

October 27, 2011

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 3737, "An Act Making Appropriations for Fiscal Years 2011 and 2012 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects," while disapproving one item and returning two sections for amendment.

I am pleased to approve the vast majority of this legislation, which provides key investments in job creating projects across the Commonwealth and programs that spur on-the-job training, continuing education and workforce development. On a limited basis, this bill also funds programs and services in Fiscal Year 2012 that support the state's most vulnerable populations and, in the absence of supplemental funding, would likely see reductions this year. Finally, this bill makes a substantial and responsible deposit of surplus Fiscal Year 2011 resources into the state's rainy day fund, bringing the year-end fund balance to nearly \$1.4 billion – over twice the amount in the fund at the close of Fiscal Year 2010.

I disapprove item 4000-0500 in Section 2, because existing protections for nursing home residents and a substantial number of empty beds (4,000 according to a recent audit) render this additional spending unnecessary.

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am also returning for amendment Sections 8 and 97, for reasons set forth in my two accompanying letters today.

I approve the remainder of this Act.

Respectfully submitted,

October 27, 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 8 of House Bill No. 3737, "An Act Making Appropriations for Fiscal Years 2011 and 2012 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects."

Section 8 attempts to clarify the filing of small business impact statements for state regulations. I proposed similar legislation in my own supplemental budget recommendation and I support the purposes of this section.

This section, however, mistakenly revises the third paragraph of G.L. c. 30A, § 3, rather than the fourth paragraph as I proposed and as the Legislature apparently intended. The inadvertent effect is to remove from present law important procedural safeguards in the state rulemaking process, including public notice of the method for commenting on proposed regulations.

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

SECTION 8. Section 3 of said chapter 30A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

A small business impact statement shall be filed with the state secretary on the same day the notice is filed and shall accompany the notice. Notwithstanding section 6, the state secretary shall include the small business impact statement on the electronic website of the state secretary, and the statement may be inspected and copied in the office of the state secretary during business hours.

Respectfully submitted,

October 27, 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 97 of House Bill No. 3737, "An Act Making Appropriations for Fiscal Years 2011 and 2012 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects."

Section 97 establishes a special commission to study the use of electronic benefit transfer cards by recipients of public benefits. I do not object to this purpose.

The proposed commission, however, does not include representatives of affected constituencies, including merchants and recipients. I believe that including those representatives would benefit the commission's consideration of this matter.

Therefore, I recommend that Section 97 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 97. Notwithstanding any general or special law to the contrary, there shall be a special commission to study and report on the use of electronic benefit transfer, or EBT, cards. The commission shall consist of the commissioner of transitional assistance, or a designee; the inspector general, 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; a representative of the Retailers Association of Massachusetts; and a representative of the interests of benefit recipients appointed by the governor. The scope of the commission shall include, but not be limited to, researching and evaluating the following: the use of EBT cards for the purchase of products other than those products for which they are intended to be used, such as firearms, tobacco, lottery tickets and alcohol; the frequency and location of out-of-state card use; the in-state stores where cards are used; the proportion of one month's EBT cash assistance that is withdrawn from ATM machines rather than

used in stores to directly purchase products; and the costs associated with requiring the department to include, on the front of each newly issued, re-issued and existing EBT cards, a photograph of the cardholder. The commission shall research, assess and develop recommendations regarding the best method of preventing the inappropriate use of EBT cards, including implementing a monthly limit to the amount of EBT cash assistance that a recipient of cash assistance can withdraw from ATMs and the feasibility of prohibiting the purchase of certain items by restricting the ability of EBT cards to be used in purchasing those items. The commission shall also study and research the implementation of requiring stores to apply to accept EBT cards. The commission shall submit a final report of its findings and recommendations, together with drafts of legislation necessary to implement those recommendations, by filing the same with the clerks of the senate and house not later than April 1, 2012.

Respectfully submitted,