

HOUSE No. 4300

The Commonwealth of Massachusetts

SO MUCH OF THE MESSAGE
FROM
HIS EXCELLENCY THE GOVERNOR
RETURNING THE GENERAL APPROPRIATION BILL
FOR FISCAL YEAR 2015
(SEE HOUSE, NO. 4001, AMENDED)
AS RELATES TO ATTACHMENTS A AND B,
FOR ITEMS AND SECTIONS 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.

July 11, 2014.

HOUSE No. 4300

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

July 11, 2014.

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 Bill 4001, “An Act Making Appropriations for the Fiscal Year 2015 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.

The fiscal year 2015 budget that I am signing into law supports our proven growth strategy of investing in education, innovation and infrastructure to create jobs and opportunity in the near term and strengthen our Commonwealth in the long term.

Even in the face of the most significant economic and fiscal challenges in generations, we have shared an unshakeable commitment to investing in education, from early education through higher education, recognizing that education is the foundation for opportunity and economic mobility. This budget includes a \$100 million increase in Chapter 70 local education aid, which will bring funding for this program to \$4.4 billion, the highest level in state history and 18 percent greater than when I took office. The budget invests an additional \$24 million in early education to enable 1,700 more children to access early education services which will prepare them for future academic and economic success. The budget also provides another significant increase in funding for public higher education, allowing the University of Massachusetts to freeze tuition and fees for the second consecutive academic year.

This budget ends the practice of paying for transportation staff on the capital budget, creating more room for spending capital dollars on better roads, rail and bridges across the Commonwealth. It also includes investments in the Massachusetts Life

Sciences Center, a proven vehicle for supporting job creation in life sciences, and a catalyst for making Massachusetts the leader in the life sciences sector.

The budget includes important investments to make our communities stronger and safer and provide supporting services and opportunities for the most vulnerable residents of the Commonwealth. It funds many of the strategies I have proposed to address the opioid epidemic in Massachusetts and brings renewed focus to providing youth and adults with the tools and skills to successfully re-enter society after criminal and civil custody. It also continues our support for the Safe and Successful Youth Initiative, the summer jobs program for at-risk youth and Shannon Grants.

This budget also includes funding for capacity building and operational improvements at the Department of Children and Families that will allow the agency to better serve families in need across the Commonwealth; as well as investments which will allow non-convicted patients currently treated at Bridgewater State Hospital to receive mental health services in more appropriate settings. It also provides a significant increase to support the critical work of our human service providers (Chapter 257) and continues steady progress towards restoring full adult dental coverage at MassHealth.

The budget recognizes that investments in growth and opportunity are most effective when government works well and manages prudently – building on work we have done together over the past eight years to implement pension, ethics, transportation, municipal health insurance and other reforms improving performance and promoting long-term fiscal sustainability at every level of government. Notably, it contains information technology governance and management reforms largely reflected in my Executive Order 549, which is already producing major improvements in how we select and deploy technology solutions for delivering core services. The budget also includes significantly increased payments towards the costs of our long-term public pension and retiree health care liabilities, putting the state on a stronger fiscal footing.

Of course, the work of meeting the needs of the people of Massachusetts and managing state finances does not end with the enactment of the annual budget, but rather *begins* with it.

Over the course of the past year, for example, we have seen the emergence of an opioid epidemic requiring previously unanticipated investments in prevention, intervention and treatment. As we have collectively identified other critical opportunities and challenges – the chance to spur even more robust economic growth through targeted investments; the need to add resources and better technology to protect children – we have confronted those issues head on and developed meaningful solutions.

We have also had to react to unpredictable changes in our revenues. Being mindful that despite careful planning and sound fiscal management, we cannot anticipate every problem that may arise, I am proposing some additional fiscal management tools in accompanying supplemental appropriations legislation to ensure that we are well-positioned to capitalize on opportunities and solve problems while maintaining a balanced budget.

