

HOUSE No. 4240

The Commonwealth of Massachusetts

SO MUCH OF THE MESSAGE
FROM
HIS EXCELLENCY THE GOVERNOR
RETURNING THE GENERAL APPROPRIATION BILL
FOR FISCAL YEAR 2013
(SEE HOUSE, NO. 4200)
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 8, 2012.

HOUSE No. 4240

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

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

July 8, 2012.

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 4200, “An Act Making Appropriations for the Fiscal Year 2013 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 2013 budget makes a number of critical investments that will help prepare our children for the workplaces of tomorrow, grow our economy, and keep our communities safe.

First, this budget provides historic state funding levels for aid to school districts for K-12 education. The budget also supports new investments to address the gap in performance among students across the state, particularly those who live in Gateway Cities. I am also proud to note that this budget adopts meaningful reforms to our state community college system, ensuring greater accountability of each campus while making targeted investments that help colleges better target coursework and training to their regional economies and workforce demands. Finally, this budget continues investments I have proposed to reduce youth violence.

While I am very pleased to sign these and many other funding and language items into law, there are a limited number of appropriations and sections that I disapprove or believe should not be enacted without further amendment.

Therefore:

- I am reducing appropriation amounts in items of section 2 of House 4200 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 4200 also set forth in Attachment A, for the reasons set forth in that Attachment;
- I am disapproving those sections of House 4200 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 35, 36, 39-45, 52-54, 92, 152, 173-176, 217 and 228 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, and F.

I approve the remainder of this Act.

Respectfully submitted,



DEVAL L. PATRICK,
Governor.

**Attachment A
FY13 Budget
Veto Items: Line Item Accounts**

Item Number	Action	Reduce By	Reduce To
Commissioner of Probation			
0339-1001	Reduce	10,000,000	113,420,055
I am reducing this item to the amount projected to be necessary to meet agency responsibilities and caseloads.			
Human Service Salary Reserve			
1599-6901	Reduce Earmarking	10,000,000	10,000,000
I am reducing this item and proposing to re-direct the funding in supplemental legislation for the costs of fully implementing Chapter 257 of the Acts of 2008 in Fiscal Year 2013.			
Marine Fisheries			
2330-0100	Reduce/Strike Wording	400,000	4,412,837
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.			
State Parks and Recreation			
2810-0100	Reduce/Strike Wording	550,000	40,859,387
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Hospital Services			
5095-0015	Reduce/Strike Wording	5,100,000	154,213,321
I am striking funding and legislative restrictions which prohibit the planned consolidation of department services.			

Item Number	Action	Reduce By	Reduce To
Housing Services Program			
7004-3036	Reduce/Strike Wording	100,000	1,395,996
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.			
MA Office of Travel and Tourism			
7008-0900	Reduce/Strike Wording	300,000	6,917,109
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Foundation Reserve One Time Assistance			
7061-0011	Veto	3,500,000	0
I am vetoing this item because the funding is not necessary given other related investments in Fiscal Year 2013.			
State Police Benefit Fraud Unit			
8100-1004	Veto	400,000	0
I am vetoing this item because it is duplicative of other current state expenditures with related purposes.			
Department of Fire Services			
8324-0000	Reduce/Strike Wording	1,750,000	16,763,773
I am striking language which earmarks funding for programs not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			

Attachment B
FY13 Budget
Veto Items: Outside Sections

<p>Gateway Cities Definition</p> <p>Section 57</p> <p>I am vetoing this section because it dilutes limited funding available for targeted communities.</p>
<p>Tax Settlement Revenue</p> <p>Section 59</p> <p>I am vetoing this section because it is likely to have the effect of reducing revenues necessary to support the operating budget.</p>
<p>Authorization to Transfer Tobacco Settlement Payments</p> <p>Section 159</p> <p>I am vetoing this section because it mistakenly directs all tobacco settlement proceeds to the General Fund, instead of sending 10 percent to the State Retiree Benefits Trust Fund, as I recommended and the Legislature apparently intended.</p>
<p>Private Special Education Tuition Rate Freeze</p> <p>Section 169</p> <p>I am vetoing this section because it is inconsistent with the reasonable budgetary expectations of private special education schools and with increased special education funding for public schools provided in this Act.</p>
<p>Department of Mental Health Inpatient Study</p> <p>Section 186</p> <p>I am vetoing this section consistent with my veto in item 5095-0015 of section 2, while recommending an alternative study by the Department of Mental Health in my supplemental budget proposal.</p>

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— ATTACHMENT C —

July 8, 2012.

