

be counted and contains apparently inadvertent language that would result in double-counting and therefore potentially absurd results."

He states, nevertheless, that the legislative intent underpinning the formula is clear, and that with adequate insight into this intent, the formula can be made to work.

A review of the legislative history of this legislation, however, calls into question the certainty of the operation of this formula. After receiving an advice of counsel letter on March 13, 1986, that the original bill was unconstitutional, the bill was completely rewritten in the Senate Budget and Taxation Committee. In reporting the bill to the Senate, the Committee floor report on March 24, 1986, estimated that the bill would "increase State expenditures for community placements by \$3 to \$5 million per year".

Following Senate passage, a revised fiscal note by the Department of Fiscal Services dated March 26, 1986, estimated the increased expenditures resulting from the bill at \$4,526,000. The House Ways and Means Committee passed the bill and in its floor report to the House on April 2, 1986, again estimated the impact of the bill at "\$3 to \$5 million per year". After the close of the legislative session, the Department of Fiscal Services issued a re-revised fiscal note on May 15, 1986, estimating that the bill would require expenditures of \$4,271,000. Finally, I was advised by the Secretary of Budget and Fiscal Planning, in a veto request, that a literal reading of the formula in the bill would obligate me to budget \$1.3 billion in Fiscal Year 1988 for community services for the adolescent mentally ill. A copy of Secretary Stettler's letter to me, dated May 6, 1986, is attached to this veto message.

I fully support the bill's underlying policy goal of increased State funding for community services for the adolescent mentally ill. However, I cannot sign legislation that will expose the State to potential litigation risks regarding the proper methodology of implementing an unclear formula. Throughout my tenure as Governor, I have opposed the enactment of mandatory appropriations bills which have the effect of subverting the normal deliberative budgetary process. Senate Bill 1061 demonstrates the dangers inherent in that approach.

Since Senate Bill 1061 would have been effective only for one year, the same result can be achieved by administrative action. Although I cannot sign this legislation, I will honor the intent of its sponsors by directing the Secretary of Budget and Fiscal Planning to administratively implement this formula in preparing the State budget for Fiscal Year 1988. \$3.2 million in funds which this legislation would have directed to be placed in the budget will be allowed in setting the Maximum Agency Request Ceiling (MARC) next month for community services for the adolescent mentally ill. These funds will be in addition to the non-Medicaid monies provided for these services in Fiscal Year 1987. Upward adjustments to the MARC will be made this fall if