While I am very pleased to sign most of the fiscal year 2015 budget into law, there are a limited number of proposed appropriations that I do not support and have thus taken action to reduce. I have also returned certain sections with recommended amendments.

Therefore:

- I am reducing appropriation amounts in items of section 2 of House 4001 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 of House 4001 also set forth in Attachment A, for the reasons set forth in that Attachment;
- I am disapproving those sections of House 4001 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 27, 28, 56, 57, 58, 59, 119, 120, 125, 206, 251, 253, and 290 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, D, E, F, G, and H.

I approve the remainder of this Act.

Respectfully submitted,



DEVAL L. PATRICK,
Governor.

Attachment A

FY15 Budget

Veto Items: Line Item Accounts

Item Number	Action	Reduce By	Reduce To
Municipal Regionalization Reserve			
1599-0026	Reduce/Strike Wording	2,365,000	10,875,000
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Davis v. Rennie Reserve			
1599-2014	Veto	500,000	0
I am vetoing this item because state law prohibits indemnifying employees under these circumstances.			
Watershed Management Program			
2800-0101	Reduce/Strike Wording	290,000	1,020,149
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Dept. of Conservation and Recreation Seasonals			
2800-0501	Reduce/Strike Wording	400,000	14,880,812
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.			
Dam Regulatory Office			
2800-0700	Reduce/Strike Wording	549,000	435,428
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			

Item Number	Action	Reduce By	Reduce To
State Parks and Recreation			
2810-0100	Reduce/Strike Wording	1,775,000	42,569,381
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Housing Main Administration			
7004-0099	Reduce/Strike Wording	250,000	7,535,144
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Office of Business Development			
7007-0300	Reduce/Strike Wording	100,000	1,791,162
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.			
Data Sharing			
7009-7000	Veto	400,000	0
I am vetoing this item because it is not consistent with my House 2 recommendation.			
Department of K-12 Education			
7010-0005	Reduce/Strike Wording	435,000	13,343,657
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Literacy Programs			
7010-0033	Reduce/Strike Wording	20,000	2,000,000
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.			

Item Number	Action	Reduce By	Reduce To
Program Evaluation			
7010-0050	Veto	500,000	0
I am vetoing this item because it is not consistent with my House 2 recommendation.			
Foundation Reserve One Time Assistance			
7061-0011	Reduce/Strike Wording	1,000,000	2,383,233
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.			
Targeted Intervention			
7061-9408	Reduce/Strike Wording	250,000	8,006,297
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.			
Department of Higher Education			
7066-0000	Reduce/Strike Wording	1,000,000	2,249,334
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.			
New England Board of Higher Education			
7066-0009	Reduce	183,000	184,500
I am reducing this item to an amount consistent with my House 2 recommendation.			
State University Incentive Grants			
7066-1400	Reduce/Strike Wording	100,000	7,948,776
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.			

Item Number	Action	Reduce By	Reduce To
Tufts Veterinary			
7077-0023	Reduce	750,000	4,800,000
I am reducing this item to the amount projected to be necessary.			
FAA-Certified Airframe and Power Plant			
7504-0102	Veto	1,950,000	0
I am vetoing this item because it is not consistent with my House 2 recommendation.			
Executive Office of Public Safety			
8000-0600	Reduce/Strike Wording	1,058,000	2,150,750
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Department of Correction Facility			
8900-0001	Reduce/Strike Wording	2,200,000	559,499,788
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.			