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 35-36 and 39-45 of House Bill No. 4200, “An Act Making Appropriations for the Fiscal Year 2013 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 amend the membership of four licensing boards—for nurses; plumbers and gas fitters; cosmetologists; and sheet metal workers—by adding a seat for a vocational-technical educator or administrator recommended by the Massachusetts Association of Vocational Administrators. I am supportive of these changes because vocational-technical schools are an important part of our workforce development system, and it makes sense to strengthen the links between vocational-technical education and these boards.

I am concerned, however, that these additions will result in even numbers of seats on the impacted boards, creating the possibility of tie votes. Consequently, I propose to leave in place the addition of the vocational-technical seat and to add an additional member to each of the four boards, thereby creating an odd number of seats and eliminating the possibility of tie votes.

For this reason, I recommend that Sections 35-36 and 39-45 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 35. Section 13 of chapter 13 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 1, the figure “17” and inserting in place thereof the following figure:- 19.

SECTION 36. Said section 13 of said chapter 13, as so appearing, is hereby further amended by striking out, in line 8, the words “112 and 2 consumers” and inserting in place thereof the following words:- 112; 2 consumers; 1 vocational-technical licensed practical nursing educator or administrator who shall be selected from a group of 3 persons to be nominated by the Massachusetts Association of Vocational Administrators; and 1 additional member.

SECTION 39. Section 36 of said chapter 13, as so appearing, is hereby amended by striking out, in line 3, the word “nine” and inserting in place thereof the following figure:- 11 and by striking out, in line 5, the word “seven” and inserting in place thereof the following figure:- 9.

SECTION 40. Said section 36 of said chapter 13, as so appearing, is hereby further amended by inserting after the word “systems”, in line 16, the following words:- , 1 of whom shall be a vocational-technical plumbing educator or administrator who shall be selected from a group of 3 persons to be nominated by the Massachusetts Association of Vocational Administrators.

SECTION 41. Section 42 of said chapter 13, as so appearing, is hereby amended by striking out, in line 2, the word “seven” and inserting in place thereof the following figure:- 9.

SECTION 42. Said section 42 of said chapter 13, as so appearing, is hereby further amended by striking out, in line 35, the word “and”.

SECTION 43. Said section 42 of said chapter 13, as so appearing, is hereby further amended by inserting after the word “cosmetology”, in lines 36-37, the following words:- and (c) 1 member shall be a vocational-technical cosmetology educator or administrator who shall be selected from a group of 3 persons to be nominated by the Massachusetts Association of Vocational Administrators.

SECTION 44. Section 101 of said chapter 13, as so appearing, is hereby amended by striking out, in line 4, the figure “5” and inserting in place thereof the following figure:- 7.

SECTION 45. Said section 101 of said chapter 13, as so appearing, is hereby further amended by inserting, after the word “work”, in line 9, the following words:- , 1 of whom shall be a vocational-technical sheet metal educator or administrator who shall be selected from a group of 3 persons to be nominated by the Massachusetts Association of Vocational Administrators.

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

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT
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— ATTACHMENT D —

July 8, 2012.

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 52, 53, 54, 173, 174, 175, 176, and 228 (the “EBT sections”) of House Bill No. 4200, “An Act Making Appropriations for the Fiscal Year 2013 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.”

The electronic benefit transfer (EBT) program promotes self-sufficiency and personal responsibility for those in need as they transition to independence. I strongly support the program and therefore efforts to assure that EBT cards are not used fraudulently or inappropriately. Because certain sections seek to serve those objectives, I am supporting the EBT sections that seek to identify fraud and misuse, such as section 175, which directs the Inspector General to conduct a data match survey involving cash assistance recipients’ case records; and section 54, which establishes criminal penalties for SNAP trafficking. I am also supporting section 176, which directs the MBTA and RTAs to ensure that EBT cards can be used for payment of public transportation at electronic vending machines.

