

**HOUSE . . . . . No. 4833**

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*The Commonwealth of Massachusetts*

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**SO MUCH OF THE MESSAGE  
FROM  
HIS EXCELLENCY THE GOVERNOR  
RETURNING THE GENERAL APPROPRIATION BILL  
FOR FISCAL YEAR 2019  
(SEE HOUSE, NO. 4800)  
AS RELATES TO SECTIONS RETURNED  
WITH RECOMMENDATIONS  
OF AMENDMENTS  
UNDER THE PROVISIONS OF ARTICLE LVI  
OF THE AMENDMENTS TO THE CONSTITUTION.**

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July 26, 2018.

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**The Commonwealth of Massachusetts**



CHARLES D. BAKER  
GOVERNOR

KARYN POLITO  
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT  
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**— ATTACHMENT B —**

July 26, 2018.

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 12 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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 12 requires the Department of Revenue to periodically examine, evaluate and report on the administration, effectiveness and fiscal impact of tax expenditures. I understand and support the purpose of this section: it is important that we evaluate tax expenditure programs with the same rigor that we do appropriations during our annual budget process. However, the Department of Revenue is not the appropriate entity to do so. I therefore recommend that a standing independent commission be established to undertake this mission, similar to the one that was constituted by the Fiscal Year 2012 General Appropriations Act (Acts of 2011, Chapter 68, Section 160). An independent commission can draw upon the expertise of a diverse set of stakeholders and provide an independent voice on tax expenditures.

For these reasons, I recommend that Section 12 be amended by striking out the text and inserting in place thereof the following text:-

Chapter 14 of the General Laws is hereby amended by adding the following section:-

(a) There shall be a tax expenditure commission that shall examine, evaluate and report on the administration, effectiveness and fiscal impact of tax expenditures, as defined in section 1 of chapter 29 and as presented with the governor's proposed budget under paragraph 3 of section 5B of said chapter 29.

(b) The commission shall be comprised of the commissioner of revenue or the commissioner's designee, who shall serve as chair; the state auditor or the auditor's designee; the state treasurer and receiver general or the treasurer's designee; the chair of the house committee on ways and means or the chair's designee; the chair of the senate committee on ways and means or the chair's designee; the house and senate chairs of the joint committee on revenue or their respective designees; the minority leader of the house of representatives or the house minority leader's designee; the minority leader of the senate or the senate minority leader's designee; and 3 members to be appointed by the governor, who shall have expertise in economics or tax policy. The 3 members appointed by the governor shall each serve 4-year terms.

(c) The commission shall use best practices and standardized criteria to evaluate: (i) the purpose, intent and goal of each tax expenditure and whether the expenditure is an effective means of accomplishing those ends; (ii) the fiscal impact of each tax expenditure on state and local taxing authorities, including past fiscal impacts and expected future fiscal impacts; (iii) the economic impact of each tax expenditure including, but not limited to, revenue loss compared to economic gain and jobs created, retained or lost as a result of the tax expenditure; (iv) the return on the investment made by the tax expenditure and the extent to which the tax expenditure is a cost effective use of resources; and (v) similar tax expenditures, if any, offered by other states and the impact of the tax expenditure on regional and national economic competitiveness.

(d) The commission shall establish a schedule to review tax expenditures so that each tax expenditure shall be reviewed at least once every 5 years. The review schedule may group tax expenditures by those benefitting from the tax expenditures, the objectives of the tax expenditures or the policy rationale for the tax expenditures. The commission's review of each tax expenditure shall include the date the tax expenditure was enacted and the statutory or legal citation.

(e) Biennially, not later than March 1, the commission shall file a report of its findings and its recommendations to the clerks of the house of representatives and senate, the chairs of the house and senate committees on ways and means and the chairs of the joint committee on revenue. The report shall include all information required to be reviewed by this section and recommendations. The report shall be made available electronically and prominently displayed on the official website of the department of revenue.

(f) The commission shall have access to information, including aggregate tax return information and related documents maintained by the department of revenue, necessary for the performance of the commission's duties under this section but excluding information provided to the commonwealth by other federal and state tax agencies where such access is prohibited by law; provided, however, that tax returns and related documents shall not include a taxpayer's personal identifying information and such returns and documents shall be confidential and exempt from disclosure as a public

record under section 7 of chapter 4 and under chapter 66. The commission, in collaboration with the department of revenue, shall adopt policies and procedures to ensure taxpayer confidentiality.

