The Commonwealth of Massachusetts

SO MUCH OF THE MESSAGE

FROM

HIS EXCELLENCY THE GOVERNOR

RETURNING THE GENERAL APPROPRIATION BILL

FOR FISCAL YEAR 2023

(SEE HOUSE, NO. 5050)

AS RELATES TO ATTACHMENTS A THROUGH Z,

FOR ITEMS RETURNED WITH REDUCTIONS

OR DISAPPROVALS OF WORDING

UNDER THE PROVISIONS OF

SECTION 5 OF ARTICLE LXIII

AND SECTIONS RETURNED WITH

RECOMMENDATIONS OF AMENDMENTS

UNDER THE PROVISIONS OF ARTICLE LVI

OF THE AMENDMENTS TO THE CONSTITUTION.

July 28, 2022.
To the Honorable Senate and House of Representatives,

Pursuant to Section 5 of Article 63 of the Amendments to the Constitution, we are today signing House Bill 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements,” and returning certain portions to you for reconsideration.

The Fiscal Year 2023 (FY23) budget, the eighth of this Administration, leverages the Commonwealth’s strong fiscal position to invest in critical areas of need across the state and promote economic growth and access to opportunity for all residents. It continues to protect core services for the most vulnerable and supports tax reforms that will provide relief to low-income residents and seniors, while once again fully funding the implementation of the Student Opportunity Act and sustaining strong support for the Commonwealth’s cities and towns.

Recognizing the strength of recent tax collections, which have repeatedly exceeded forecasts in the past two years, the FY23 budget incorporates a base tax revenue reforecast worth $2.66 billion, of which approximately $1.9 billion remains on budget after statutory transfers and supports spending beyond my budget recommendation filed in January.

The enacted FY23 budget is structurally balanced in that appropriated spending is in line with projected revenues; however, we must remain alert to the risk of a slowdown in revenue growth within the next few years due to external economic factors, including the possibility of a recession, and the phasing out of federal funding that has propped up consumer and business
spending – and therefore tax revenue – in recent years. I continue to urge caution against recurrent base-building spending that could become unsustainable in the case of a future economic downturn and difficult to scale back.

With this in mind, I acknowledge that a large portion of spending afforded by the FY23 revenue upgrade is dedicated to explicitly one-time expenses. The FY23 budget includes over $1 billion in one-time transfers to reserves supporting a variety of purposes, including for transportation safety and workforce, early education and care, implementation of the Student Opportunity Act, and for supplemental transfers to the pension and retiree benefits funds, in addition to one-time spending for pandemic recovery and stabilization initiatives, pilot programs, and earmarks.

Further, the budget as enacted anticipates a nearly $1.5 billion transfer into the Stabilization Fund in FY23, a function of the statutory mechanism designed to buffer the budget from market fluctuations. This deposit would bring the total balance of the Fund to approximately $8.4 billion, an increase of $7.3 billion since the beginning of the Baker-Polito Administration. This is a significant achievement resulting from our collective fiscal discipline over the last eight years and a further budget safeguard in the event of future economic decline.

Therefore, I am approving nearly all spending in the FY23 budget, including approximately $130 million in earmarked funding, as these resources support one-time local projects in legislative districts throughout Massachusetts. I am limiting vetoes to problematic line items.

After vetoes, the $52.7 billion spending plan I sign today represents an approximately 9.3% growth rate over FY22, excluding certain trust fund transfers, pensions, and interfund transfers.

FY23 Budget Highlights:

Education and Local Aid

• Fully funds the Student Opportunity Act, adding a total of $651.8 million in new spending above FY22, including a $494.9 million increase in Chapter 70 funding, for a total Chapter 70 investment of $5.998 billion

• $1.231 billion in Unrestricted General Government Aid (UGGA) for local cities and towns

• $250 million to support continued stabilization of childcare facilities and $60 million for center-based childcare provider rate increases

• A one-time $175 million transfer to a new trust fund dedicated to supporting high-quality early education and care
• More than $190 million to support higher education financial aid
• $110 million for a pilot free school meal program for students in K-12 schools

