

HOUSE No. 4962

The Commonwealth of Massachusetts

**SO MUCH OF THE MESSAGE
FROM
HIS EXCELLENCY THE GOVERNOR
RETURNING THE ENGROSSED BILL MAKING CERTAIN
APPROPRIATIONS FOR FISCAL YEAR 2021
BEFORE FINAL ACTION ON THE GENERAL
APPROPRIATION BILL (SEE HOUSE, NO. 4905)
AS RELATES TO SECTIONS RETURNED WITH
RECOMMENDATIONS OF AMENDMENTS
UNDER THE PROVISIONS OF ARTICLE LVI
OF THE AMENDMENTS TO THE CONSTITUTION.**

August 4, 2020.

HOUSE No. 4962

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

KARYN POLITO
LIEUTENANT GOVERNOR

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

August 4, 2020.

To the Honorable Senate and House of Representatives:

Pursuant to Section 5 of Article LXIII, as amended by Section 4 of Article XC, of the Amendments to the Constitution, I am today signing House Bill 4905, "An Act Making Certain Appropriations for Fiscal Year 2021 Before Final Action on the General Appropriation Bill," and returning certain portions to you for reconsideration.

This bill provides the spending authorization to maintain necessary services through October 31, 2020, pending the passage of the General Appropriations Act for the current fiscal year.

While I am signing the majority of this bill, I am returning the following three sections with recommended amendments for your consideration.

First, sections 2 and 3 propose to mandate certain spending levels, which would unduly limit the flexibility my administration needs to manage three months of funding without a General Appropriations Act. Additionally, these sections impose reporting requirements that do not align with the allotment protocols necessitated by this extended interim period. Accordingly, I am recommending that these sections be amended to omit the minimum spending requirements and to ensure adequate reporting of spending decisions to the Legislature during the ensuing three-month period.

Second, section 8 causes this legislation to sunset on October 31, 2020. It is unconventional and unnecessary to include a sunset date in an interim budget and may cause disruption where, as here, the legislation contains multiple sections that should remain in effect for the entirety of fiscal year 2021, without interruption. Accordingly, I am recommending that this section be amended to omit the October 31, 2020 sunset date.

Therefore, pursuant to Article LVI, as amended by Section 3 of Article XC, of the Amendments to the Constitution of the Commonwealth, I am returning sections 2, 3, and 8 with recommendations for amendment. My reasons for doing so along with the recommended amendments are more fully set forth in separate letters that are dated today and included with this message as Attachments A and B.

The remainder of this bill I approve.

Respectfully Submitted,

CHARLES D. BAKER,
Governor.

The Commonwealth of Massachusetts



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GOVERNOR

KARYN POLITO
LIEUTENANT GOVERNOR

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— ATTACHMENT A —

August 4, 2020

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Section 3 of Article XC, of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 2 and 3 of House Bill No. 4905, “An Act Making Certain Appropriations for Fiscal Year 2021 Before Final Action on the General Appropriation Bill.”

Sections 2 and 3 propose to limit the flexibility needed to administer three months of funding without a General Appropriations Act (“GAA”) by mandating certain spending levels. While I appreciate the desire for stability in a complicated time, as I indicated in my letter dated July 24, the executive branch must retain the discretion to not spend money unnecessarily, where a lesser amount does not compromise the achievement of underlying legislative purposes and goals. This discretion would be proper at any time; in a period of fiscal stress, it is imperative that the executive be allowed the latitude to execute on legislative purposes in an efficient manner.

I support the underlying goal of flexibility should federal funds be received and have retained the language from these sections that affords my administration the discretion to substitute alternative funding for state funding whenever possible. Additionally, I agree that the General Court should be alerted to any cost savings realized and have proposed modified reporting provisions that more closely align with a periodic allotment framework.

For the reasons stated above, I recommend that Sections 2 and 3 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 2. If cost savings occur that would result in an annual appropriation in any line item that would be less than the lower of the general appropriations act for fiscal year 2020 or the operating budget submitted by the governor for fiscal year 2021 pursuant to section 7H of chapter 29 of the General Laws, the secretary of administration and finance shall report such expected savings to the house and senate committees on ways and means. If federal programs, or other alternative funding sources, are available to supplant state funding for the same purposes, the secretary may reduce the state's portion of said funding in a manner commensurate with the additional federal revenue received for said purpose.

SECTION 3. The secretary for administration and finance shall provide monthly or more frequent reports to the house and senate committees on ways and means on any allotments established pursuant to section 1.

Respectfully submitted,

CHARLES D. BAKER
Governor

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— ATTACHMENT B —

August 4, 2020

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Section 3 of Article XC, of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 8 of House Bill No. 4905, “An Act Making Certain Appropriations for Fiscal Year 2021 Before Final Action on the General Appropriation Bill.”

Section 8 causes this legislation to sunset on October 31, 2020. As a matter of course, interim budgets such as this do not contain a sunset date, and there is no reason to include one here. To the contrary, this legislation includes multiple sections that are typically part of the annual General Appropriations Act (“GAA”) and should remain in effect for the entirety of fiscal year 2021 without interruption.

For the reasons stated above, I recommend that Section 8 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 8. This act shall take effect on July 31, 2020.

Respectfully submitted,

CHARLES D. BAKER
Governor

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

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 2, 3, and 8. 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, August , 2020

at o'clock and minutes, .M.

Charles D. Baker
Governor