Respectfully submitted,

CHARLES D. BAKER,  
*Governor.*

**The Commonwealth of Massachusetts**



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— ATTACHMENT C —

July 26, 2018.

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 29 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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 29 increases from 960 hours to 1,200 hours the amount of time a retiree collecting a pension may work for a government entity. I support providing municipalities with increased flexibility to make appropriate staffing decisions.

However, an increase of 240 more hours per year is a significant policy change and moves the Commonwealth and its municipalities closer to a place where employees continue to work near full-time while collecting a pension, without any corresponding changes to improve the current practice. As a result, I am proposing a modest increase in the number of hours from the current 960 hours to 975, which more accurately reflects half-time. This change will allow for some flexibility to retired employees who are bumping into the current 960 hour limit. Further, I am proposing a waiver to the hours cap for public safety personnel when a “critical shortage” is determined. This mechanism currently exists for retired education personnel in the Commonwealth.

Additionally, I am proposing to set a January 1, 2019 effective date for these changes because the hourly calculation is made on a calendar year basis and the current effective date for the section is July 1, 2018, in the middle of the current calendar year.

For these reasons, I recommend striking out section 29 and inserting in place thereof the following 2 sections:-

SECTION 29. Section 91 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in lines 97 and 113, the words “nine hundred and sixty” and inserting in place thereof, in each instance, the following figure:- 975.;

SECTION 29A. Said section 91 of said chapter 32 is hereby further amended by inserting after paragraph (d), the following paragraph:-

(d 1/2) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, in any period during which there is a critical shortage of qualified individuals available for employment for a particular public safety position in any department or agency of the commonwealth, county, city, town, district or authority, said department or agency may employ any person who has retired from a system. Any such retired person who renders service in a public safety position for said department or agency shall be subject to all laws, rules and regulations governing the employment in such positions. Such person shall not be deemed to have resumed active membership in a system and said service shall not be counted as creditable service toward retirement; but in the first two years immediately following the effective date of retirement, the earnings received by such person who retired pursuant to this chapter when added to any pension or retirement allowance the person is receiving shall not exceed the salary that is being paid for the position from which the person was retired or in which employment was terminated.

The secretary of administration and finance may exempt a position for any calendar year from the requirements of paragraphs (a) to (d), inclusive and may deem a department or agency of the commonwealth, county, city, town, district or authority to have a critical shortage of qualified public safety personnel for the purposes of this paragraph upon request of the department or agency to have a great hardship in qualified public safety personnel and demonstration to the secretary that the department or agency has made a good-faith effort to hire qualified public safety personnel who have not retired under this chapter and have been unable to fill the exempt position. The period of a determination of a critical shortage of qualified public safety personnel shall not exceed one year, but a public entity may seek to invoke this provision in consecutive years upon a new demonstration of a good-faith effort to hire personnel who have not retired. The secretary shall notify the appropriate public entity of each determination of a critical shortage made for the purposes of this paragraph.;

And by inserting after section 112 the following section:-

SECTION 112A. Sections 29 and 29A shall take effect as of January 1, 2019.

Respectfully submitted,

CHARLES D. BAKER,  
*Governor.*

**The Commonwealth of Massachusetts**



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**— ATTACHMENT D —**

July 26, 2018.

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 38 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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 38 is intended to enable local boards of health to authorize the cremation of unclaimed bodies. I support this effort to enable our local governments to address the unfortunate circumstances when a person dies with no next of kin to claim the body or instruct a funeral director as to the appropriate disposition of the person’s remains.

However, the relationship between this proposal and our existing laws is not clear. Existing law provides numerous protections to ensure that those bodies are handled in a manner that is consistent with public health, public safety and with the wishes of the next of kin. For instance, one of these protections is the requirement under Section 14 of Chapter 38 that a medical examiner or forensic investigator view any body intended for cremation and authorize cremation when no further reexamination or judicial inquiry concerning the death is necessary. The current section does not explain how to maintain this protection in the situation where local boards of health are authorizing cremation.

