

SENATE No. 2480

Senate, April 24, 2018 -- Message from His Excellency the Governor (pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts) returning with recommendation of amendment the engrossed Bill relative to the Garden of Peace (see Senate, No. 2372).

The Commonwealth of Massachusetts



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April 20, 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 of the Commonwealth of Massachusetts, I am returning to you for amendment Senate Bill No. 2372, “An Act Establishing a Garden of Peace Trust Fund.”

This bill is designed to facilitate transfer of the management of the Garden of Peace from a not for profit corporation to the victim and witness assistance board. As part of that transfer, the bill establishes a Garden of Peace Trust Fund to be expended for the operation of the Garden of Peace. As enacted, however, this bill purports to require the “existing balance held by” the not for profit corporation to be placed in the fund. I am informed that the board of the not for profit corporation supports this disposition of the approximately \$200,000 it holds. Any such transfer, however, should take place in accordance with the laws governing the disposition of assets held by charitable corporations, including review by the Attorney General and approval by an appropriate court. Moreover, legislation authorizing or directing the taking of property from a non-governmental entity and giving it to the government may run afoul of the federal and state constitutions. Accordingly, I recommend that Senate Bill No. 2372 be amended by striking out, in line 5, the words “the existing balance held by” and inserting in place thereof the following words:- any monies authorized by a court to be transferred to the fund from.

Thank you for your prompt consideration.

Respectfully submitted,

Charles D. Baker,
Governor