Housing and Homelessness
• $219.4 million for the Emergency Assistance family shelter system
• $154.3 million for Massachusetts Rental Voucher Program to support more than 10,000 vouchers in FY23
• $150 million for Residential Assistance for Families in Transition (RAFT), an increase of $128 million above FY22
• $110 million for Homeless Individual Shelters and $5 million to continue an innovative model to create new housing opportunities with wraparound services for chronically homeless individuals
• $92 million in funding for Local Housing Authorities
• $59.4 million for HomeBASE Household Assistance

Economic Development
• $32.2 million for the Small Business Technical Assistance Grant Program for entrepreneurs and small businesses, especially those owned by women, immigrants, veterans, and people of color
• $28.5 million for the YouthWorks Summer Jobs Program to subsidize summer job opportunities and provide soft job skills education for youths
• $23.9 million in total funding for Career Technical Institutes, which provide pathways to high-demand vocational trade careers, including plumbing, HVAC, manufacturing, and robotics
• $20 million for the Community Empowerment and Reinvestment Grant program to support development in socially and economically disadvantaged communities
• $15 million for MassHire one-stop career centers
• $10.7 million to support the Massachusetts tourism and hospitality sector

Health and Human Services
• $230 million for Chapter 257 human service provider funding
• $115 million to expand outpatient and urgent behavioral health services, plus an additional $20 million for clinical behavioral health worker loan forgiveness

• $73.2 million to expand the Medicare Savings Program, reducing out-of-pocket health care spending and drug costs for approximately 65,000 low-income older adults and disabled individuals

• $720.4 million for the Executive Office of Elder Affairs, including $24.9 million for grants to Local Councils on Aging, $7.9 million for supportive senior housing, and $2.5 million for geriatric mental health services

• Fully funds the Turning 22 program at the Department of Development Services and other agencies

• $1.2 billion for the Department of Children and Families (DCF), an increase of $368.7 million (45%) since 2015

• $174.2 million for Veterans’ Services and the Chelsea and Holyoke Soldiers’ Homes, which includes a $13.2 million (37%) increase above FY22 for the Chelsea Soldiers’ Home to support the Fall 2022 opening of a new 154-bed state-of-the-art Community Living Center

• $15 million in grants to local health departments to support municipalities' capacity to respond to the COVID-19 pandemic

Substance Addiction Prevention and Treatment

• $597.2 million for substance addiction prevention and treatment services across the budget, an increase of $478 million since FY15

Sexual Assault and Domestic Violence

• $132 million, a 104% increase since FY15, in support of services to prevent and treat victims of sexual assault and domestic violence, including $1.5 million in new investments to combat human trafficking

Promoting Equality and Opportunity

• More than $50 million supporting the recommendations of the Black Advisory Commission (BAC) and the Latino Advisory Commission (LAC)

Transportation

• $1.55 billion in total budget transfers for the MBTA

• $457 million for the Massachusetts Department of Transportation (MassDOT)
• $266 million to support MBTA safety improvements and workforce initiatives
• $96.5 million for Regional Transit Authorities

Energy and the Environment
• $134 million for the Department of Conservation and Recreation, including funding for the Summer Nights program and the Swim Safe Massachusetts program to enhance and promote water safety
• $45.4 million for Environmental Protection Administration
• $30.6 million for the Massachusetts Emergency Food Assistance Program

Criminal Justice and Public Safety
• $445.1 million for the State police public safety and crime lab operations, including funding to support the 87th and 88th Massachusetts State Police Recruit Training Troops
• Eliminates all parole and probation fees, building upon the 2018 Criminal Justice Reform legislation which eliminated fees for parolees on supervision for less than a year

We appreciate the work of the Legislature in delivering the FY23 conference report, including reasonable funding levels for accounts that have historically required supplemental appropriations.

We are vetoing $475,000 in line item spending. Of the 194 outside sections presented in the conference report, we are signing 153 and returning 41 for amendment.

Therefore:

• We are reducing appropriation amounts in items of section 2 of House 5050 that are enumerated in Attachment A of this message, by the amount and for the reasons set forth in that attachment;
• We are disapproving, or striking wording in, items of section 2 of House 5050 also set forth in Attachment A, for the reasons set forth in that attachment;
• Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth, we are returning sections 4, 5, 6, 13, 15, 26, 28, 37, 49, 50, 51, 71, 72, 73, 75, 76, 80, 101, 109, 117, 118, 132, 133, 134, 137, 139, 143, 148, 169, 171, 174, 175, 176, 177, 184 188, 191, 192, 193, 195, 196 with recommendations for amendment. Our reasons for doing so and the recommended amendments are set forth in
separate letters that are dated today and included with this message as Attachments B to Z, inclusive.

