

HOUSE No. 03345

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven.

April 11, 2011

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 4A of House Bill 3318, “An Act Making Appropriations for the Fiscal Year 2011 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects”.

Section 4A establishes a Financial Literacy Trust Fund in the state Treasurer’s office, to encourage financial literacy and education for residents, institutions, community organizations and entities that will promote financial literacy. I support the purposes of this section.

The Treasurer, who proposed this section, has asked me to correct an apparent legislative drafting error, to clarify that he appoints certain members of the Fund’s board of trustees. To avoid any constitutional separation of powers issues, we also wish to clarify that the legislative members of the board will be non-voting.

For these reasons, I recommend that Section 4A be amended by striking out the text and inserting in place thereof the following text:-

SECTION 4A. Chapter 10 of the General Laws is hereby amended by inserting after section 35PP the following section:-

Section 35QQ. (a) There shall be established and set up on the books of the commonwealth a Financial Literacy Trust Fund to encourage financial literacy and education for residents, institutions, community organizations and entities that will promote financial literacy. The fund shall be administered by the state treasurer, in consultation with the board of trustees established under subsection (b). The fund shall accept private contributions, publicly or privately-funded grants and funds appropriated by the state or federal government. No expenditure from the fund shall cause the fund to be in deficiency at the close of the fiscal year. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year. The fund shall be an expendable trust fund and shall not be subject to appropriation or allotment.

(b) There shall be a board of trustees to consist of 20 members. There shall be 6 non-voting members, 2 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the minority leader of the senate; 2 of whom shall be appointed by the speaker of the house and 1 of whom shall be appointed by the minority leader of the house. The 14 voting members shall consist of the state treasurer or a designee, who shall serve as chair; the attorney general or a designee; the undersecretary of consumer affairs and business regulation or a designee; the commissioner of elementary and secondary education or a designee; the secretary of education or a designee; the secretary of housing and economic development or a designee; and 8 persons to be appointed by the state treasurer who shall have experience in fundraising, education or financial services. All non-elected members shall serve for terms of 3 years, but they may be reappointed. The board of trustees shall develop by-laws and may develop regulations for the implementation of the trust. The trust may expend funds for the purposes of administering the fund, which may include an annual independent audit of the financial activities of the fund. The trust may also enter into contracts with private corporations for the purposes of managing and implementing the programmatic fiduciary or administrative goals of the trust, subject to the approval of the board of trustees. The trust may also, to the extent necessary, create a 501(c)(3) corporation to fulfill the purposes of the trust. The state treasurer shall annually report to the general court all programmatic and financial activities and balances of the fund on or before the last Wednesday in December.

(c) Notwithstanding any general or special law or rule or regulation to the contrary, the state treasurer, members of the board of trustees or their designees shall maximize the balance in the trust by soliciting private donations, gifts, grants and bequests of the trust, including direct and indirect fundraising.

Respectfully submitted,

DEVAL PATRICK,

Governor.