

HOUSE No. 3838

The Commonwealth of Massachusetts

SO MUCH OF THE MESSAGE

FROM

HIS EXCELLENCY THE GOVERNOR

RETURNING THE SUPPLEMENTAL APPROPRIATION BILL

FOR FISCAL YEAR 2015

(SEE HOUSE, NO. 3829)

AS RELATES TO ATTACHMENTS A AND B,

FOR ITEM AND SECTIONS RETURNED WITH REDUCTIONS OR

DISAPPROVALS

UNDER THE PROVISIONS OF

SECTION 5 OF ARTICLE LXIII

AND AS RELATES TO ATTACHMENTS C, D AND E,

FOR SECTIONS RETURNED WITH

RECOMMENDATIONS OF AMENDMENTS

UNDER THE PROVISIONS OF ARTICLE LVI

OF THE AMENDMENTS TO THE CONSTITUTION.

November 2, 2015.

HOUSE No. 3838

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE · BOSTON, MA 02133

KARYN POLITO
LIEUTENANT GOVERNOR

November 2, 2015.

To the Honorable Senate and House of Representatives,

Pursuant to Section 5 of Article 63 of the Amendments to the Constitution, we are today signing House Bill 3829, “An Act Making Appropriations for the Fiscal Year 2015 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects,” and returning certain portions to you for reconsideration.

The supplemental budget closes the books on Fiscal Year 2015 by settling identified deficiencies. In addition, today’s action invests in critical priorities and employs fiscally responsible policies to pay down \$113.2 million in existing debt early and replenish the Stabilization Fund with \$120 million.

For example, this budget supports the opioid abuse initiatives filed by our Administration in July 2015, including \$27.8 million to fund various treatment and preventive programs within the Executive Office of Health and Human Services and the Executive Office of Education.

The budget also provides \$5.2 million in new funding for the Department of Children and Families. The additional funds will support staffing and training needs for DCF social workers, support and train DCF foster and adoptive families and additional caseload projections.

This proposal closes out identified deficiencies consistent with the initial bill we filed in July, including:

- \$200 million for MassHealth;
- \$31.5 million for remaining MassDOT and DCR snow and ice removal costs from earlier winter storms;
- \$9.5 million for tuition reimbursements for those serving in the National Guard;
- \$4.0 million for the Committee on Public Counsel Services, and
- \$21.7 million for sheriffs.

In total, this Act includes supplemental funding of \$326.3 million (\$223.5 million net) to fund obligations.

In addition to the above actions, we are taking additional measures as enumerated below:

- Disapproving one item of section 2, as set forth in Attachment A;
- Disapproving those sections of House 3829 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, we are returning sections 10, 63 and 77 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 to E, inclusive.

Respectfully submitted,

Charles D. Baker,
Governor

Karyn E. Polito,
Lieutenant Governor

Attachment A

FY15 Final Deficiency Supplemental Appropriations Act

Veto Items: Line Item Accounts

Item Number	Action	Reduce By	Reduce To
MassHealth Senior Care Options			
4000-0600	Veto	1,505,035	0
I am vetoing this item, which provides funding for rate adjustments for certain non-profit home health agencies, because it creates funding inequities between non-profit and for-profit home health agencies.			

Attachment B

FY15 Final Deficiency Supplemental Appropriations Act

Veto Items: Outside Sections

<p>Home Health Agencies</p> <p>Section 17</p> <p>I am vetoing this section, which provides for rate adjustments for certain non-profit home health agencies, because it creates funding inequities between non-profit and for-profit home health agencies.</p>
<p>Department of Labor Relations</p> <p>Section 46</p> <p>I am vetoing this section, which earmarks funds for the joint labor-management committee for municipal police and fire, because it interferes with the Department of Labor Relation's statutory power to prioritize and manage its obligations.</p>

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

KARYN POLITO
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT
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— ATTACHMENT C —

November 2, 2015.

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 10 of House Bill No. 3829, “An Act Making Appropriations for the Fiscal Year 2015 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

Section 10 raises existing limits on the amounts of reimbursement that may be provided under the Commonwealth’s Underground Storage Tank program, which are set forth in Chapter 21J of the General Laws. I support the need to increase the existing caps, especially to ensure that innocent third-parties are able to access the reimbursements available under the program when needed.

But Section 10 does not cure an underlying problem with the existing program: the likelihood that one claimant can claim all available money for that event. For certain high-dollar claims, innocent third parties can be precluded from accessing the program by the passage of time. Because an innocent third party must obtain a court judgment under clause (2) of Section 4 of Chapter 21J and under program regulations, another claimant, such as an owner or operator, can claim all the available reimbursement before the third party is able to obtain a final judgment in court. Adopting the amendment below will make clear that \$1,000,000 of the potential reimbursement amount will be available for third-party claimants, regardless of any claim made by an owner or operator.

For this reason, I recommend that Section 10 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 10. Subsection (a) of section 5 of chapter 21J of the General Laws, as so appearing, is hereby amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) For each tank eligible for reimbursement pursuant to this chapter, reimbursement for all costs, expenses, claims and other obligations eligible for reimbursement pursuant to this chapter shall not exceed, in the aggregate, \$2,500,000 as follows: (i) \$1,500,000 for reimbursement under subclause (1) of clause (a) of section 4; and (ii) \$1,000,000 for expenses under subclause (2) of said clause (a) of said section 4, less the applicable deductible specified in subsection (b) of this section.

Respectfully submitted,

CHARLES D. BAKER,
Governor.

HOUSE No. 3838

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CHARLES D. BAKER
GOVERNOR

KARYN POLITO
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT
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— ATTACHMENT D —

November 2, 2015.

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. 3829, “An Act Making Appropriations for the Fiscal Year 2015 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

Section 63 requires the Department of Children and Families (DCF) to submit a report to the legislature, by November 17, 2015, describing any new or updated policies, procedures and guidelines put into place at DCF over the last year to improve the safety and wellbeing of children, including any performance benchmarks used to assess such new or updated policies. I support the goal of keeping the legislature apprised of improvements in DCF’s policies and procedures.

However, a deadline of November 17, 2015 does not provide sufficient time for DCF to complete the required report. For this reason, I recommend that Section 63 be amended by striking out the words, “November 17, 2015”, and inserting in place thereof the following words:- February 29, 2016.

Respectfully submitted,

CHARLES D. BAKER,
Governor.

HOUSE No. 3838

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

KARYN POLITO
LIEUTENANT GOVERNOR

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— ATTACHMENT E —

November 2, 2015.

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 77 of House Bill No. 3829, “An Act Making Appropriations for the Fiscal Year 2015 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

Section 77 requires the Connector Board to submit a report to the Legislature at least 90 days before, and within 10 days after, submitting an application pursuant to Section 1332 of the Patient Protection and Affordable Care Act, to the federal government. The report is to include the intent and purpose of the proposed application and any changes to state law.

I support the goal of keeping the legislature apprised of the Section 1332 application process. However, a 90-day advanced reporting requirement will constrain ongoing efforts to apply for the waiver and will likely delay the process. For these reasons, I recommend that Section 77 be amended by striking out the words, “90 days”, and inserting in place thereof the following words:- 30 days.

Respectfully submitted,

CHARLES D. BAKER,
Governor.

The actions taken by the Governor are delineated on this excerpt from the original parchment:—

I disapprove item 4000-0600 in Section 2.

I disapprove Sections 17 and 46.

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 10, 63, and 77. 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, November 2, 2015

at o'clock and minutes, .M.

Charles D. Baker
Governor