Respectfully Submitted,

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor
## FY23 Budget

### Veto Items: Line Item Accounts

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July 28, 2022

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 4 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and -Serial Bond Requirements and for Certain Permanent Improvements.”

Section 4 proposes to require the clerks of the Senate and the House of Representatives to make reports required to be submitted to the Legislature available on the General Court’s website and to maintain a searchable online archive of such reports. It would also require state agencies including special commissions established by the Legislature to maintain copies of the reports they submit to the Legislature available online in a searchable format. While it makes sense for the Legislature to be the central repository of reports that they have statutorily required, requiring state agencies and legislatively-created special commissions (which may not have their own websites outside of the General Court’s) to maintain a duplicate set of many of the same materials is an additional burden of minimal utility. As a result, I recommend this section be amended to maintain the requirement that the reports be available on the General Court’s website and strike the duplicative requirement that state agencies and special commissions post their own reports online.
For the reasons stated above, I recommend that section 4 be amended by striking out, in the first sentence of subsection (b) the words “make any such report available online in searchable format and shall”.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 5 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 5 requires the Executive Office of Health and Human Services and the Executive Office of Housing and Economic Development, in coordination with the Executive Office of Education, MassHealth, the Department of Transitional Assistance, the Department of Early Education and Care, and the Department of Housing and Community Development, to develop and implement a secure common application portal for individuals to apply for state-administered needs-based benefits and services. This common portal would enable individuals to apply for multiple services simultaneously, including MassHealth coverage, veterans’ benefits, the supplemental nutrition assistance program, childcare subsidies, housing subsidies, fuel assistance, and other needs-based health care, nutrition, and shelter benefits.

I strongly support the general purpose of this section, as it aligns with an important initiative that is currently underway in this administration. The agencies and secretariats included in the proposed section are currently engaged in collaborative efforts to establish a common application mechanism nearly identical to the portal envisioned by this section. Veterans’ benefits, however, cannot be included among the services accessed through such a
common portal, as they are not administered by any state agency – but instead by local veterans’ agencies. Applications for veterans’ benefits must be submitted to localities, and those localities are responsible for disbursing the benefits. Therefore, I am recommending that the requirement to include veterans’ benefits among the services that individuals may apply for through the common portal be struck from the section. In all other respects, I support the proposed section without hesitation.

For this reason, I recommend that Section 5 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 5. Chapter 6A of the General Laws is hereby amended by inserting after section 18Z the following section:-

Section 18AA. Notwithstanding any general or special law to the contrary, the executive office of health and human services and the executive office of housing and economic development, in coordination with the division of medical assistance, the department of transitional assistance, the department of early education and care, the executive office of education and the department of housing and community development, shall develop and implement a secure common application portal for individuals to simultaneously apply for state-administered needs-based benefits and services. The common application shall allow individuals the option to apply simultaneously for MassHealth coverage, the supplemental nutrition assistance program, income supports under chapters 117A and 118, childcare subsidies, housing subsidies, fuel assistance and other needs-based health care, nutrition and shelter benefits. The common application shall, with the consent of the applicant, allow the state agencies responsible for determining eligibility for the benefits requested to share relevant eligibility information and supporting documentation submitted by the applicant as needed to determine eligibility for other benefits.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 6, 176, and 184 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

These sections would establish parameters for the collection, tabulation, and public reporting of demographic data related to race or ethnicity by state agencies, effective January 1, 2024. State agencies would be required to collect data on specific racial and ethnic groups tied to U.S. Census Bureau categorization. These sections would also require that individuals have the option to choose more than one ethnic group, write in their own, or choose aggregate categories and would require agencies to make public anonymized demographic data in compliance with state or federal law. These sections would also direct the Executive Office for Administration and Finance (A&F) to establish regulations and guidelines on the collection of demographic data under this law by January 1, 2023. Subsequently, A&F would be required to file an annual report on the progress of agency data collection efforts and conduct at least one public hearing annually.

