OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

July 11, 2013

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 of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 4, 74 and 75 of House Bill No. 3539, "An Act Making Appropriations for the Fiscal Year 2013 To Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects."

Sections 4, 74 and 75 of this bill require the Department of Transitional Assistance to place photographs of adult cardholders on electronic benefit transfer (EBT) cards.

As you know, I strongly support transitional assistance programs that help individuals and families meet their basic needs, and improvements in our systems to better prevent fraud or abuse. With the many safeguards it appears you have endeavored to write into this bill, I am prepared to support it. However, I am also aware that other states have considered and rejected this type of measure on the ground that the cost outweighs the benefit, and that the previous administration here in Massachusetts came to a similar conclusion. Therefore, I am returning this section for amendment requiring the Department, together with designees from the Auditor and the Inspector General, to conduct a review of this measure's effectiveness and report to the Legislature in three years.

Furthermore, because the legislation does not provide a dedicated source of funding to implement the program, I am seeking $2.5 million in a FY14 supplemental budget recommendation for this purpose.

PRINTED ON RECYCLED PAPER

Accordingly, I recommend that Sections 4, 74 and 75 be amended by striking out the text and inserting in place thereof the following text:-

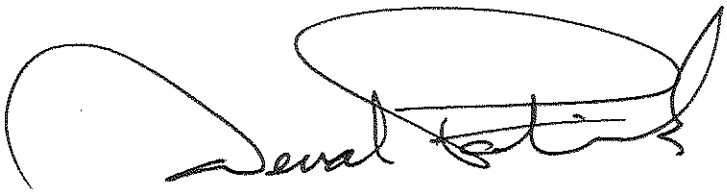
SECTION 1. Paragraph (B) of section 2 of chapter 18 of the General Laws, as appearing in the 2012 Official Edition, is hereby further amended by adding the following 2 clauses:-

(k) require the use of photo identification on the front of each newly issued and reissued electronic benefit transfer card for each cardholder who is over the age of 18; provided, however, that the department shall promulgate regulations to ensure that all authorized users and members of the household are able to use an electronic benefit transfer card pursuant to 7 U.S.C. § 2016(h)(9); provided further, that the department shall not require the use of photo identification for individuals who are 60 years of age or over, blind, disabled or victims of domestic violence; provided further, that in developing regulations for authorized users, the department shall consult with businesses or vendor associations whose members accept electronic benefit transfer cards as a form of payment including, but not limited to, the Massachusetts Food Association, the New England Convenience Store Association and the Retailers Association of Massachusetts.

(l) include the fraud hotline number and department website on all newly issued electronic benefit transfer cards.

SECTION 2. The department of transitional assistance, in consultation with the state auditor or a designee and the inspector general or a designee, shall conduct a study and make recommendations to determine whether photo identification on electronic benefit transfer cards generates enough savings through prevention of fraud or other abuse to offset the associated costs. Not later than July 1, 2016, the department shall submit a report of its findings and recommendations to the governor who shall forward a copy of the report to the house and senate committees on ways and means.

SECTION 3. Notwithstanding any general or special law to the contrary, and pursuant to section 2 of chapter 18 of the General Laws, within 12 months of the effective date of this act, the department of transitional assistance shall replace all existing electronic benefit transfer cards with cards containing a photograph of the cardholder.

SECTION 4. Notwithstanding any general or special law to the contrary, and pursuant to section 2 of chapter 18 of the General Laws, within 6 months of the effective date of this act, the department of transitional assistance shall include on all new or reissued electronic benefit cards a photograph of the cardholder.

Respectfully submitted,