

The Commonwealth of Massachusetts



D. J. KING
GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

August 6, 1981

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES:

Pursuant to Section 5 of Article LXIII of the Constitution of the Commonwealth, I have today disapproved five items in House No. 7072 entitled "AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-ONE TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND CERTAIN NEW ACTIVITIES AND PROJECTS."

I have disapproved Item 0332-4000 and Section 23A, both of which relate to the position of chief probation officer in the Somerville District Court. Section 23A is clearly patterned after an outside section in the Senate budget (S. 2222, Section 319). That Senate budget had proposed a consolidated District Courts account to be allocated by the Administrative Justice of the District Court Department with the approval of the Chief Administrative Justice of the Trial Court. The proposed section mandated an allocation from the District Courts Account for a particular position.

The fiscal 1982 budget (Chapter 351 of the Acts of 1981) did not adopt the consolidated District Courts account structure. The outside section mandate, which became moot because the Administrative Justice of the District Court Department makes no line item allocations under the adopted budget format, was accordingly dropped. Section 23A is similarly moot: it requires the Administrative Justice to make a particular allocation when, in fact, that officer has no authority to make allocations.

Item 0332-4000 provides an additional appropriation of \$28,000 to be used by the Somerville District Court in fiscal 1982. It should be noted that the number of permanent positions for that Court has already been increased from 59 positions in fiscal 1981 to 60 positions in fiscal 1982. Like every other government entity, the Somerville District Court must accomplish its objectives with the same limited resources available in an era of fiscal restraint. That Court must operate within its fiscal 1982 appropriation of \$1,039,600.

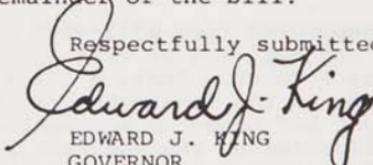
In disapproving Item 0332-4000 and Section 23A, we neither require nor preclude the appointment of a chief probation officer in the Somerville District Court. Rather, we preserve the managerial discretion of that court to operate as it deems necessary -- within its appropriation. We do not believe that a deficiency appropriation bill should be used in an attempt to interfere with the management of the courts by directing the inclusion or exclusion of particular positions.

I have disapproved Item 7400-0010 and Section 14, both of which relate to the "office and position" of President of the University of Massachusetts. In my opinion, a deficiency appropriation bill should not be used to abolish a position specifically provided for by statute. If indeed the campuses of the University should not be administered by a single President, that decision should be made after careful study and recommendation by the Board of Regents.

I have, also, disapproved Item 8400-0001, which would provide that no branch office of the Registry of Motor Vehicles could be closed without the approval of the House and Senate Committees on Ways and Means. Whether or not particular branch offices of the Registry should continue to be operated is a question which must be decided by whether or not sufficient funds have been appropriated and by whether or not there is sufficient business at the office to justify maintaining the office. There is certainly no reason for the Committees on Ways and Means to become involved in what is basically a management decision.

I have approved the remainder of the bill.

Respectfully submitted,


EDWARD J. KING
GOVERNOR