Attachment B

FY15 Budget

Veto Items: Outside Sections

<p>Increase penalties for heroin trafficking</p> <p>Section 134</p> <p>I am vetoing this section because it imposes disproportionate maximum penalties.</p>
<p>Medicaid reimbursement rates for specific hospital</p> <p>Section 193</p> <p>I am vetoing this section because it inappropriately extends until 2021 Medicaid rates for a particular hospital.</p>
<p>Definition of public records - covered persons and entities</p> <p>Section 198</p> <p>I am vetoing this section because, by removing certain entities from the Public Records Law, it removes an important tool to promote transparent and open government.</p>
<p>Department of Correction procurement</p> <p>Section 214</p> <p>I am vetoing this section, as I did a year ago, because the Department of Correction recently re-procured its food and commissary contracts after lengthy processes, and it cannot legally interfere with existing contracts.</p>
<p>Soil delivery pre-approval</p> <p>Section 277</p> <p>I am vetoing this section because it imposes unnecessary regulatory burdens on businesses operating in the Commonwealth.</p>

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

EXECUTIVE DEPARTMENT
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— ATTACHMENT C —

July 11, 2014.

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, I am returning to you for amendment Section 27 of House Bill No. 4001, “An Act Making Appropriations for the Fiscal Year 2015 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 27 increases the salaries of the District Attorneys by \$22,718, and, by extension, increases the salary of the chief counsel of the Committee for Public Counsel Services (CPCS) by the same amount. I support the purposes of this section. These public servants protect public safety and play a critical role in our criminal justice system.

This section, however, does not address the salaries of Assistant District Attorneys or staff attorneys at CPCS, whose daily advocacy is the foundation of our criminal justice system. These dedicated public servants deserve a salary reflective of their indispensable contribution to the Commonwealth and the fair and equitable dispensation of justice in our courts. At present, though, they earn far less than their counterparts in comparative jurisdictions.

For these reasons, I recommend that Section 27 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 27. (A) Section 15 of chapter 12 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 4, the figure "\$148,843" and inserting in place thereof the following figure:- \$171,561.

(B) (1) There shall be a commission to study the salaries of assistant district attorneys and staff attorneys of the committee for public counsel services. This study shall include but not be limited to: (i) the salary structure of prosecutors and public defenders in Massachusetts; (ii) the salaries of assistant district attorneys and CPCS staff attorneys in the commonwealth in comparison to other jurisdictions; (iii) the funds needed, if any, to address inadequate salaries.

(2) The commission shall be comprised of the following members: the secretaries of administration and finance and of public safety and security, or their designees, who shall serve as co-chairs; the chairs of the house and senate committees on ways and means, or their designees; the house and senate chairs of the joint committee on public safety; 1 member of the senate to be appointed by the minority leader; 1 member of the house of representatives to be appointed by the minority leader; 1 representative of the Massachusetts Bar Association; 1 representative of the Massachusetts District Attorneys Association; and 1 representative of the committee for public counsel services.

(3) The commission shall file a report detailing its work, including its findings and any legislative recommendations, with the clerks of the house of representatives and the senate not later than November 15, 2014.

Respectfully submitted,



DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

EXECUTIVE DEPARTMENT
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— ATTACHMENT D —

July 11, 2014.

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, I am returning to you for amendment Sections 28, 56, 57, 58, 59, 119, 120, and 290 of House Bill No. 4001, “An Act Making Appropriations for the Fiscal Year 2015 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.”

Nearly twenty years ago, the Legislature abolished seven of the twelve county governments, which were then near bankruptcy, with little resulting disruption. The sections that I am returning here attempt to avoid the same outcome for the remaining counties, by annually sending about \$5 million in additional state funds to them through an increase in their share of state deeds excise revenues and in the rents that the state Trial Court pays for the privilege of occupying courthouses still nominally owned by counties. This would be in addition to \$2 million recently made available to three of these remaining county governments in a recent supplemental budget.

I agree that the remaining county governments have significant financial challenges, but I respectfully suggest that the Legislature has selected the wrong remedy. Instead, I propose to enhance the existing powers of the Division of Local Services of the state Department of Revenue to monitor county finances, including giving it the power to intervene when the Secretary of Administration and Finance determines it is necessary to ensure responsible spending within existing revenues. This is the same basic approach that we have successfully taken in recent years for several municipalities likewise facing fiscal challenges.