The collection of racial and ethnic data in an accurate, coordinated, and confidential manner is vital to identifying and reducing racial and ethnic disparities and ensuring that all residents of the Commonwealth can equitably benefit from the robust services and supports our government agencies provide. I therefore support the coordinated collection of racial and ethnic
demographic data and agree that individuals should retain the control and flexibility to designate the racial and ethnic identity with which they identify. I also support the continued protection of personal information collected by state agencies.

However, the scope and timeline of these sections must be adjusted. The data collection requirements set forth in this proposal will in some instances conflict with existing and planned data standards in use and under development by numerous state agencies. Moreover, tying all Commonwealth agency demographic data collection to U.S. Census Bureau categorizations creates unnecessary and duplicative data collection efforts, for which the Commonwealth will incur substantial expense. Additionally, requiring the Secretary of Administration and Finance to promulgate regulations and create standardized forms and formats for data collection, reporting, and written disclosures will prove unworkable due to the variety of programs and services Commonwealth agencies provide. Further, where many Commonwealth programs are administered in partnership with the federal government or must be administered in compliance with federal rules and standards, our data collection standards must comport with those various federal frameworks. Finally, the timeframe for implementation of the requirements is not realistic in light of the myriad and complex technology systems that would require configuration work to execute these requirements.

For these reasons, I recommend that Section 6 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 6. Said chapter 6A of the General Laws is hereby further amended by adding the following section:-

Section 105. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Government agency”, any state agency, quasi-state agency, subdivision of a state agency, or board, commission or any other entity created by the commonwealth.

“Personal identifying information”, information: (i) that directly identifies an individual, including name, address, social security number or other identifying number or code; (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, which shall include indirect identification which can compile an identity, such as a combination of gender, race, birth date, geographic indicator and other descriptors; or (iii) that permits the physical or online contacting of a specific individual.

(b) Every government agency that collects demographic data as to the race or ethnicity of residents of the commonwealth shall, to the extent feasible, use separate collection and tabulations for the following:

(i) each major Asian group, as reported by the United States Census Bureau, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Laotian,
Cambodian, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Nepalese, Burmese, Tibetan and Thai;

(ii) each major Pacific Islander group, as reported by the United States Census Bureau, including, but not limited to, Native Hawaiian, Guamanian, Samoan, Fijian and Tongan;

(iii) each other Asian or Pacific Islander group;

(iv) each major Black or African American group, as reported by the United States Census Bureau, including, but not limited to, African American, Jamaican, Haitian, Nigerian, Ethiopian, Cape Verdean and Somali;

(v) each major Latino group, as reported by the United States Census Bureau, including, but not limited to, Mexican, Puerto Rican, Cuban, Salvadoran, Dominican and Colombian; and

(vi) each major white or Caucasian group, as reported by the United States Census Bureau, including, but not limited to, German, Irish, English, Italian, Polish, Portuguese and French.

(c) Each government agency shall, to the extent feasible, allow individuals to choose more than 1 group, write in their own group or choose the aggregate category.

(d) Except for personal identifying information, which shall be deemed confidential, each government agency shall make the data available to the public in accordance with state and federal law. This information may be maintained in either paper, electronic or other media form. To prevent identification of individuals, the information may be aggregated into data categories at a state, county, city, census tract or ZIP code level to facilitate comparisons, identify disparities and to be included in studies and reports. This subsection shall not be construed to prevent any other government agency from posting data collected on the agency’s website, in a manner prescribed in this section.

(e)(1) The secretary of administration and finance shall issue guidelines on the collection of demographic data, which shall include, but not be limited to: (i) forms for information collection; (ii) expanding the categories of race or ethnicity; (iii) formats for agencies to make data publicly available and to update said data on an annual basis; (iv) methods to ensure no personal identifying information is publicly released; (v) forms for written disclosure to the individual filling the form out that information collection is voluntary; (vi) procedures to ensure that nonparticipation in information collection shall have no impact on an individual’s eligibility for state services; and (vii) annual cost impact and review of the successfulness of collecting information.

(2) Annually, not later than August 1, the secretary of administration and finance shall file a report on the progress of data collection with the clerks of the house of representatives and senate and the joint committee on state administration and regulatory oversight.
(f) All data collected by government agencies shall be subject to both state and federal privacy laws, including, but not limited to, Title 13 of the United States Code and section 2 of chapter 93H.