The new law can be reconciled with our existing laws in a manner that does not compromise public safety, public health or criminal justice. For these reasons, I

recommend that the bill be amended by striking out Section 38 and inserting in place thereof the following text:-

SECTION 38. Section 43M of chapter 114 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary and for the purposes of this section, a board of health may serve as the legal duly authorized representative for the purpose of requesting cremation of unclaimed remains by signing a cremation form under the following circumstances: (i) the unclaimed remains shall be in a location that is within the jurisdiction of the board of health; (ii) the board of health has received notice from a licensed funeral director that either no person has come forward to claim the remains or that no person may legally claim the remains; provided, however, that the board of health shall wait 30 days after such notification under this clause prior to signing the cremation form. The unclaimed remains shall then be viewed by a medical examiner or forensic investigator designated by the chief medical examiner pursuant to section 14 of chapter 38, who shall authorize such cremation only when no further examination or judicial inquiry concerning such death is necessary. The office of the chief medical examiner may waive the fee set forth in said section 14 of said chapter 38 for cremation authorizations pursuant to this section. There shall be no liability for a board of health or an employee, agent, or licensee thereof that authorizes the disposal of unclaimed remains in accordance with this section. Nothing in this section shall supersede the obligations of the office of the chief medical examiner as set forth in this chapter and chapter 38.

Respectfully submitted,

CHARLES D. BAKER,  
*Governor.*

**The Commonwealth of Massachusetts**



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**— ATTACHMENT E —**

July 26, 2018.

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 39, 52, 54, 56, 58, 59, 60 and 112 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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.”

These sections would eliminate the “family cap” within the Transitional Aid to Families with Dependent Children (“TAFDC”) program. Sections 53, 55 and 57 of the bill contain other reforms in the TAFDC program, which are designed to improve family support while increasing the incentives for TAFDC recipients to work, and I am proud to sign those with the budget today.

Eliminating the “family cap” without other accompanying changes could have the perverse effect of reducing incentives for TAFDC recipients to get back to work, and cause existing inequities in the TAFDC program to persist and expand. To fix one such inequity, I propose to count adult Supplemental Security Income (SSI) in the eligibility calculation for TAFDC. This change aligns with the federal Supplemental Nutrition Assistance Program and treats SSI the same as other types of income – like veteran’s or retirement, survivors, and disability insurance (RSDI) benefits – that are already counted in determining eligibility and benefit level.

For these reasons, I recommend striking sections 39, 52, 54, 56, 58, 59, 60 and 112 and replacing them with the following language:-

SECTION 1. The first paragraph of section 2 of chapter 118 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Notwithstanding any general or special law to the contrary, aid shall be provided for each child without regard to whether the child was conceived or born after the parent began receiving transitional aid to families with dependent children under this chapter.

SECTION 2. Said section 2 of said chapter 118 is hereby further amended by adding the following sentence:-

The department shall treat adult social security income as countable income for purposes of determining eligibility and benefit levels for transitional aid to families with dependent children.

SECTION 3. Subsection (a) of section 110 of chapter 5 of the acts of 1995, as amended by section 21 of chapter 158 of the acts of 2014, is hereby amended by striking out the definition of "Child of record".

SECTION 4. Said section 110 of said chapter 5 is hereby further amended by striking out subsection (c).

SECTION 5. Clause (3) of subsection (e) of said section 110 of said chapter 5, as amended by section 25 of chapter 158 of the acts of 2014, is hereby further amended by striking out the words "of record under the age of two years or any child other than the child of record who is under the age of three months" and inserting in place thereof the following words:- until the age of 2 years.

SECTION 6. The first paragraph of subsection (j) of said section 110 of said chapter 5, as most recently amended by section 27 of chapter 158 of the acts of 2014, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- The program shall require that the head of household in each family, or both parents in a 2-parent family, participate in work-related activities for: (i) at least 20 hours each week if the youngest child in the family is between the age of 2 and the age at which the child must attend school full time; or (ii) 30 hours each week if the youngest child in the family has reached the age at which full-time schooling is mandatory.

SECTION 7. Said subsection (j) of said section 110 of said chapter 5, is hereby further amended by striking out the last paragraph, as appearing in section 528 of chapter 26 of the acts of 2003.

SECTION 8. Section 130 of said chapter 5 is hereby amended by striking out, in lines 5 and 6, the words "the ineligibility of children born after the child of record for assistance;"

SECTION 9. Sections 1 to 8, inclusive, shall take effect on January 1, 2019.

Respectfully submitted,  
CHARLES D. BAKER,  
*Governor.*

The Commonwealth of Massachusetts



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— ATTACHMENT F —

July 26, 2018.