For these reasons, I recommend that Sections 28, 56, 57, 58, 59, 119, 120, and 290 be amended by striking out their text and inserting in place thereof the following text:-

SECTION 1. Subsection (g) of section 28B of chapter 35 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The county commissioners shall transmit a copy of the approved budget and any approved supplementary budget to the director of accounts within 15 days after the advisory board's action on it and shall submit any other information related to the county's budget and finances that the director may request.

SECTION 2. Said section 28B of said chapter 35, as so appearing, is hereby further amended by adding the following subsection:-

(j) Nothing in this section shall restrict the oversight authority of the director of accounts, established in section 50.

SECTION 3. Said chapter 35 is hereby further amended by inserting after section 50 the following section:-

Section 50A. (a) Notwithstanding any other general or special law to the contrary, the director of accounts shall report in writing to the commissioner of revenue and the secretary of administration and finance whenever (1) a county fails to submit to the director a balanced budget under section 28B or an audit report, with accompanying financial statements, prepared by a certified public accountant in accordance with generally accepted auditing standards, for the preceding fiscal year by March 31, and (2) the director believes the county is unable to achieve a balanced budget and long-term fiscal stability without additional state oversight. A county is unable to achieve a balanced budget if the director determines that it cannot meet anticipated operating and capital expenses and other obligations, including debt service, current and anticipated costs of the county's contributory retirement system, and prior-year deficits with the revenues reasonably anticipated to be received and available based on actual receipts from the same sources in prior years. The county commissioners shall provide all information determined by the director to be pertinent to an assessment of the fiscal stability and financial condition of the county. The requested information shall be provided in the form and detail and within the time the director prescribes and may include periodic reports that compare budget to actual revenues and expenditures for the fiscal year, a multiple-year revenue and expenditure analysis and forecast, a balance sheet for the preceding fiscal year, reports on ongoing or anticipated capital projects, debt service schedules, reports of anticipated future costs and unfunded liabilities of the county retirement system and any other information pertinent to county finances. Failure of the county commissioners to submit the annual budget and all supplemental budgets under section 28B, or the annual audit or information requested by the director under this section, within a reasonable time as determined by the director may result in a finding that additional state oversight is warranted.

(b) Upon receipt of the director's report, and after consultation with the commissioner and director, the secretary may determine that additional state oversight is warranted to ensure fiscal stability of the county, and if so, shall notify in writing the county commissioners and advisory board on county expenditures. The secretary may implement appropriate measures to oversee, monitor and improve the financial stability of the county including, but not limited to, the review of any proposed budget before submission to the advisory board; approval of any budget, borrowing authorization, transfer or other county spending authorization in whole or in part before the county may incur liabilities against those authorizations; review of all proposed contracts and obligations with a term in excess of 1 year; reduction or withholding of distributions of deed excise revenue; submission of periodic reports of budgetary and financial information; and implementation of reform measures recommended by audits or other reviews of county operations or finances. After consultation with the commissioner and director, the secretary may designate the commissioner or director to oversee the implementation of the fiscal stability measures, or may appoint another person to act as the fiscal overseer.

Respectfully submitted,

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DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

EXECUTIVE DEPARTMENT
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— ATTACHMENT E —

July 11, 2014.

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, I am returning to you for amendment Section 125 of House Bill No. 4001, “An Act Making Appropriations for the Fiscal Year 2015 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 125 requires public schools to adopt substance abuse prevention policies. I support this aspect of Section 125.

However, another unrelated provision of Section 125 promises to reimburse municipalities every year for the additional costs of students of military families, at the fiscal year level of \$1.3 million. I do not object to funding this program in the fiscal year 2015 budget, but I believe it is bad policy to codify this promise indefinitely, and I therefore recommend amending the section to remove this provision.