And I further recommend that Section 176 be amended by striking out the section in its entirety.

And I further recommend that Section 184 be amended by striking out the section in its entirety and inserting in place thereof the following section:-

SECTION 184. Section 6 shall take effect on January 1, 2025.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 13 and 175 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 13 establishes a new requirement for quarry operators producing concrete aggregate for use in foundations, structural elements or infrastructure to obtain each year a license from the commissioner of environmental protection, in consultation with the state geologist. Section 175 provides an effective date for this new requirement. The use of concrete aggregate containing pyrite and pyrrhotite in foundations and other structures is a serious problem, as it can compromise the strength and lifespan of buildings and infrastructure and result in substantial financial harm to innocent homeowners, municipalities, and the state.

I agree that the Commonwealth must address the problem of unsuitable concrete aggregates. However, the approach suggested in these sections as drafted is unnecessarily cumbersome and the problem can be addressed without creation of a new licensing program. Moreover, while the Department of Environmental Protection regulates certain aspects of mine activities, such as impacts on wetlands, the Department does not regulate any mine products, does not have staff trained to conduct the assessments called for in the bill, and does not have any institutional experience in conducting an effective licensing program based on geological analysis. Accordingly, the Department of Environmental Protection is ill-suited to the
assessment of concrete aggregate, and the annual licensure requirement would create a burden on
the department, requiring the department to hire new staff with appropriate expertise and to
manage a new regulatory program.

We can more effectively protect consumers and other users of concrete aggregates by
building on the strong foundation of consumer protection law. This approach has two elements.
First, it provides that a quarry selling concrete aggregate for use in structures is engaged in a
deceptive trade practice unless it conducts and makes publicly available the required geological
analysis. Second, it gives purchasers – and, crucially, the owners of structures built with
concrete aggregate – a 20-year cause of action against quarries that fail to meet their obligations.

Together, these elements provide a strong financial incentive for quarries to police
themselves by conducting the geological analyses, and they provide innocent homeowners an
opportunity to recover when they discover that their homes were built with inappropriate
materials – even if that fact is not readily detectable until years after initial construction.

Finally, unlike a licensing requirement that would apply only to Massachusetts quarry
operators, updating our consumer protection laws would apply to any quarry operator seeking to
sell concrete aggregate into the Commonwealth. Many Massachusetts homeowners are suffering
because of concrete aggregate containing pyrite or pyrrhotite that originated in an out-of-state
quarry.

I agree with the Legislature that quarries will require time to ensure that they obtain the
required analyses and can post them appropriately. To provide this time, these provisions, like
the proposed licensing regime, should not take effect until January 1, 2023.

For these reasons, I recommend that the bill be amended by striking Section 13 and
inserting in place thereof the following 2 sections:-

SECTION 13. Chapter 93A of the General Laws is hereby amended by adding the
following section:-

Section 12. (a) For purposes of this chapter, it shall be deemed to be an unfair and
deceptive act or practice in the conduct of trade and commerce to mine, expand, excavate or
otherwise operate a quarry for the purpose of producing concrete aggregate for sale or use in the
commonwealth in foundations, structural elements or infrastructure such as roadways and
bridges without: (1) preparing and publishing online a geological source report that shall include,
but not be limited to: (i) a description of the characteristics of the aggregate to be excavated at
the subject quarry; (ii) a description of the products to be produced by such quarry; (iii) a copy of
the results of an inspection of face material and geologic log analysis conducted by a certified
geologist not more than 60 days from the date of the report; and (iv) petrographic analyses by a
certified geologist of grab or core samples representative of the material being mined; and (2)
conducting aggregate testing to identify the presence of pyrite or pyrrhotite including, but not be
limited to, a total sulfur test to measure total sulfur content in a representative sample and
posting the results of such testing online. Aggregate testing shall be performed by an accredited
laboratory in accordance with applicable standards and shall be conducted at least every 4 years.
(b) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Aggregate”, granular materials such as gravel, sand and crushed rock that are combined for a particular purpose.

“Certified geologist”, a professional geologist certified by the American Institute of Professional Geologists.

“Concrete aggregate”, natural sand, natural gravel or crushed aggregate products produced from ledge rock.

