

The Commonwealth of Massachusetts



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 727-3600

WILLIAM F. WELD  
GOVERNOR

ARGEO PAUL CELLUCCI  
LIEUTENANT GOVERNOR

July 30, 1996

To the Honorable Senate and House of Representatives:

I am today signing House Bill No. 6233, "An Act Making Appropriations for the Fiscal Year Nineteen Hundred and Ninety-Six to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects."

With your cooperation, we have kept spending in line and, once again, placed the Commonwealth on firm financial footing. The prudent fiscal course that we have steered permits us, for the first time, to release funds from the Stabilization Fund. This allows us to implement a tax cut by returning \$150 million to its rightful owners -- the Commonwealth's taxpayers.

Pursuant to Part the Second, Chapter I, Section I, Article 2 of the Constitution of the Commonwealth, and Article 63, Section 5, as amended by Article 90, Section 5, of the Amendments to the Constitution, I am vetoing sections 8, 14, 19, 68, 69, 113, 121, 122, 125, 128, 147, and 158. My reasons for these vetoes are set out in Attachment A, included with this message.

Pursuant to Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution of the Commonwealth, I am returning section 162 to the Legislature with recommendations for amendment. My reasons for doing so, supporting legal authority, and the recommended amendment are set forth in a separate letter of even date which is hereby incorporated by reference and included with this message as Attachment B.

I hereby approve the remainder of this Act.

Respectfully submitted,

A handwritten signature in cursive script that reads "William F. Weld".

William F. Weld  
Governor

**Attachment A**  
**Fiscal Year 1996 Final Supplemental Budget Veto Explanations**

**Board of Real Estate Appraisers**

Section 8

We are vetoing this section because we think it is appropriate to have new membership on this Board.

**Advisory Commission on Travel and Tourism**

Section 14

We are vetoing this section because we see no reason to change the composition of the Commission set out in section 123 of the 1997 General Appropriations Act, which we signed.

**Retirement Technical Correction**

Section 19

Since the provisions of this section were enacted in a separate bill on July 24, 1996, this section is no longer necessary.

**Automobile Insurance Fraud Unit Assessments**

Section 68

This section amends a line item in the 1997 General Appropriations Act. We support the provisions of the current line item, and are therefore vetoing this amendment.

**Workers' Compensation Fraud Unit Assessments**

Section 69

This section amends a line item in the 1997 General Appropriations Act. We support the provisions of the current line item, and are therefore vetoing this amendment.

**FY97 Line Item Earmarking**

Section 113

We are vetoing this earmarking because it provides funds that we previously vetoed in the 1997 General Appropriations Act.

Attachment A  
FY96 Final Supplementary Budget  
Veto Message

**Cape Cod License Plates**

## Section 121

We are vetoing this section because the technical correction it contains is no longer necessary.

**Cape Cod License Plates**

## Section 122

We are vetoing this section because the technical correction it contains is no longer necessary.

**DEM-MDC Collaboration**

## Section 125

As we proposed in House 1A and in our related reorganization proposals, we support a unified approach to the management of the Commonwealth's parks. We think such consolidation would provide many opportunities for efficiencies, thus freeing resources for improved services. Section 583 of the 1997 General Appropriations Act provided a tentative step toward more effective park management by directing the Department of Environmental Management and the Metropolitan District Commission to cooperate in the management of five public recreation facilities. We do not support this proposal to eliminate one of the five facilities from this promising initiative.

**Medical Leave of Absence Policy**

## Section 128

We do not support this expansion of the medical leave of absence policy because it would increase Medicaid costs by \$2 million per year without appropriating the necessary funds. Moreover, we think we can provide this option administratively at no cost, and we will request that the relevant agencies work toward this goal.

**Legislative Study of Group Auto Discounts**

## Section 147

In view of the Legislature's over-ride of my veto of section 679 of the 1997 General Appropriations Act which requires a study of group auto discounts, there is no need for this section.

Attachment A  
FY96 Final Supplementary Budget  
Veto Message

**Prescription Drug Study**

Section 158

We are vetoing this section because it requires an unduly detailed study, which would use valuable resources of the Division of Medical Assistance, to pursue a goal that is incompatible with the agency's fiscal needs.

**Turnpike Administration**

Section 162

For the reasons set forth in a separate letter incorporated herein (see Attachment B), we are returning this section for amendment. As we have already demonstrated, we support the reduction of tolls on the Massachusetts Turnpike, but we do not support the attempt by the Legislature in this section to control the operations of the Authority.