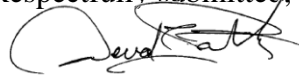
For these reasons, I recommend that Section 125 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 125. Chapter 71 of the General Laws is hereby amended by adding the following section:-

Section 95. Each public school shall have a policy regarding substance use prevention and the education of its students about the dangers of substance abuse. The

school shall notify the parents or guardians of all students attending the school of the policy and shall post the policy on the school's website, if a website exists. The policy and any standards and rules enforcing the policy shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a charter school.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a horizontal line.

DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

EXECUTIVE DEPARTMENT
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— ATTACHMENT F —

July 11, 2014.

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, I am returning to you for amendment Section 206 of House Bill No. 4001, “An Act Making Appropriations for the Fiscal Year 2015 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 206 establishes a study commission chaired by the Commissioner of Revenue to make policy recommendations about a possible tax credit for medical device manufacturers, and to report by December 31, 2014. Although I welcome a study of this subject, I am concerned that the Commissioner of Revenue, whose responsibilities and expertise center on tax administration and enforcement, is not the appropriate officer to undertake this policy-related role. I also wish to ensure that the commission has adequate time to perform this important study. Therefore, I propose substituting the Secretaries of Administration and Finance and of Housing and Economic Development (or their designees) as co-chairs and extending the reporting date until June 30, 2015.

For these reasons, I recommend that Section 206 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 206. (a) There shall be a commission to study the feasibility of establishing a tax credit for medical device manufacturing companies that are adversely affected by increases in the excise tax on medical device manufacturers pursuant to 26 U.S.C. section 4191, added by section 1405 of the Health Care and Education

Reconciliation Act, Public Law 111-152. In studying the feasibility of such a credit, the commission shall examine factors including, but not limited to: (i) the potential cost to the commonwealth; (ii) the potential benefit derived by affected businesses; and (iii) the economic impact on the commonwealth of instituting such a credit.

(b) The commission shall be comprised of the following members: the secretaries of administration and finance and of housing and economic development, or their designees, who shall serve as co-chairs; the house and senate chairs of the joint committee on revenue; the house and senate chairs of the joint committee on economic development and emerging technologies; 1 member of the senate to be appointed by the minority leader; 1 member of the house of representatives to be appointed by the minority leader; 1 representative of the Massachusetts Medical Society; 1 representative of the Massachusetts Medical Device Industry Council, Inc.; 1 representative of the Associated Industries of Massachusetts, Inc.; and 1 representative of the Donahue Institute at the University of Massachusetts.

(c) The commission shall file a report detailing its work, findings and the feasibility of such a credit, including any legislative recommendations, with the clerks of the house of representatives and the senate not later than June 30, 2015.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a horizontal line.

DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

EXECUTIVE DEPARTMENT
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— ATTACHMENT G —

July 11, 2014.

To the Honorable Senate and House of Representatives:

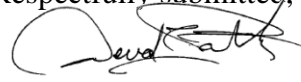
Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Section 251 of House Bill No. 4001, “An Act Making Appropriations for the Fiscal Year 2015 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 251 transfers the membership and accounts of employees of the Franklin Regional Council of Governments from the Franklin Regional Retirement System to the State Employees' Retirement System. The primary purpose of this section is to shift the unfunded liability for future pension benefits to the State Retirement System which already manages this liability for other state employees. The result of this transfer would be to eliminate an extra burden on the Franklin Regional Retirement System which it is ill-equipped to continue to absorb. I support the purposes of this section.

This section, however, requires the regional retirement system to transfer not only the annuity savings accounts of the active employees, but also an additional amount calculated as “actuarial assumed interest” (currently approximately 7.5%). Ordinarily, when an individual transfers from one system to another, the first system transfers only accrued “regular interest,” a significantly lower amount. The Franklin Regional Retirement System has calculated that using the higher rate would cost them approximately \$1.2 million as opposed to an accrued regular interest payment of around \$53,000.

For these reasons, I recommend that the first sentence of subsection (a) of Section 251 be amended by striking out the words “, computed as the actuarial assumed interest”.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a horizontal line.

DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

EXECUTIVE DEPARTMENT
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— ATTACHMENT H —

July 11, 2014.

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, I am returning to you for amendment Section 253 of House Bill No. 4001, “An Act Making Appropriations for the Fiscal Year 2015 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 253 requires spending at least \$6.1 million to increase wages, compensation or salary and associated employee-related costs to personnel providing homemaker and personal care homemaker services for elders. I support the purposes of this section.

However, Section 253 proposes as the source of this expenditure the new Community First Trust Fund, which is funded by federal Balancing Incentive Program funds. This federal program limits funding to certain new or expanded services, and it is possible that at least some of the proposed services do not qualify. Therefore, I propose conditioning this expenditure on compliance with federal law.

For these reasons, I recommend that Section 253 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 253. To the extent allowed by federal law, not less than \$6,100,000 from the Community First Trust Fund established in section 35AAA of chapter 10 of the General Laws shall be expended to adjust the approved program rates issued under 101

CMR 417.03 to provide a rate add-on for wages, compensation or salary and associated employee-related costs to personnel providing homemaker and personal care homemaker services to elderly clients under items 9110-1500, 9110-1630 and 4000-0600 of section 2.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a horizontal line.

DEVAL L. PATRICK,
Governor.

The actions taken by the Governor are delineated on this excerpt from the original parchment:—

I disapprove the following items:

in Section 2

1599-2014
7009-7000
7010-0050
7504-0102

I disapprove Sections 134, 193, 198, 214, and 277.

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

Section 2	Reduce By	Reduce To
7066-0009	183,000	184,500
7077-0023	750,000	4,800,000

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
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1599-0026	2,365,000	10,875,000	<p>"; provided further, that \$20,000 shall be expended to the Cape Cod Mosquito Control Project to conduct a study to determine a basis for separation from the state reclamation board to an independent agency on Cape Cod; provided further, that not less than \$120,000 shall be granted to the town of Canton; provided further, that not less than \$500,000 shall be expended to mitigate student overcrowding in the city of Haverhill; provided further, that not less than \$240,000 shall be expended for a 1-time grant to the city of Quincy; provided further, that \$100,000 shall be expended for the costs associated with the technological upgrades for the Westford public school district"</p> <p>and</p> <p>"; provided further, that not less than \$325,000 shall be expended for the restoration of Perry Auditorium at Gardner City Hall; provided further, that \$300,000 shall be expended to reimburse the town of Milton for funds expended pursuant to chapter 349 of the acts of 2010; provided further, that \$250,000 shall be expended for the restoration, renovation, improvement and expansion of critical historical, educational and community resources in the historic Easton town center; provided further, that not less than \$200,000 shall be expended for the Mother Brook Arts and Community Center in the town of Dedham"</p> <p>and</p> <p>"; provided further, that \$100,000 shall be expended to the police department of the town of Plymouth for the creation of a street crime unit with the mission of disrupting and dismantling street level drug trade, open air drug dealing and distribution and crimes related to the use or trade of illegal drugs in the town of Plymouth and surrounding communities; provided further, that \$40,000 shall be expended for the police department of the town of Barnstable to continue a street crime unit with the mission of disrupting and dismantling street level drug trade, open air drug dealing and distribution and crimes related to the use or trade of illegal drugs in the town of Barnstable and surrounding communities; and provided further, that not less than \$170,000 shall be expended to the town of Plymouth for revising and updating its Radiological Response and Recovery Plan"</p>
2800-0101	290,000	1,020,149	<p>"; provided further, that not less than \$40,000 shall be expended for the construction of drop inlet structures to reduce flooding in the Assonet neighborhood in the town of Freetown; provided further, that not less than \$50,000 shall be expended for projects and upgrades made through the Blackstone River Watershed Association; provided further, that not less than \$100,000 shall be expended for a one-time grant to the city of Dedham; provided further, that not less than \$50,000 shall be expended for improvement projects and programs in the town of Milford; provided further, that not less than \$50,000 shall be expended for Mendon Public Library energy efficiency upgrades"</p>
2800-0501	400,000	14,880,812	<p>"; provided further, that \$400,000 shall be expended to provide for the building and maintenance of splash pads in the city of Lowell"</p>
2800-0700	549,000	435,428	<p>"; provided further, that not less than \$22,000 shall be expended for a hydraulic analysis of the dam in Choate Park in the town of Medway; provided further, that not less than \$125,000 shall be expended for the preservation of a historic property in the town of Hadley; provided further, that not less than \$100,000 shall be expended for the repair and maintenance of the Mahar dam at the Ralph C. Mahar Regional School in the town of Orange; provided further, that not less than \$302,000 shall be expended for construction, engineering, oversight and tipping fees for the Plymco dam removal project in the town of Plymouth, which shall be used as matching funds for federal grants"</p>
2810-0100	1,775,000	42,569,381	<p>"; provided further, that not less than \$500,000 shall be expended for the operation of the Blue Hills ski area"</p> <p>and</p>