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 62 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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 62 caps future rental increases for the boat houses and yacht clubs that are located on Department of Conservation and Recreation (“DCR”) property, at 2% of the amounts paid as of January 1, 2015. In Chapter 65 of the Acts of 2010, the Legislature authorized DCR and the Division of Capital Asset Management and Maintenance to enter into leases with those boat houses and yacht clubs. Part of the Legislature’s purpose was to progress toward market-based rents for these facilities, which enjoy unique waterfront benefits from their location which were not previously recognized in the amounts they paid to the Commonwealth.

Section 62 would significantly delay this progress. The Commonwealth implemented Chapter 65 by first entering into permits with each facility, of shorter duration, while it worked with the facilities on the long-term leases. The amounts paid by these facilities under these permits as of January 1, 2015, and even currently, are demonstrably below market rates. If rent increases are capped at the amounts specified in

the conference report, the amounts paid by these facilities will never reach comparability with market rates and a major part of the Legislature's purpose will have been frustrated.

For these reasons, I recommend that Section 62 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 62. Chapter 65 of the acts of 2010, as amended by section 2 of chapter 143 of the acts of 2012 and chapter 282 of the acts of 2014, is hereby further amended by inserting after section 2 the following section:-

Section 2A. Notwithstanding any general or special law to the contrary, the leases or other agreements executed under section 1 shall not require an annual rental payment increase of more than 4 per cent of the established rental or permit payment rate for each lease or other agreement as of January 1, 2018. This section shall not apply to any lease or other agreement executed by a club associated with an institution of higher education.

Respectfully submitted,

CHARLES D. BAKER,  
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**The Commonwealth of Massachusetts**



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**— ATTACHMENT G —**

July 26, 2018.

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 63 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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 63 extends the sunset on sections that permit pharmaceutical manufacturing companies to offer drug rebates and coupons. These sections were originally scheduled to sunset on July 1, 2015, but have already been extended two times.

The policy allowing drug rebates and coupons warrants more study before we extend this sunset for two years a third time. These rebates were originally prohibited because of concerns that they can drive up the cost of health care and undermine pharmacy management strategies. On the other hand, these rebates may also help consumers afford otherwise cost-prohibitive drugs.

Massachusetts now has multiple years of experience under this policy. We should learn from those years of experience before approving a longer extension of the current policy. That is why I propose to extend the sunset by one year, rather than two, and have the Health Policy Commission undertake a study to review the available data and examine the effect of drug couponing on pharmaceutical spending and consumer access to prescription drugs in Massachusetts. Such a study will help inform this important policy decision.

For these reasons, I recommend that Section 63 be amended by striking out the text and inserting in place thereof the following text:-

Section 63. Section 226 of chapter 139 of the acts of 2012 is hereby amended by striking out the figure “2019”, inserted by section 129 of chapter 133 of the acts of 2016, and inserting in place thereof the following figure:- 2020;

And that the bill be amended by inserting after section 79 the following section

Section 79A. Notwithstanding any general or special law to the contrary, not later than June 1, 2019, the health policy commission shall conduct an analysis and issue a report evaluating the effect of discounts, rebates, product vouchers and other reductions for biological products and prescription drugs, as authorized under section 3 of chapter 175H, on pharmaceutical spending and health care costs in Massachusetts. The study shall include, but not be limited to, (i) the total number coupons and discounts redeemed in the commonwealth; (ii) the total value of coupons and discounts redeemed in the commonwealth; (iii) an analysis of the types of biological products and prescription drugs for which coupons and discounts were most frequently redeemed; (iv) a comparison of any change in utilization of generic versus brand name prescription drugs; (v) a comparison of any change in utilization among therapeutically-equivalent brand name drugs; (vi) the effect on patient adherence to prescribed drugs; (vii) patient access to innovative therapies; (viii) an analysis of the availability of the coupons or discounts upon renewals; (ix) an analysis of the cost impact to consumers upon expiration of the coupon or discount; (x) an analysis of the impact on commercial health insurance premiums, attributed to both employers and individuals; (xi) an analysis of the impact on any health care cost containment goals adopted by the commonwealth; and (xii) an analysis of the impact on prescription drug costs and premiums for health plans offered by the group insurance commission. The commission may require manufacturers of biological products and prescription drugs to report on the number and types of coupons that such manufacturers have issued and which have been redeemed in the commonwealth. The report shall be made available electronically on the commission’s website, and shall be filed with the secretary of administration and finance, the secretary of health and human services, the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on health care financing.

