

House No. 4373

Message from His Excellency the Governor recommending legislation relative to An Act
Establishing Fiscal Stability Measurers for Fiscal Year 2010 .

The Commonwealth of Massachusetts

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

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

November 24, 2009

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 4359, “An Act Establishing Fiscal Stability Measurers for Fiscal Year 2010,” while disapproving certain sections.

This legislation includes some of the fiscal stability measures that I requested, as well as an important restructuring of the Economic Development Incentive Program to enhance local economic development projects. It also includes a useful clarification of our recent pension reform.

Given the seriousness of our current fiscal challenges, I am disappointed that you have taken no action on many of the measures I included in the original legislation. Those measures, totaling approximately \$125 million, were part of a comprehensive solution to close a \$600 million budget gap we are facing right now. We need your attention to these remaining issues now.

In order to close the gap, I made \$237 million in cuts to Executive Branch agencies. None were easy, but all were necessary to close the budget gap and protect priorities like Chapter 70 and Local Aid. I asked for shared sacrifice in order to avoid even further cuts to these programs and services. The \$75 million in spending reductions I proposed to non-executive

agencies, the Legislature and the courts was in that spirit and would help ensure that essential services would remain available for our most vulnerable citizens. Failure to act on these measures and increasing spending further compounds our problem. Without further action, this spending will be at the expense of further cuts to services for vulnerable people.

I also sought management tools including line item transferability and shared services that will allow agencies to better manage their budgets through these challenging economic times. Those tools helped agencies work within reduced budgets last year, leading to a modest surplus in Fiscal Year 2009. Again, you took no action.

I want to work with you, but under the circumstances I am not able to approve all of the funding contained in this bill. Therefore, I am disapproving:

- Section 35B, which directs additional General Fund revenue to support the Early Intervention program, costing an additional \$2 million.
- Sections 44A, 44B, and 44C, which attempt to undo in part allotment reductions that I previously made under G.L. c. 29, § 9C for the Soldiers Homes and the sexual assault nurse examiner programs.

In the case of the additional funding for the Soldiers Homes, I think it is important to point out that the veterans served are overwhelmingly insured, mostly receive their primary care elsewhere, and use the Homes' outpatient services for specialty services that are conveniently located at other sites nearby. Discontinuing outpatient services at the Homes, therefore, would not break faith with our commitment to serve our veterans.

I am also disapproving Section 29, a new program respecting unused medications by health care facilities. The Department of Public Health will examine the feasibility of accomplishing the same goals under existing authority.

I approve the remainder of this Act, and urge prompt action on the budget balancing measures that remain pending.

Respectfully submitted,

DEVAL L. PATRICK,

Governor.

The Commonwealth of Massachusetts

11/ 24 /2009

To the Honorable Senate and House of Representatives:

I disapprove Sections 29, 35B, 44A, 44B, and 44C.

The remainder of this bill I approve.

Approved, November , 2009

at o'clock and minutes, .M.

Deval Patrick

Governor