The remaining EBT sections, however, need additional refinements. Last year, the Legislature established a commission specifically charged to study and report on the use of EBT cards in Chapter 219 of the Acts of 2011, *An Act Establishing a Special Commission to Study Electronic Benefit Transfers*. The EBT Commission was comprised of representatives from the Administration and Legislature, as well as retailers and

benefit recipients. In its final report dated April 1, 2012, the Commission made thoughtful and specific recommendations as to what changes would be both appropriate and feasible, and proposed legislation. Some of the EBT sections before me now include provisions specifically rejected by the EBT Commission. Specifically, the extensive prohibitions on the purchase of items or services was carefully considered by the EBT Commission, and ultimately rejected for reasons of feasibility, enforceability, cost and undue harm to households enrolled in cash assistance programs. The Commission instead concluded that prohibitions on usage in particular establishments, rather than prohibitions on particular items, were appropriate and feasible. I see no reason, other than political grandstanding, to deviate from that basic conclusion.

Additionally, the Commission considered the issues related to a cashless payment system for DTA cash assistance programs, and ultimately recommended further study on the feasibility of such a system. I am therefore amending the language in section 174 to make it clear that any study should look at multiple potential solutions including but not limited to whether a cashless system is feasible before considering how a cashless system should be implemented.

Finally, DTA currently has existing regulations regarding the power to require vendor payments if the Department finds misuse. However, current practice does not require the Department to do multiple screenings for each household. The Department does not have the resources to conduct screenings at each certification and recertification, as would be required by section 173.

For these reasons, I recommend striking sections 52, 53, 54, 173, 174, 175, 176 and 228 and replacing them with the following language:

SECTION 1. Paragraph (B) of section 2 of chapter 18 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out clause (i) and inserting in place thereof the following 2 clauses:-

(i) charge a fee up to the maximum amount permissible under federal law for any electronic benefit transfer card it issues as a replacement for an electronic benefit transfer card that has been lost, mutilated, stolen or destroyed, except if such loss or destruction occurs during the mailing of an original electronic benefit transfer card to a recipient, if the card ceases to work through no fault of the recipient or if the department issues replacement cards on its own initiative to classes of recipients; provided that the fee shall not be less than \$5; and provided further that all fees for replacement cards shall be deducted directly from the recipient's benefits.

(j) send a notice to any benefit recipient who requests more than 3 replacement electronic benefit transfer cards in a calendar year and monitor future requests for replacement cards; provided that the notice shall state that the department has noted an unusual number of requests for replacement electronic benefit cards and will be monitoring all future requests for replacement cards.

SECTION 2. Chapter 18 of the General Laws is hereby amended by striking out sections 5I and 5J, inserted by chapter 84 of the acts of 2011, and inserting in place thereof the following 2 sections:-

Section 5I. (a) As used in sections 5I and 5J the following terms shall, unless the context clearly requires otherwise, have the following meanings:-

“Access device”, a card, code or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds under the federal Food and Nutrition Act of 2008, 7 U.S.C. § 2011 et seq., or regulations issued pursuant to the federal Food and Nutrition Act of 2008.

“Direct cash assistance”, any manner of cash assistance provided by the department of transitional assistance including, but not limited to, temporary aid to families with dependent children, wherein the assistance is provided directly to the recipient, rather than a vendor.

“Electronic benefit transfer card”, a card that provides benefits through an electronic benefit transfer.

“Electronic benefit transfer transaction”, the use of a credit or debit card service, automated teller machine, point-of-sale terminal or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.

(b) No person shall knowingly use or accept direct cash assistance funds held on electronic benefit transfer cards or access devices for the purchase or sale of the following services or products: alcoholic beverages as defined in section 1 of chapter 138; lottery tickets; tobacco products as defined in section 1 of chapter 64C.

(c) A recipient of direct cash assistance who makes a purchase in violation of this section shall be subject to disqualification under department intentional program violation regulations and shall reimburse the department for such purchase.