(c) Any person who purchases or uses concrete aggregate from a quarry subject to subsection (a), or who is an owner of real property or improvements incorporating a foundation, structural element, or infrastructure built using concrete aggregate from a quarry subject to subsection (a), shall have a cause of action against the quarry for a violation of this section.

SECTION 13A. Section 1 of chapter 260 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:- Sixth, Actions under section 12 of chapter 93A.

And further recommend that the bill be amended by striking out Section 175 and inserting in place thereof the following section:-

SECTION 175. Sections 13 and 13A shall take effect on January 1, 2023.

Respectfully submitted,

Charles D. Baker
Governor
July 28, 2022

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 15 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 15 expands project eligibility under the Utility Vendor (UV) program to include projects defined as “climate resilience and decarbonization activities.” The UV program utilizes procurement authorizations established by the Green Communities Act of 2008. As the fastest path to emissions reductions in small Commonwealth owned facilities, the UV program is an essential tool to achieve net zero greenhouse gas emissions by 2050. Administered through the Division of Capital Asset Management and Maintenance (DCAMM), the UV program allows DCAMM to directly contract for energy conservation projects that have a total project cost of $100,000 or less. The program plays a significant role in achieving energy and water conservation at public sites including mental health facilities and state parks.

The Legislature’s inclusion of language that expands the project eligibility under the UV program is a major step forward toward achieving the Commonwealth’s net zero goal. However, without also increasing the UV program project threshold, the expansion of project eligibility will not have the desired effect. Since the $100,000 threshold was established, the cost to
execute projects and achieve associated energy savings has increased substantially yet the statutory threshold for these projects has not been increased to meet market conditions. The result has been the consistent reduction of project scopes to ensure projects stay under $100,000, preventing DCAMM from delivering projects that address all cost-effective energy conservation needs. Raising the threshold from $100,000 to $300,000 would address this constant issue and enable the Commonwealth to realize increased energy, water, and carbon savings on projects administered through the UV Program.

For these reasons, I recommend that the bill be amended by striking out section 15 and inserting in place thereof the following section:-

SECTION 15. Section 14 of chapter 25A of the General Laws, as appearing in the 2020 Official Edition is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) A state agency, building authority, local governmental body or the judiciary may contract for energy conservation projects that have a total project cost of $300,000 or less, directly and without further solicitation, with electric and gas utilities, their subcontractors and other providers of such energy conservation projects authorized under sections 19 and 21 of chapter 25 and section 11G. For the purposes of this section, “energy conservation projects” shall mean projects to promote energy conservation including, but not limited to: energy conserving modification to windows and doors; caulking and weatherstripping; insulation; automatic energy control systems; hot water systems; equipment required to operate variable steam, hydraulic and ventilating systems; plant and distribution system modifications; devices for modifying fuel openings; electrical or mechanical furnace ignition systems; utility plant system conversions; replacement or modification of lighting fixtures; energy recovery systems; on-site electrical generation equipment using new renewable energy generating sources as defined in section 11F; decarbonization activities; and cogeneration systems.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 26, 71, 72, 177, 188 and 191 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

These sections require the DOC and Sheriffs to provide voice communication services at no cost to inmates placing outgoing calls from their facilities or to any parties receiving the calls. The sections also prohibit all state and county correctional facilities from charging more than 3% over the facility’s purchase price for commissary items. They further require commissary offerings to include gender-affirming items and culturally appropriate items for all communities in custody.

The very same week in which the Legislature enacted these provisions into law, the Legislature ignored the voices of crime victims and sent the dangerousness bill I filed earlier this session, H.4290, to study. That order is effectively a complete rejection of the bill. Then, the House and Senate Chairs of the Judiciary Committee dismissed as a political stunt the courage of these brave victims in appearing in person at the State House to share their stories. Providing free phone calls, a benefit our state government provides to no one else, to inmates while dismissing the pleas of victims of crime is contrary to the traditions of, and frankly beneath the dignity of, the Massachusetts Legislature.
The amendments I propose below would insert the most important provisions from the
dangerousness bill into the General Appropriations Act. We have heard reports that the
Legislature may be interested in passing a compromise bill and have tailored this proposal to
focus on the most pressing provisions of this bill. These key provisions follow the spirit of my
original bill by providing stronger protections to those who have been victimized by violence and
abuse. They would also cure several significant drafting problems in the enacted sections
providing free phone calls to inmates.