"; provided further, that not less than \$25,000 shall be expended for the development and maintenance of a community garden in proximity to the commuter rail and/or track running West to East in the city of Malden; provided further, that not less than \$150,000 shall be expended to Plymouth county for the management and cleanup of pond algae and invasive vegetation; provided further, that not less than \$50,000 shall be expended to the town of Pembroke for the management and cleanup of invasive pond vegetation"

and

"; provided further, that not less than \$500,000 shall be expended for the Blue Hills trailside museum and the Chickatawbut Hill center"

and

"; provided further, that not less than \$25,000 shall be expended for the maintenance and improvement of the Fellsmere Pond Reservoir in the city of Malden; provided further, that not less than \$50,000 shall be expended for the Central Plymouth County Water District Commission for the improvement and management of lakes and ponds in said district; provided further, that not less than \$100,000 shall be expended for the maintenance of walking trails at Newton Hill and related improvements in Elm Park in the city of Worcester; provided further, that not less than \$100,000 shall be expended for the operation of the Blue Hills Observatory and Science Center; provided further, that not less than \$100,000 shall be expended for the restoration and repair of the Speaker John F. Thompson Center in the City of Boston; provided further, that not less than \$25,000 shall be expended for the community playground at the Burr Elementary School in the city of Newton"

and

"; provided further, that not less than \$100,000 shall be expended for long term care and maintenance of Whitman's Pond in Weymouth; and provided further, that not less than \$50,000 shall be expended for a study to be commissioned for the prospect of a recreational park along the Nashua River in the town of Clinton"

7004-0099 250,000 7,535,144

"; provided further, that not less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation; provided further, that not less than \$25,000 shall be expended for the Leominster Education Foundation for homeless children in the city of Leominster"

and

"; provided further, that not less than \$75,000 shall be expended for World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee and Greenfield; and provided further, that the town of Holbrook shall receive not less than the amount appropriated in chapter 139 of the acts of 2012 for a 1-time community action grant"

7007-0300 100,000 1,791,162

"; provided further, that not less than \$100,000 shall be expended for the Massachusetts Development Finance Agency to administer a grant program for early stage development of waterfront community development corporations located in a designated port area established under 301 CMR 25.00 et seq.; and provided further, that the community development corporations shall demonstrate that: (i) the designated port area has been negatively impacted by the decline in fishing stocks; and (ii) the community development corporation's mission shall include, but not be limited to, utilization of federal or state tax credits"

7010-0005 435,000 13,343,657

"; provided, that not less than \$60,000 shall be expended for school zone safety improvements in the town of Franklin"

and

"; provided further, that \$250,000 shall be expended for the Aspire Mentor Corps, which shall expend funds for programs that utilize retired teachers to mentor novice public school elementary and secondary education teachers; provided further, that no funds in the

preceding proviso shall be expended for administrative costs; provided further, that not less than \$25,000 shall be expended for the continued operation of Camp Pohelo; and provided further, that not less than \$100,000 shall be expended for regional school district planning association"