Section 5J. (a) The department shall maintain policies and practices as necessary to prevent cash assistance provided under this chapter from being used in any electronic benefit transfer transaction at: liquor stores; casinos or gambling casinos or gaming establishments, any retail establishments which provide adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, as defined in Section 408(a) of the Social Security Act, as amended; adult bookstores or adult paraphernalia stores; firearms dealers and ammunitions dealers; tattoo parlors; spas; bars and drinking establishments; and cruise ships. Such establishments shall not accept electronic benefit transfer cards. A store owner who knowingly allows a prohibited electronic benefit transfer transaction in violation of this section or subsection (b) of section 5I shall be punished by a fine of not more than \$500 for a first offense, by a fine of not less than \$500 nor more than \$2,500 for a second offense and by a fine of not less than \$2,500 for a third or subsequent offense.

(b) A store owner who knowingly violates this section and who also possesses a license to sell alcoholic beverages under section 12 of chapter 138 shall be referred to the appropriate licensing authority for possible disciplinary action pursuant to section 64 of said chapter 138.

(c) A store owner who knowingly violates this section and who also possesses a license to sell lottery tickets under sections 26 and 27 of chapter 10 shall be referred to the director of the state lottery for possible disciplinary action.

(d) A recipient of direct cash assistance who makes a purchase in violation of this section shall be subject to disqualification under department intentional program violation regulations and shall reimburse the department for such purchase.

SECTION 3. Said chapter 18 is hereby further amended by inserting after section 5K the following 3 sections:-

Section 5L. (a) As used this section and section 5M, “food stamp benefits” shall mean benefits issued pursuant to the federal Food and Nutrition Act of 2008, 7 U.S.C. §§ 2011 to 2029, inclusive, as amended, including such benefits contained on an electronic benefit transfer card.

(b) An individual commits the offense of food stamp benefits trafficking if the individual knowingly:

(1) presents for payment or redemption or transfers food stamp benefits in any form, including transfers to another, who does not, or does not intend to, use the food stamp benefits for the benefit of the household for whom the benefits were intended, as defined in the regulations of the department; or

(2) possesses, buys, sells, uses, alters, accepts or transfers food stamp benefits in any manner not authorized by the Food and Nutrition Act of 2008, 7 U.S.C. § 2011, as amended.

(c) An individual who traffics food stamp benefits, as described in subsection (b), shall:

(1) if the food stamp benefits are of a value of less than \$250 or if the item used, transferred, acquired, altered or possessed has a value of less than \$250, be punished by imprisonment in a jail or house of correction for not more than 1 year or by a fine of not more than \$1,000, or both such fine and imprisonment; or

(2) if the food stamp benefits are of a value of \$250 or more or the item used, transferred, acquired, altered or possessed has a value of \$250 or more, be punished by imprisonment in a jail or house of correction for not more than 2 years or by imprisonment in a state prison for not more than 5 years or by a fine of not more than \$5,000, or both fine and imprisonment.

(d) If a person is alleged to have committed the offense of trafficking in food stamp benefits 2 or more times within a 6-month period, those offenses may be aggregated and charged in a single count and the offenses so aggregated and charged shall constitute a single offense; provided, however, that, if the aggregate value of the food stamp benefits alleged to be trafficked is \$250 or more, the person shall be subject to the penalties prescribed in clause (2) of subsection (c).

(e) Crimes under this section may be prosecuted and punished in any county where a defendant used, transferred, acquired or possessed food stamp benefits or in the county in which the state agency responsible for administering food stamp benefits is headquartered.

Section 5M. (a) As used in this section, “organization” shall mean a corporation for profit or not-for-profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust or other commercial or legal entity; provided, however, that “organization” shall not include an entity organized as or by a governmental agency for the execution of a governmental program.

(b) An organization commits the offense of organizational food stamp benefits trafficking if the organization knowingly; (i) uses, sells, transfers, acquires, alters or possesses food stamp benefits or electronic benefit transfer cards in any manner not authorized by the Food and Nutrition Act of 2008, 7 U.S.C. § 2011, as amended, or the regulations of the department; or (2) presents for payment or redemption food stamp

benefits that have been received, transferred, altered or used in violation of this section shall be guilty of organizational food stamp benefits trafficking.

(c) If an organization is alleged to have committed the offense of organizational food stamp benefits trafficking 2 or more times within a 6-month period, any of those offenses may be aggregated and charged in a single count and the offenses so aggregated and charged shall constitute a single offense.