Respectfully submitted,

CHARLES D. BAKER,  
*Governor.*

**The Commonwealth of Massachusetts**



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**— ATTACHMENT H —**

July 26, 2018.

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 82 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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 82 requires the court administrator of the Trial Court to submit a report to the Legislature by December 31, 2018, outlining a plan and projected timeframe for relocating the Cambridge district court from the City of Medford to the City of Cambridge. I support the purpose of having additional data in order to inform decisions on the relocation of Commonwealth facilities.

However, I believe that a full feasibility study should be conducted in consultation with the Division of Capital Asset Management and Maintenance (“DCAMM”) and that the report should include specific recommendations, cost estimates, implementation plans and project timelines.

For these reasons, I recommend that Section 82 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 82. The court administrator of the trial court, in consultation with the division of capital asset management and maintenance, shall conduct a study exploring the feasibility of relocating the Cambridge district court from the city of Medford to the city of Cambridge. The court administrator shall prepare a report on the findings, including recommendations, cost estimates, implementation plans and any project timelines to the clerks of the house of representatives and the senate and the chairs of the joint committee on the judiciary by December 31, 2018.

Respectfully submitted,

CHARLES D. BAKER,  
*Governor.*

**The Commonwealth of Massachusetts**



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— ATTACHMENT I —

July 26, 2018.

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 84 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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 84 requires that grants allocated to Regional Tourism Councils through the Massachusetts Tourism Trust Fund to be distributed not later than September 1st of the fiscal year.

However, the section’s language is somewhat ambiguous and as a result, I am recommending changes that clearly indicate that the section is designed to apply to the Fiscal Year 2019. I believe this is consistent with the intent as it was specifically included in the Fiscal Year 2019 General Appropriations Act.

For these reasons, I recommend that Section 84 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 84. Grants allocated to regional tourism councils through the Massachusetts Tourism Trust Fund established in section 13T in chapter 23A of the General Laws for fiscal year 2019 shall be distributed not later than September 1, 2018.

Respectfully submitted,

CHARLES D. BAKER,  
*Governor.*

The Commonwealth of Massachusetts



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— ATTACHMENT J—

July 26, 2018.

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 87 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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 requires MassDOT to study fares on the commuter rail including: (i) the fairness and equity of the current distance-based fare system that utilizes fare zones; (ii) pricing based on track distance from the terminal station; (iii) the impacts of commuter rail fare price on passengers’ transportation choices, considering frequency of service, travel time and parking costs, between commuter rail, motor vehicle transportation, public bus and subway service; (iv) the potential for lower interzone fares to encourage ridership outside core central stations; (v) the potential for discounted fares for riders in gateway cities or similarly situated municipalities; and (vi) the potential for utilizing a variable pricing system based on the time of day.

While I support this purpose, the section requires MassDOT to report its findings to the legislature on or before January 1, 2019. Because the data that MassDOT requires in order to complete this study will not be available until January 1, 2020, it will be

impossible for MassDOT to meet this deadline. In addition, it is important that MassDOT consider the impacts on fare revenue of any of the proposed changes.

For this reason, I recommend that Section 87 be amended, in the first paragraph, by striking the language “and (vi) the potential for utilizing a variable pricing system based on the time of day” and inserting in place thereof the following:- (vi) the potential for utilizing a variable pricing system based on the time of day; and (vii) the impact on any of these changes on fare revenue.

I further recommend that Section 87 be amended, in the last sentence of the second paragraph, by striking out the words “January 1, 2019” and inserting in place thereof the following words:- March 15, 2020.

Respectfully submitted,

CHARLES D. BAKER,  
*Governor.*

**The Commonwealth of Massachusetts**



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— ATTACHMENT K —

July 26, 2018.

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 89 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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 89 establishes a special commission to recommend the appropriate level of funding for the Department of Correction and for the various sheriffs’ offices. I support continuing efforts to review and improve on our collective understanding of the funding needs of these important agencies.

However, as written, section 89 effectively delegates the authority to make appointments to the commission to six non-governmental organizations. While each of these organizations may have valuable recommendations to make, the authority to appoint commission members should remain with the executive branch of government. The section also does not clearly prevent commission members, some of whom regularly litigate against one or more of the correctional agencies, from using non-public data obtained as commission member in such litigation.

