policy regarding the disposition of state properties, to establish a time frame for each town to exercise its right of first refusal, and to eliminate the value-engineering requirement.

For these reasons, I recommend that Section 144 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 144. (a) As used in this section, the following words shall, unless the context clearly indicates otherwise, have the following meanings:-

"Commissioner", the commissioner of capital asset management and maintenance.

"Department", the department of developmental services.

"Developer", a person, entity or governmental body that acquires an ownership or leasehold interest in the site or any portion thereof pursuant to this section.

"Division", the division of capital asset management and maintenance.

"MDC committee", the Monson Developmental Center Reuse Committee, which shall include 3 representatives of the town of Monson, 1 of whom shall be a member of the Monson board of selectmen or his designee who shall serve as chairperson, 1 of whom shall be a member of the Monson planning board or his designee, and 1 of whom shall be chosen by the Monson board of selectmen; 1 representative of the community preservation committee; 1 representative of the division of capital asset management and maintenance; 1 representative of the department of developmental services; and 1 representative of Parents and Friend. Such members, other than the representatives of the state agencies, shall be appointed annually by the local governing authority. The senator and representative who represent the town shall serve as ex-officio members.

"MDC site", the area of state-owned land located in the town of Monson known as the Monson Developmental Center, together with the buildings and improvements thereon and the rights, easements and other interests appurtenant thereto.

"Plan", a reuse plan prepared by the division in consultation with the MDC committee and the TDC committee which shall be approved by the commissioner and filed in accordance with subsection (b); provided, however, that the plan may be enhanced, refined or amended from time to time as provided in this section and shall include uses for department programs, uses that promote environmental preservation, open space and any other use found to be appropriate by the commissioner, town and committee.

"Selection committee", the proposal selection committee established to review proposals and make recommendations to the commissioner, which shall include 1 representative of the respective town chosen by the board of selectmen to be appointed annually; 1 representative of the division of capital asset management and maintenance; 1 representative of the department of developmental services; 1 representative from the MDC committee; and 1 representative from the TDC committee.

"TDC committee", the Templeton Developmental Center Reuse Committee, which shall include 3 representatives of the town of Templeton, 1 of whom shall be a member of the Templeton board of selectmen or his designee who shall serve as chairperson, 1 of whom shall be a member of the Templeton planning board or his designee, and 1 of whom shall be chosen by the Templeton board of selectmen; 1 representative of the

community preservation committee; 1 representative of the division of capital asset management and maintenance; 1 representative of the department of developmental services; and 1 representative of the legal guardians of the clients currently housed at Templeton Developmental Center. Such members, other than the representatives of the state agencies, shall be appointed annually by the local governing authority. The senator and representative who represent the town shall serve as ex-officio members.

"TDC site", the area of state-owned land located in the town of Templeton known as the Templeton Developmental Center, together with the buildings and improvements thereon and the rights, easements and other interests appurtenant thereto.

(b) The commissioner shall undertake planning, studies and preparation of plans and specifications necessary to carry out the provisions of this section consistent with the plan. The TDC committee and MDC committee shall submit their recommendations for the reuse plans with the commissioner within 180 days after the effective date of this section. The commissioner shall consult with the TDC committee and the MDC committee on any amendment to the plan and shall develop, issue and advertise requests for proposals consistent with the plan within 90 days of receipt of the plan. Upon receipt of proposals the commissioner shall convene the selection committees for the purpose of reviewing and making recommendations regarding selection to the commissioner. The respective town's governing authority shall be encouraged to submit proposals for uses consistent with the plan for some or all of the property. Should proposals from the municipalities be among those recommended to the commissioner, the commissioner shall reasonably accommodate the schedule required for town meeting votes, should said vote be required to complete or approve a proposal, prior to making any final decisions on the proposals. In regard to TDC, any re-use must be consistent with chapter 504 of the acts of 2002 which limits some uses on the TDC site. Further, any reuse shall be consistent with restrictions resulting from the TDC and MDC sites being listed on the National Historic Register.

(c) The commissioner may, subject to sections 40E to section 40J, inclusive, of chapter 7 of the General Laws, and in accordance with this section and the plan and subject to such terms and conditions as the commissioner may, from time to time, prescribe, solicit, evaluate and select development proposals, enter into land disposition agreements, enter into agricultural leases for up to 5 years, sell, lease for terms of up to 99 years including extensions or otherwise grant, convey or transfer to a developer, any interest in the site or portions thereof and any facilities, associated improvements or appurtenances thereon, on such terms and conditions as the commissioner deems appropriate provided the end use meets the guidelines developed by the MDC committee and the TDC committee as set forth in the reuse plan. The amount of consideration for the sale, lease or other disposition of any interest in the sites or portion thereof shall be the full and fair market value for the highest and best value of the property determined by independent appraisal. Additionally, the respective towns may collect property taxes or payments in lieu of taxes if land is leased or sold for taxable uses. The inspector general shall review and comment on

the appraisal and the review shall include an examination of the methodology used for the appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner for submission to the house and senate committees on ways and means and the joint committee on state administration. No less than 2 public comment sessions shall take place. The developer shall be responsible for any costs of appraisals, surveys and other expenses relating to the transfer of the parcel or for any costs, liabilities and expenses of any nature and kind for the development, maintenance or operation of the parcel. The commissioner shall ensure that any deed, lease or other disposition agreement conveying surplus real property provides for effective remedies on behalf of the commonwealth as deemed appropriate by the commissioner, which remedies may include, without limitation, that the title or lesser interest conveyed may revert to the commonwealth upon the recording of a notice in the appropriate registry of deeds, in the event of a failure to comply with any use restrictions established by the commissioner. The commissioner shall, 30 days before the execution of any agreement or amendment thereto authorized by this section, submit the agreement or amendment and a report thereon to the inspector general for review and comment. No less than 2 public comment sessions shall take place. The inspector general shall issue his review and comment within 30 days after receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration at least 30 days before execution.