(d) An organization that commits food stamp benefits trafficking as described in subsection (c) shall:

(1) if it is the organization's first offense under this section, be punished by a fine of not less than \$5,000;

(2) if it is the organization's second offense under this section, be punished by a fine of not less than \$10,000; or

(3) if it is the organization's third or subsequent offense under this section, be punished by a fine of not less than \$50,000.

(e) A retail or wholesale organization owner who is convicted of organizational food stamp benefits trafficking and who also possesses a license to sell alcoholic beverages under section 12 of chapter 138 shall be referred to the appropriate licensing authority for possible disciplinary action pursuant to section 64 of said chapter 138.

(f) A retail or wholesale organization owner who is convicted of organizational food stamp benefits trafficking and who also possesses a license to sell lottery tickets under sections 26 and 27 of chapter 10 shall be referred to the director of the state lottery for possible disciplinary action.

(g) Crimes under this section may be prosecuted and punished in any county where a defendant used, transferred, acquired or possessed food stamp benefits, or the county in which the state agency responsible for administering food stamp benefits is headquartered.

Section 5N. The department shall develop and make available on its website for download a sign specifying the department's fraud hotline. Business associations may also maintain a downloadable form of the sign on the business associations' websites. Such sign shall be posted in a conspicuous area in any business accepting electronic benefits transfer cards as a form of payment. Any business accepting electronic benefit transfer cards as a form of payment shall maintain a list of categories of prohibited products under section 5I at each cash register.

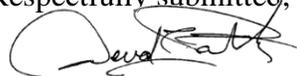
SECTION 4. Notwithstanding any general or special law to the contrary, there shall be an independent commission to examine options that may result in improvements to the cash assistance delivery system, including but not limited to a cashless benefit delivery model. The commission shall consist of: the commissioner of transitional assistance, or a designee, who shall serve as chair; the inspector general, or a designee; the state auditor, or a designee; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; and 2 persons representing eligible recipients to be appointed by the governor. The commission shall research, assess, and develop appropriate recommendations. The report shall include, but not be limited to, the costs associated with, and any technological improvements necessary to implement commission recommendations and the time frame required for such implementation. The commission

shall submit a final report of its findings and recommendations by filing the same with the clerks of the senate and house on or before March 31, 2013.

SECTION 5. Notwithstanding any general or special law to the contrary, the inspector general shall conduct a data match survey involving the case records for households receiving cash assistance benefits under chapter 18 of the General Laws for the purposes of uncovering information that is inconsistent with or contradictory to information provided by the cash assistance benefit recipients. The inspector general shall submit a report that shall include the results of a further investigation on a statistically valid sample of the cases for which inconsistent or contradictory information has been found to determine if the household is receiving benefits for which it is not eligible, and if so, whether the error is due to administrative error, unintentional program violation or intentional program violation with the house and senate committees on ways and means on or before December 31, 2012; provided, however, that 60 days before filing the report the inspector general shall provide a draft of the report to the department of transitional assistance for review and comment and the inspector general shall include the department's comments with the report when it is made public and filed.

SECTION 6. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall coordinate with the Massachusetts Bay Transportation Authority and each of the regional transit authorities to ensure that by June 30, 2013, cash assistance funds held on electronic benefit transfer cards are accepted for payment of public transportation fares at electronic fare vending machines.

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

TIMOTHY P. MURRAY
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EXECUTIVE DEPARTMENT
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— ATTACHMENT E —

July 8, 2012.

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 92 and 217 of House Bill No. 4200, “An Act Making Appropriations for the Fiscal Year 2013 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.”

It is clear from the legislative and public debate that section 92, along with sections 94 and 95, are motivated by efforts to regulate the activities of undocumented people in Massachusetts. I have been just as clear that I will not accept efforts to compel state authorities to enforce federal immigration rules. The recent ruling of the United States Supreme Court, striking down most of Arizona’s anti-immigrant law, underscores the importance of states treading lightly in this federal space. In addition, a long line of authority makes legislation that is racially or ethnically conscious constitutionally suspect.