## ATTACHMENT B

## THE COMMONWEALTH OF MASSACHUSETTS

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July 30, 1996

To the Honorable Senate and House of Representatives:

Pursuant to Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 162 of House Bill No 6233, "An Act Making Appropriations For The Fiscal Year Nineteen Hundred And Ninety-Six To Provide For Supplementing Certain Existing Appropriations And For Certain Other Activities And Projects."

Section 162 imposes unwarranted legislative control on the Massachusetts Turnpike Authority. It "directs" the Authority to institute a specified reduction in tolls, and "prohibits" the Authority from undertaking further reductions. This attempt by the Legislature to control the operations of the Turnpike Authority could have an adverse impact on the contractual relationship between the Authority and its bondholders. Also, if the proposed Metropolitan Highway System is adopted, toll receipts from the Massachusetts Turnpike Extension may be treated differently than receipts along the rest of the Turnpike. Section 162 might render this impossible.

For these reasons, I believe that Section 162 is problematic. At the same time, portions of Section 162 are unobjectionable. It is reasonable, for example, that the Legislature be provided with a report concerning the impact of toll reductions, although the report should not be a condition precedent for further reductions. In fact, it is my desire to reduce tolls as far and as fast as practicable, and it is my understanding that the Authority will be continually evaluating the viability of further toll reductions. I, therefore, recommend that Section 162 be amended by striking out all the text and inserting in place thereof the following text:

"SECTION 162. The Massachusetts turnpike authority shall file a report with the joint committee on transportation and the house and senate committees on ways and means not later than February fifteenth, nineteen hundred and ninety-seven that details the impact of the reduction in tolls implemented by the authority on July fifteenth, nineteen hundred and ninety-six, and any further toll reductions the authority may implement either prior to said February

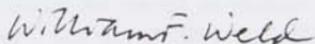
date or thereafter, on the finances of the authority, on the commonwealth's highway system, and on the future funding of highway capital projects in light of the report required by chapter one hundred and two of the acts of nineteen hundred and ninety-five, as amended. The report required herein shall further evaluate the impact on the bond rating of the authority and the commonwealth and on the fiduciary relationship between the authority and its bondholders. Said report shall also detail the impact on tourism and on any collective bargaining agreements that have been or will be entered into by said authority."

I believe I possess the legal authority to return Section 162 to the Legislature for amendment. The Massachusetts Supreme Judicial Court has expressed the view that such an outside section, unrelated to an appropriation, is a separate piece of legislation. In 1981, the Supreme Judicial Court, in deciding that the executive had the authority to veto outside sections without vetoing the entire appropriations act, noted as follows: "If the Governor did not have power coextensive with that of the General Court under art. 63, general legislation included in a general appropriation bill would be rendered substantially veto-proof. . . . Such an encroachment on the executive's prerogatives would be a violation of the concept of separation of powers expressed in art. 30 of the Declaration of Rights." Opinion of the Justices, 384 Mass. 820, 824 (1981). See also Opinion of the Justices, 411 Mass. 1201 (1991) (outside sections per se separable even if line items rendered ineffective).

Recently, in Sutton Corp. v. Metropolitan District Commission, SJC-07064 (July 16, 1996), the Supreme Judicial Court ruled that an outside section, unrelated to an appropriation, is not effective until ninety days after enactment of the appropriations act. The decision construed the outside section in the context of Article 48 of the Amendments to the Constitution which establishes that: "No law passed by the general court shall take effect earlier than ninety days after it has become a law." Art. 48, Pt. I (emphasis added). The Sutton case is consistent with the authority cited above in treating outside sections as laws distinct from the appropriations act. See also Op. Atty. Gen. No. 93/94-1 (outside sections separate laws for purposes of Art. 48).

These precedents affirm the legal principle that under our system, the executive's power over unrelated outside sections is commensurate with its power over separate bills. Accordingly, under Art. 56, I hereby return Section 162 to the originating branch of the Legislature with my recommendations for amendment.

Respectfully submitted,



William F. Weld  
Governor



The following is a list of the names of the persons who have been elected to the office of Justice of the Peace for the year 1918. The names are given in alphabetical order of their surnames. The names of the persons who have been elected to the office of Justice of the Peace for the year 1918 are: [illegible names]

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