7010-0033	20,000	2,000,000	"; and provided further, that not less than \$20,000 shall be expended for the operation of a school library pilot program in the town of Tewksbury"
7061-0011	1,000,000	2,383,233	"; provided further, that not less than \$1,000,000 shall be expended for the purposes of clause (iv)"
7061-9408	250,000	8,006,297	"; and provided further, that \$250,000 shall be expended for the continuation of the parent engagement program under item 7061-9408 of section 2 of chapter 182 of the acts of 2008"
7066-0000	1,000,000	2,249,334	"; provided further, that the state university internship incentive program shall receive not less than the amount appropriated in fiscal year 2013 for said program in item 7066-0000 of section 2 of chapter 139 of the acts of 2012; provided further, that the commonwealth shall contribute funds to each institution in an amount necessary to match private contributions in the current fiscal year to the institution's internship incentive program; provided further, that the commonwealth's contribution shall be equal to \$1 for every \$1 privately contributed to each university's board of trustees or foundation; provided further, that the maximum total contributions from the commonwealth shall be no greater than the amount appropriated herein; provided further, that funds from this program shall not result in direct or indirect reduction in the Commonwealth's appropriations to the institutions for operations, scholarships, financial aid or any state appropriation and the department shall promulgate regulations and criteria for said program"
7066-1400	100,000	7,948,776	"; provided, that the state universities shall work in conjunction with the house and senate committees on ways and means to develop a performance-based funding formula for fiscal year 2016; provided further, that funds shall be expended for costs related to the development of said formula"
8000-0600	1,058,000	2,150,750	"; provided, that not less than \$300,000 shall be expended to the town of Ludlow for public safety improvements; provided further, that not less than \$50,000 shall be expended to the town of Watertown for public safety improvements; provided further, that not less than \$50,000 shall be expended to the town of Waltham for public safety improvements; provided further, that not less than \$50,000 shall be expended to the town of Hadley for public safety improvements; provided further, that not less than \$50,000 shall be expended to the city of Melrose for public safety improvements; provided further, that not less than \$100,000 shall be expended to the town of Hamilton for public safety improvements; provided further, that not less than \$100,000 shall be expended to the town of Fairhaven for public safety improvements; provided further, that not less than \$33,000 shall be expended to the town of Hopedale for public safety improvements; provided further, that not less than \$75,000 shall be expended to the town of Agawam for public safety improvements; provided further, that not less than \$50,000 shall be expended for the town of Townsend for public safety improvements; provided further, that not less than \$50,000 shall be expended for the town of Seekonk for public safety improvements; and provided further, that not less than \$150,000 shall be expended to the town of Braintree for public safety improvements"
8900-0001	2,200,000	559,499,788	"; provided further, that the department shall expend not less than \$2,200,000 for municipalities hosting department of correction facilities; provided further, that of that \$2,200,000, no municipality hosting a department of correction facility shall receive more than \$800,000; provided further, that of the \$2,200,000, no municipality hosting a department of correction facility shall receive less than the amount allocated in item 8900-0001 of section 2 of chapter 68 of the acts of 2011; and provided further, that of the remaining amount, 100 per cent shall be distributed to each host municipality by dividing said remaining amount by the average daily prisoner population at all department of correction facilities, multiplied by

the average daily prisoner population located within each host municipality"

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 27, 28, 56, 57, 58, 59, 119, 120, 125, 206, 251, 253, and 290. The text of my recommended amendments is set forth in separate letters of this date to the Senate and House of Representatives.

The remainder of this bill I approve.

Approved, July 11, 2014

at o'clock and minutes, .M.

Deval Patrick
Governor