Sections 94 and 95 seem to be reasonably related to an important state interest. Here, the Legislature has proposed to increase penalties for three existing criminal prohibitions that clearly serve the public safety interests of the Commonwealth: (1) unlicensed operation of a motor vehicle, (2) knowingly permitting an unlicensed individual to operate one’s vehicle, and (3) knowingly employing for hire as a motor vehicle operator any unlicensed individual. In addition, section 101 establishes a new crime for anyone who falsely makes, steals, forges or counterfeits licenses and

identification cards with the intent to distribute them, with graduated penalties depending on the size of the operation. Because there are clear public safety benefits from these changes and the provisions are race and ethnic neutral, I am signing these sections of the bill.

Section 92 is less availing. It relates solely to registration of ownership of a vehicle by non-residents. It is hard to understand how a non-resident simply owning a vehicle in Massachusetts jeopardizes the public's safety. Indeed, it serves the public's safety interests to know, through registration, the name and whereabouts of the owner of every vehicle on the Commonwealth's roads. Foreign students with an international license or seasonal residents who wish to register a vehicle in Massachusetts could be swept up in section 92, as written. In this sense, the provision is overbroad.

To the extent section 92 is expressly intended to target undocumented people, it strays into inappropriate territory. Not only is the enforcement of federal immigration laws the duty and responsibility of the federal government, *see Arizona v. United States*, No. 11-182, 567 U.S. __ (2012), but the RMV is also ill-equipped and under-staffed for such an assignment.

I remain committed to commonsense and balanced registration rules that serve the public safety interests of the Commonwealth. In that spirit, I recommend that section 92 be amended by striking out its text and inserting in place thereof the following text:-

SECTION 92. Section 2 of chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following 2 paragraphs:-

Applications for the registration of motor vehicles and trailers may be made by the owner thereof. If the owner is a corporation, sole proprietorship or business entity, or natural person, the application shall contain, in addition to such other particulars as may be required by the registrar, the name of the corporation, sole proprietorship or business entity, or natural person, and the full business or residential address, including the street, city or town, state and zip code. If the owner is a sole proprietorship, the application shall also contain a social security number and an employer identification number or federal tax identification number from the Internal Revenue Service, if any such number has been issued. If the applicant is a natural person, the application shall also contain the date of birth and license number or identification card number issued by the registrar, if such license or card has been issued. The application of a natural person shall also contain the apartment or unit number if the applicant's address is in an apartment house, family hotel, condominium or a residential flat or is in a combined business and residential property. Except as otherwise provided in this chapter, no registration shall be issued to a natural person for a motor vehicle or trailer unless such person holds a license, identification card issued under section 8E, social security number issued by the Social Security Administration or other proof of residence in the Commonwealth; provided, however, that the registrar shall provide by regulation or written policy for exemptions for out-of-state residents, military personnel, senior citizens, disabled persons, and such other categories of persons the registration of whose vehicle, in the judgment of the registrar after consultation with the executive office of public safety and security, serves

the public safety interests of the Commonwealth, and additional exemptions which shall be consistent with this section. The application shall also contain a brief description of the motor vehicle or trailer to be registered, including the name of the maker, any number or numbers as may be required by the registrar to properly identify the vehicle, the character of the motor power and the type of transmission and a statement signed by the applicant under the penalties of perjury that no excise liabilities on the motor vehicle are outstanding and incurred by the applicant, a member of the applicant's immediate family who is a member of the applicant's household or any business partner of the applicant. The registration fee, as required under section 33, shall accompany the application. Applicants for registration shall also comply with chapter 90D.

The registrar or the registrar's duly authorized agents shall keep a record of motor vehicles and trailers that satisfy application requirements, and shall assign to each motor vehicle and trailer a distinguishing mark or number to be known as the register number for that vehicle or trailer, and shall thereupon issue to the applicant a certificate of registration. If the owner is a corporation, sole proprietorship or business entity, the certificate shall contain the name and address of the corporation, sole proprietorship or business entity and the register number or mark and shall be in such form and contain such further information as the registrar may determine. If the owner is a natural person, the certificate shall contain the name, place of residence and address of the applicant and the register number or mark and shall be in such form and contain such further information as the registrar may determine.

To ensure consistency with this language, I further recommend that Section 217 be amended by striking out its text and inserting in place thereof the following text:-

SECTION 217. The registrar of motor vehicles shall promulgate regulations or written policies pursuant to the first paragraph of section 2 of chapter 90 of the General Laws no later than June 30, 2013.