Throughout my Administration, I have partnered with the Legislature in re-imagining the
Commonwealth’s approach to criminal justice. The criminal justice reform bills that were
enacted in 2018, Chapters 69 and 72 of the Acts of 2018, and the police certification and
standards bill which created the Peace Officer Standards and Training Commission, Chapter 253
of the Acts of 2020, are the most recent examples of that impulse to reform. In this very budget, I
am proud that the Legislature enacted the sections we proposed in our House 2 budget to
eliminate the imposition of supervision fees on parolees and probationers. I am hopeful,
therefore, that on further consideration the Legislature will adopt the key provisions from my
earlier filed dangerousness bill I am proposing below and not simply return to me the enacted
sections providing free phone calls to prisoners.

Accordingly, I hereby recommend that the bill be amended by striking out Section 26 and
inserting in place thereof the following section:-

SECTION 26. Section 2ZZZZZZ of said chapter 29 is hereby repealed.

And further amend the bill by striking out Sections 71 and 72 and inserting in place
thereof the following 2 sections:-

SECTION 71. Said chapter 127 is hereby further amended by inserting after section 87
the following section:-

Section 87A. (a) For the purposes of this section, the terms “state correctional facilities”,
“state prison” and “county correctional facility” shall have the same meanings as in section 1 of
chapter 125.

(b) The department of correction and sheriffs shall provide persons committed to state
correctional facilities, state prisons and county correctional facilities, including jails and houses
of correction, with voice communication services, including phone calls, free of charge to the
person initiating and the person receiving the communication; provided, however, that voice
communication services shall be maximized to the extent operationally feasible and nothing in
this section shall further limit or restrict access to voice communication services as the services
were offered and available at such facilities on July 1, 2022; and provided further, that nothing in
this section shall prohibit in-person contact visits.

(c) The department of correction and sheriffs may supplement voice communication
services with other communication services, including, but not limited to, video and electronic
communication services; provided, however, that other communication services shall not replace
voice communication services; and provided further, that other communication services shall be provided free of charge to the person initiating and the person receiving the communication.

SECTION 72. Said chapter 127 is hereby further amended by adding the following section:—

Section 170. (a) For the purposes of this section, the terms “county correctional facility”, “state correctional facility” and “state prison” shall have the same meanings as in section 1 of chapter 125.

(b) State correctional facilities, state prisons, and county correctional facilities shall not charge more than 3 per cent over the contracted-for cost for commissary items; provided, however, that entities contracting with such facilities may charge for commissary items at their contracted rate. The department of correction and county sheriffs shall maximize discounts procured from bulk purchasing of commissary items or other contracting opportunities that reduce the cost of such items and shall not receive commissions, revenue or other financial incentives in any contract with a seller, supplier or vendor of commissary items. Commissary items offered shall include gender affirming items, consistent with section 32A, and culturally appropriate items for all communities in custody.

And further amend the bill by inserting after section 103 the following 5 sections:

SECTION 103A. Chapter 268 of the General Laws, as so appearing, is hereby amended by inserting after section 13E the following section:—

Section 13F. Whoever unlawfully removes, destroys, damages, or interferes with the proper functioning of a geolocation monitoring device, breath-testing instrument, or other mechanism intended to facilitate recognizance or compliance with conditions of pretrial release, probation or parole, shall be punished by imprisonment in the state prison for not more than 10 years or imprisonment in a house of correction for not more than 2 and ½ years. In any proceeding under section 57, 58, 58A, or 58B of chapter 276, the fact of a person’s prior conviction pursuant to this section shall be prima facie evidence that there is no financial condition or other condition of release that will reasonably assure the presence of the person so convicted.

SECTION 103B. Section 58A of said chapter 276, as so appearing, is hereby amended by striking subsection (1) and inserting in place thereof the following subsection:— (1) The commonwealth may move, based on dangerousness, for an order of pretrial detention or release on conditions when a person has been charged with any of the following offenses:

(A) a felony that has as an element of the offense the use, attempted use or threatened use of physical force against the person of another;

(B) the offenses of burglary or arson;

(C) a violation of an order pursuant to section 18, 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 3B, 3C, 4 or 5 of chapter 209A or section 15 or 20 of chapter 209C;