For these reasons, I recommend that Section 89 be amended by striking out the words, “1 of whom shall be nominated by the Massachusetts Institute for a New Commonwealth, Inc., 1 of whom shall be nominated by the Pioneer Institute, Inc., 1 of

whom shall be nominated by Prisoners' Legal Services, 1 of whom shall be nominated by the Massachusetts Bar Association, 1 of whom shall be nominated by the National Correctional Employees Union, Inc., 1 of whom shall be nominated by the Boston Bar Association,” and inserting in place thereof the following words:- after considering any recommendations from the Massachusetts Institute for a New Commonwealth, Inc., the Pioneer Institute, Inc., Prisoners' Legal Services, the Massachusetts Bar Association, the National Correctional Employees Union, Inc. and the Boston Bar Association;

And by inserting in the second sentence of the sixth paragraph, after the words, “de-identified form,” the following words:- provided, however, that nonpublic information relating to a matter that is or may be the subject of litigation shall not be disseminated to any other person or entity, nor shall it be admitted as evidence in any administrative or court proceeding against the department of correction or any sheriff or sheriff’s department; provided further, that members of the commission who are not currently state employees shall be considered special state employees for purposes of chapter 268A of the General Laws.

Respectfully submitted,

CHARLES D. BAKER,  
*Governor.*

**The Commonwealth of Massachusetts**



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**— ATTACHMENT L —**

July 26, 2018.

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 99 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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 99 instructs the Comptroller to transfer up to \$10,000,000 of the Fiscal Year 2018 consolidated net surplus to the Massachusetts Community Preservation Trust Fund. I support the transfer of this amount to the Community Preservation Trust Fund.

However, the proposed section does not include an additional transfer of up to \$10,000,000 to the Massachusetts Life Sciences Investment Fund. I have filed both transfers at two different times this year and strongly believe that funding the operations of the Massachusetts Life Sciences Center is of critical importance, particularly in light of the enactment of “An Act Providing Continued Investment in the Life Sciences Industry in the Commonwealth,” signed into law on June 15, 2018. The Massachusetts Life Sciences Center plays a critical role in the implementation of this law and this funding is necessary for that purpose. The language that I am proposing is consistent with the sections that I have previously filed and would provide necessary funding to both the Massachusetts Community Preservation Trust Fund and the Massachusetts Life Sciences Investment Fund.

For these reasons, I recommend that Section 99 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 99. Notwithstanding any general or special law to the contrary, prior to transferring the consolidated net surplus in the budgetary funds to the Commonwealth Stabilization Fund pursuant to 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 2018 as follows, and in the following order of precedence: (i) transfer  $\frac{1}{2}$  of the surplus, not to exceed \$10,000,000, to the Massachusetts Life Sciences Investment Fund established in section 6 of chapter 23I of the General Laws; and (ii) transfer  $\frac{1}{2}$  of the surplus, not to exceed \$10,000,000, to the Massachusetts Community Preservation Trust Fund established in section 9 of chapter 44B of the General Laws.

Respectfully submitted,

CHARLES D. BAKER,  
*Governor.*

**The Commonwealth of Massachusetts**



CHARLES D. BAKER  
GOVERNOR

KARYN POLITO  
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT  
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**— ATTACHMENT M —**

July 26, 2018.

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 104 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 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 104 requires MassDOT to design and implement a pilot program to test the feasibility of offering discounted toll rates during off-peak travel times, with the goal of relieving congestion for motorists.

While I support the idea of reducing congestion on our roads, this section proposes a program that is too narrow and unlikely to have the desired effect of alleviating congestion. It would be better to evaluate all of the potential solutions to this problem and then pursue the solutions that are most likely to achieve the best results.

For this reason, I recommend that section 104 be amended, by striking out the section in its entirety and inserting in place thereof the following:-

The Massachusetts Department of Transportation shall design and execute a study that provides a detailed analysis of practical pathways by which the Commonwealth could reduce motor vehicle congestion and make appropriate recommendations for further study or pilot programs, if warranted. The department shall submit a written report of its

findings, with the clerks of the senate and the house of representatives, the senate and house committees on ways and means, and the joint committee on transportation not later than June 30, 2019.

Respectfully submitted,

CHARLES D. BAKER,  
*Governor.*