**Attachment B**

**FY17 Budget**

**Veto Items: Outside Sections**

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| Elevator Fines ISection 37I am vetoing this section because it is not necessary to accomplish the changes in section 65 of chapter 143 which I am approving today in section 99, and it may unnecessarily limit administrative discretion in waiving the imposition of fines in appropriate circumstances. |
| Retirement Systems and Pensions PercentageSection 43I am vetoing this section because it weakens the performance standard to which local retirement systems are held in Massachusetts. Legislation should be strengthening, not weakening, the standards to which we hold all boards of publicly-funded retirement systems, so that taxpayers who may ultimately pay the consequences for a system's failure are protected. |
| Retirement Systems and Pensions TermSection 44I am vetoing this section because it would re-commit a retirement system's investment assets to that system's board, even though that board has already demonstrated, over a period of years, its inability to manage those assets. Repeatedly changing management will also impose additional transaction costs on the retirement system as system assets are liquidated then re-invested, further reducing the funded status of the system. |
| Retiree Health Care Premium Increase MoratoriumSection 45I am vetoing this section because the section would take away, for an additional two years, one of the few tools a city or town has to control both its health insurance costs and its liability for other post-employment benefits. |
| Digital Health InternshipSection 47I am vetoing this section because I am vetoing line item 7002-1593, which provides the funding for this program.  |
| Driver School License ISection 60I am vetoing this section, and related sections 61 and 107, because they unnecessarily open the drivers' education market to quasi-public, government-subsidized entities that would compete with existing small businesses.  |
| Driver School License IISection 61I am vetoing this section, and related sections 60 and 107, because they unnecessarily open the drivers' education market to quasi-public, government-subsidized entities that would compete with existing small businesses.  |
| Protective Custody Update ISection 66I am vetoing this section because I believe that creating authority for police officers to place in protective custody persons who are incapacitated due to controlled substances or toxic vapors can be done more effectively in the form I have proposed in an amended section 73.  |
| Protective Custody Update IISection 67I am vetoing this section because I believe that creating authority for police officers to place in protective custody persons who are incapacitated due to controlled substances or toxic vapors can be done more effectively in the form I have proposed in an amended section 73.  |
| Protective Custody Update IIISection 68I am vetoing this section because I believe that creating authority for police officers to place in protective custody persons who are incapacitated due to controlled substances or toxic vapors can be done more effectively in the form I have proposed in an amended section 73.  |
| Protective Custody Update IVSection 69I am vetoing this section because substance misuse treatment program units at hospitals and satellite emergency facilities are addressed under a hospital's primary health facilities license, and therefore no separate licensing scheme is required for these units. |
| Protective Custody Update VSection 70I am vetoing this section because I believe that creating authority for police officers to place in protective custody persons who are incapacitated due to controlled substances or toxic vapors can be done more effectively in the form I have proposed in an amended section 73.  |
| Protective Custody Update VISection 71I am vetoing this section because I believe that creating authority for police officers to place in protective custody persons who are incapacitated due to controlled substances or toxic vapors can be done more effectively in the form I have proposed in an amended section 73.  |
| Protective Custody Update VIISection 72I am vetoing this section because I believe that creating authority for police officers to place in protective custody persons who are incapacitated due to controlled substances or toxic vapors can be done more effectively in the form I have proposed in an amended section 73.  |
| Mobile Barbering and Cosmetology Services IXSection 86I am vetoing this section because it would reverse the effect of section 5 of the mid-year supplemental budget for fiscal year 2016, which I approved in April. That section required all fees and penalties collected by the board of registration of cosmetology to be directed to the General Fund. By reversing that requirement, this section would divert approximately $2.7 million from the General Fund. |
| Augmentative and Alternative Communication DevicesSection 89I am vetoing this section because, while MassHealth currently supports a robust program to assist members with a severe expressive communication impairment, including coverage of services and medically necessary AAC devices that are federally reimbursable, MassHealth should not cover non-medical services and benefits. |
| College Savings Account Assets ISection 90I am vetoing this section because recognizing an exemption for college savings accounts in determining eligibility for MassHealth benefits would violate federal Medicaid rules. MassHealth will continue to investigate ways in which savings for college expenses could be made exempt without violating federal law. I am also approving section 123 because federal law does not present the same constraints with respect to the Transitional Aid to Families with Dependent Children program. |
| Elevator Fines IISection 98I am vetoing this section, and related sections 100 and 101, because they are unnecessary and reduce the Commonwealth's departmental revenue, for which the Legislature has not accounted. These sections would reduce revenues by $5.6 million, or approximately 30% of inspection revenues, while commensurately reducing elevator owners' incentives to have their elevators inspected on a regular basis. In addition, the Department of Public Safety is in the process of promulgating regulations that will greatly improve the process for issuing waivers and the availability of such waivers, and thereby mitigate concerns about the amount of fines imposed. These measures address the primary issues with regard to elevator inspections. I am approving sections 97, 99, and 102 to 104 because they result in a very modest reduction in revenue for the Commonwealth, while acknowledging that the frequency of inspections currently in law may not be appropriate for all types of elevators in use.  |