(d) The affected town's board of selectmen shall have the right of first refusal before any decision is made as to the reuse or sale of either the land or facilities in each town. This right of first refusal must be exercised, if at all, by the affected town giving written notice of the town's intention to acquire the property to the division within 180 days after the effective date of this section. If the affected town does give such written notice, the affected town shall have until the date which is 180 days after the later of (i) the town's written notice to the commissioner or (ii) written notice from the commissioner to the town that some or all of the land and facilities in such town is available for disposition, to close on the purchase or lease of the property on such terms, conditions and restrictions as offered by the commissioner, provided, that the commissioner may grant an affected town additional time to close on the purchase or lease of the property. If an affected town has held a vote for debt exclusion under section 21C of chapter 59 to finance the surplus real property purchase, the date by which the affected town shall exercise its option to purchase shall be extended until 7 days after the vote, but the vote shall take place at the next municipal election after the affected town voted to put the debt exclusion on the ballot. If the affected town fails to close on the purchase of the property within the allowed time, the sole remedy of the commonwealth against the affected town for such failure is to proceed with the disposition of the property without further right of purchase by the affected town.

(e) Notwithstanding any general or special law to the contrary, the commissioner may, subject to appropriation, and subject to sections 40E to 40G, inclusive, 40I and 40J of chapter 7 of the General Laws retain, accept



or acquire by purchase, transfer, lease, eminent domain, pursuant to chapter 79 of the General Laws, or otherwise, grant by deed, transfer, lease, eminent domain, pursuant to said chapter 79, or otherwise, or grant by deed, transfer, lease or otherwise, any rights-of-way or easements, in, over and beneath the site or portions thereof or other property in the commonwealth contiguous to the site for drainage, access, egress, utilities and other purposes, as the commissioner deems necessary and appropriate to carry out the purposes of this section. The commissioner shall seek advice from the appropriate reuse committee prior to the implementation of any action.

(f) The department of developmental services, with the approval of the commissioner, may enter into contracts for the provision of building management services for buildings and facilities located on the site as deemed by the commissioner and the reuse committee.

(g) Notwithstanding any general or special law to the contrary, the commissioner may employ designers who prepare studies or programs or other design services for the construction, renovation, reconstruction, alteration, improvement, demolition, expansion or repair of buildings on the MDC site and the TDC site to prepare plans and specifications and provide any other design services deemed necessary by the commissioner for such projects.

Respectfully submitted,

## ATTACHMENT Q

June 29, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 146 of House Bill No. 4129, "An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 146 creates a study commission to consider the costs and effects of regionalizing all municipal services. In general, I support the goal of this section to explore opportunities for regional collaboration and shared services at the local government level.

However, given the current status of regionalization efforts in the Commonwealth, the need for devoting resources to a temporary study commission is less critical than the need for establishing an on-going advisory commission to play an active role in guidance, advice and technical assistance for both regionalization efforts at the local level and state policy on regionalization, including updating grant programs state-wide to reflect regionalization incentives. The membership of the commission outlined in Section 146 would make for a robust and timely Regionalization Advisory Committee which will more effectively complement other recent efforts by the Legislature and my Administration to encourage regional cooperation and efficiency.

For these reasons, I recommend that Section 146 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 146. Chapter 3 of the General Laws is hereby amended by inserting after section 62 the following section:-

Section 62A. There shall be a regionalization advisory committee to advise the executive and legislative departments about regionalizing the delivery of municipal services. The committee shall consist of the following members: the secretary of administration and finance, or her designee, who shall serve as chair of the committee; the secretary of health and human services or her designee; the secretary of energy and environmental affairs or his designee; the secretary of public safety or his

designee; the secretary of the Massachusetts department of transportation or his designee; the secretary of elder affairs or his designee; the secretary of veterans' affairs or his designee; the secretary of labor and workforce development or her designee; the secretary of education or his designee; the secretary of housing and economic development or his designee; the president of the senate or her designee; the speaker of the house of representatives or his designee; a representative of the metropolitan area planning council; a representative of the Massachusetts Municipal Association; and 3 members to be appointed by the governor all of whom shall have knowledge and experience in 1 or more of the following areas: municipal government and services, municipal agreements, shared services or regionalization. Each member shall serve without compensation.

The committee shall propose policies and coordinate activities throughout state government that are designed to create opportunities for enhanced collaboration among local governments. Committee members individually and as a group shall serve as subject matter experts in an advisory capacity as requested by the executive office for administration and finance on behalf of local governments engaged in regionalization efforts or as requested by local governments.

Respectfully submitted,