

HOUSE No. 4047

The Commonwealth of Massachusetts



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LIEUTENANT GOVERNOR

August 3, 2021

To the Honorable Senate and House of Representatives,

I am returning unsigned House Bill No. 4005, “An Act Relative to the Water Supply Protection Trust”.

This bill was originally included as an outside section in the Fiscal Year 2022 budget and attempts to establish a requirement for an annual staffing plan at the Division of Water Supply Protection within the Department of Conservation and Recreation (DCR) that would not be subject to limitations or restrictions on hiring, promotion, or staffing levels from any executive office or department.

As I explained in returning the earlier legislation, as drafted, the annual staffing plan conflicts with the current statutory requirement that the DCR and the Massachusetts Water Resources Authority jointly prepare an annual work plan, which must include staffing levels. Additionally, the language in this bill affects employment conditions that are typically governed by collective bargaining agreements negotiated between the Commonwealth as the employer and the proper bargaining units. It would set a concerning precedent if statutory changes effectively usurp the critical collective bargaining process. Additionally, the proposed changes would have the effect of undermining the Commonwealth’s Office of Diversity and Equal Opportunity’s ability to enforce diversity goals by imposing a hiring freeze on agencies that fail to comply with affirmative action plan submission requirements. I cannot approve statutory changes that would eliminate this critical tool for a specific agency, department, or division of the Commonwealth. Nonetheless, I recognize that it may be helpful to require that the Division’s annual work plan

contain a specific plan for expenditures that are related to staffing. Therefore, I proposed an amendment that would have specified how an annual staffing plan must fit into the annual work plan.

This language in this bill incorporates none of my suggested amendments and leaves my concerns unaddressed.

For these reasons, I am returning House Bill No. 4005 unsigned.

Respectfully submitted,

Charles D. Baker,
Governor