| Elevator Fines IVSection 100I am vetoing this section, and related sections 98 and 101, because they are unnecessary and reduce the Commonwealth's departmental revenue, for which the Legislature has not accounted. These sections would reduce revenues by $5.6 million, or approximately 30% of inspection revenues, while commensurately reducing elevator owners' incentives to have their elevators inspected on a regular basis. In addition, the Department of Public Safety is in the process of promulgating regulations that will greatly improve the process for issuing waivers and the availability of such waivers, and thereby mitigate concerns about the amount of fines imposed. These measures address the primary issues with regard to elevator inspections. I am approving sections 97, 99, and 102 to 104 because they result in a very modest reduction in revenue for the Commonwealth, while acknowledging that the frequency of inspections currently in law may not be appropriate for all types of elevators in use.  |
| Elevator Fines VSection 101I am vetoing this section, and related sections 98 and 100, because they are unnecessary and reduce the Commonwealth's departmental revenue, for which the Legislature has not accounted. These sections would reduce revenues by $5.6 million, or approximately 30% of inspection revenues, while commensurately reducing elevator owners' incentives to have their elevators inspected on a regular basis. In addition, the Department of Public Safety is in the process of promulgating regulations that will greatly improve the process for issuing waivers and the availability of such waivers, and thereby mitigate concerns about the amount of fines imposed. These measures address the primary issues with regard to elevator inspections. I am approving sections 97, 99, and 102 to 104 because they result in a very modest reduction in revenue for the Commonwealth, while acknowledging that the frequency of inspections currently in law may not be appropriate for all types of elevators in use.  |
| Driver School Licenses IIISection 107I am vetoing this section, and related sections 60 and 61, because they unnecessarily open the driver education market to quasi-public, government-subsidized entities that would compete with existing small businesses.  |
| First Dose MonitoringSection 110I am vetoing this section because this effects a broad policy change that should not be made through an outside section in the budget, without the benefit of a public hearing.  |
| Bail FeesSection 120I am vetoing this section because it unnecessarily raises fees without proposing any increased or improved services, or otherwise providing justification for the fee increase. |
| Special Commission on Chronic Obstructive Pulmonary DiseaseSection 166I am vetoing this section because the significant scientific and medical research required by this section is more appropriately conducted by an outside academic or health research institution, not by the Department of Public Health. I also note that the prior commission established in 2012 failed to produce a report by the required deadline of December 31, 2014. |
| Housing Memorandum of UnderstandingSection 170I am vetoing this section because the Interagency Council on Housing and Homelessness is already working on the proposed activities. A cross-agency memorandum of understanding is not needed to continue this work. |
| Water Transportation Advisory CouncilSection 172I am vetoing this section because the proposed council is duplicative of ongoing efforts within and outside of state government.  |
| Sheriffs' Working GroupSection 174I am vetoing this section because much of the work proposed for this report has already been performed under a legislative mandate which I approved in section 172 of the fiscal year 2016 General Appropriations Act. That report is attached. |
| Health Advice Phone Line Feasibility StudySection 175I am vetoing this section because, while I support the goal of increasing access to health care information, state agencies are already exploring more updated and effective methods of providing this information to the public. |
| Mid-Level Practitioner Prescription Filling StudySection 176I am vetoing this section because the Department of Public Health is currently engaged in a number of other studies and commissions, and lacks the resources to conduct the additional research required by this section. An outside section in the budget is also not the appropriate vehicle to make a policy change in the state's prescribing practices. This administration, however, acknowledges the value of coordinating laws relating to controlled substance prescriptions with other states. This is why I have been working with other New England governors to engage in cross-state collaboration with regard to prescription monitoring and prescription limits, drug trafficking, and prescriber education. |
| Recommendations on the Safe Handling of Bodies of Deceased PersonsSection 177I am vetoing this section because it is unnecessary. The fiscal year 2016 General Appropriation Act funded higher incentive payments for funeral directors to handle the bodies of deceased persons in cases where those bodies go unclaimed. This initiative has virtually eliminated any backlog of unclaimed bodies of deceased persons, which is the problem this section intends to address. |
| Baseline Study on the Use of MarijuanaSection 182I am vetoing this section because this study imposes an unfunded mandate on several executive agencies. Further, while this study could be valuable at a later date, such work should be procured through a competitive process. |
| Dr. Daniel A. Asquino BuildingSection 184I am vetoing this section because building names for facilities that are on the campuses of community colleges are approved through a process administered by the Board of Higher Education, and should not be done through the legislative process. |
| Special Commission on Regional School District FundingSection 188I am vetoing this section because it is unnecessary to separately study the "educational programs and services necessary to achieve the commonwealth's educational goals" with respect to regional school districts only. This work was recently completed by the Foundation Budget Review Commission with respect to all schools, resulting in publication of the Commission's report and recommendations in October 2015. |
| Special Commission on Online Gaming, Fantasy Sports Gaming and Daily Fantasy SportsSection 189I am vetoing this section because it calls for a commission to study an issue that has already been examined by several state agencies, including the Attorney General's Office and the Massachusetts Gaming Commission.  |
| Farmland Protection and Farm Viability Advisory CommissionSection 192I am vetoing this section because it proposes a commission that would be redundant of ongoing work already performed by the Food Policy Council. That Council has already prioritized, and is expected to approve on July 14, 2016, a recommendation to establish a state Farmland Action Plan.  |
| Special Commission to Study Switching MedicationsSection 195I am vetoing this section because state agencies are already considering the issues to be addressed by this proposed commission. Recommendations to improve or address such prescribing practices can be made without the creation of a new 9-member commission.  |