Respectfully submitted,



DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT
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— ATTACHMENT F —

July 8, 2012.

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 152 of House Bill No. 4200, “An Act Making Appropriations for the Fiscal Year 2013 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 152 concerns the requirement set forth in section 106 of chapter 194 of the Acts of 2011 (the “Gaming Act”) that the Alcoholic Beverages Control Commission (ABCC) conduct a study on whether the happy hour regulations in Massachusetts should be amended to protect bars and restaurants from casino competition. Section 152 amends the Gaming Act, to require that this study be completed by October 1, 2012 instead of June 30, 2013.

The ABCC already has scheduled hearings on this topic, running until September 18, 2012. As such, I do not think it is prudent to request a final proposal by October 1st. I believe that January 31, 2013 is a date that will provide ample time for assessments and further discussion following the fall hearing period without unduly delaying the final study release.

For these reasons, I recommend that Section 152 be amended by striking out the words "June 30, 2013" and inserting in place thereof the following text:-

January 31, 2013

Respectfully submitted,

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

DEVAL L. PATRICK,
Governor.

I disapprove the following items:

in Section 2

7061-0011
8100-1004

I disapprove Sections 57, 59, 159, 169, and 186.

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

Section 2	Reduce By	Reduce To
0339-1001	10,000,000	113,420,055

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
2330-0100	400,000	4,412,837	"; provided further, that \$400,000 shall be expended for the operation of the Newburyport shellfish purification plant; provided further, that the division shall offer wet storage and desanding services at the Newburyport shellfish purification plant as laid out in the report dated March 1, 2012; provided further, that, for functions not being performed by the plant prior to July 1, 2012, the division may solicit competitive proposals for the utilization of excess processing capacity at the Newburyport shellfish purification plant, which may include proposals to offer wet storage and desanding services at the plant as described in the shellfish purification plant management plan dated March 1, 2012; provided further, that the division shall be under no obligation to consider or implement any proposal that the division determines would displace, impede or otherwise hinder the existing functions of the plant; provided further, that the division shall complete a report of its findings pursuant to this item not later than 6 months following the effective date of this act, and shall file that report with the clerks of the senate and house of representatives and with the house and senate committees on ways and means; provided further, that the division may enter into contracts based on proposals received and the division shall notify the house and senate committees on ways and means not later than 60 days prior to taking any such action; and provided further, that any proceeds derived from these activities shall be retained and shall be deposited into item 2330-0150"
2810-0100	550,000	40,859,387	"; provided further, that not less than \$100,000 shall be expended for the operation of the Gardner Heritage State Park in the city of Gardner; provided further, that not less than \$250,000 shall be expended for the development and maintenance of a pedestrian river walk in the city of Lowell along route 110; provided further, that not less than \$200,000 shall be expended for open space improvements in the city of Lowell"
5095-0015	5,100,000	154,213,321	"; provided further, that the department shall maintain not less than 626 continuing care inpatient beds in its system in fiscal year 2013; provided further, that of these 626 beds, 45 beds shall be continuing care inpatient beds on the campus of Taunton State Hospital; provided further, that the department shall maintain and operate these beds until the commission established in section 186 submits its report to the General Court; and provided further, that \$100,000

shall be allocated for the purposes of hiring a consultant as established in section 186"

7004-3036	100,000	1,395,996	"; and provided further, that not less than \$100,000 shall be expended to Springfield Neighborhood Housing Services, Inc., in Springfield"
7008-0900	300,000	6,917,109	"; provided further, that no less than \$250,000 shall be expended for a matching grant program to the Enrichment Center located in Mattapan"
			and
			"; provided further, that not less than \$50,000 shall be expended for a child safety grant in the town of North Reading"
8324-0000	1,750,000	16,763,773	"and fire department training academies "
			and
			", the Massachusetts and fire department training academies"

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	
1599-6901	10,000,000	10,000,000	Wording Stricken
			"20,000,000"
			Wording Inserted
			"10,000,000"

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 35, 36, 39, 40, 41, 42, 43, 44, 45, 52, 53, 54, 92, 152, 173, 174, 175, 176, 217, and 228. 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 08, 2012

at o'clock and minutes, .M.

Deval Patrick

Governor