(D) a misdemeanor or felony involving abuse as defined in section 1 of chapter 209A;
(E) a sex offense involving a child as defined in section 178C of chapter 6;

(F) a violation of section 13B of chapter 268;

(G) a violation of section 13, 13 ½, 13B, 13B ½, 13 B ¾, 13F, 13M, 15D, 18B, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 25, 26B, 26C, 37, 43A, 50 or 51 of chapter 265 or a violation of section 13D of said chapter 265 in which the public employee is a police officer;

(H) a violation of section 4A, 4B, 16, 29A, 29B, 29C, 77, 94 or 105 of chapter 272;

(I) a violation of section 24G of chapter 90 which occurs under the influence of alcohol or drugs, or a violation of section 8B of chapter 90B; or a third or subsequent violation of section 24 of chapter 90 or section 8 of chapter 90B;

(J) an offense under chapter 94C for which the maximum term of imprisonment is more than 10 years;

(K) any violation of sections 102 or 102A, or a malicious violation of section 127 of chapter 266;

(L) a violation of section 131N of chapter 140 or subsection (a), (b), (c), (d), (h), (j) or (m) of section 10 or section 11C of chapter 269;

(M) a violation of section 10A, 10E, or 10G of chapter 269;

(N) threats to kill, rape, or cause serious bodily injury; or

(O) conspiracy or solicitation to commit any of the above enumerated offenses.

SECTION 103C. Said section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 102 to 108, the second sentence of subsection (3) and inserting in place thereof the following two sentences:- A person detained under this subsection shall be detained until the disposition of the case; provided that the person shall be entitled to a speedy trial and shall be brought to trial as soon as reasonably possible and in any case within the time limit mandated pursuant to Massachusetts Rules of Criminal Procedure Rule 36 (b); and further provided that the person’s case shall be given priority over other cases, as required by Massachusetts Rules of Criminal Procedure Rule 36(a)(1). Nothing in this section shall be construed as modifying or limiting the requirements and provisions of Massachusetts Rules of Criminal Procedure Rule 36.

SECTION 103D. Said section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 113 to 124, the first four sentences of subsection (4) and inserting in place thereof the following five sentences:-
(4) When a person is charged with an offense listed in subsection (1) and upon a motion by the commonwealth, the judge shall hold a hearing to determine whether conditions of release will reasonably assure the safety of any other person or the community.

If the commonwealth moves for a hearing at the time of arraignment, the hearing shall be held immediately upon the person's first appearance before the court unless that person, or the attorney for the commonwealth, seeks a continuance. Except for good cause, a continuance on motion of the person may not exceed seven days, and a continuance on motion of the attorney for the commonwealth may not exceed three business days. During a continuance, the individual shall be detained upon a showing that there existed probable cause to arrest the person.

If the attorney for the commonwealth files a motion seeking to detain the person under this section at any time after the time of arraignment or the person’s first appearance before the court, the court shall order that the hearing shall occur as soon as possible and within the time periods and as otherwise set forth in this section.

SECTION 103E. Said chapter 276 is hereby further amended by inserting after section 58B the following section:-

Section 58C. No person who has attained the age of 18 years and who has been charged with any act that would constitute abuse, as defined in section 1 of chapter 209A, or a violation of sections 13M or 15D of chapter 265, or any offense enumerated in subsection 1 of section 58A that involves an identified victim shall be admitted to bail before the alleged victim is notified of the person’s imminent release; provided, however, that the person charged shall not be held more than 6 hours in order to permit prior notice to the alleged victim.

When a person so charged is to be released from the custody of a police department, such notice shall be provided by the police department. When a person so charged is to be released from a courthouse, such notice shall be provided by the commonwealth. When a person so charged is to be released from a jail or correctional facility, such notice shall be provided by the superintendent or superintendent’s designee. The person or agency responsible for providing notice shall undertake to provide notice promptly.

And further amend the bill by striking out Section 177 and inserting in place thereof the following section:-

SECTION 177. (a) Notwithstanding any general or special law to the contrary, no voice communication services contract in force on the effective date of this act shall be affected by section 71; provided, that voice communication services shall be free of charge to the person initiating and the person receiving the communication on or after January 1, 2023; provided further, that other communication services offered pursuant to said section 71, including, but not limited to, video and electronic communication services shall be offered free of charge to the person initiating and the person receiving the communication on or after January 1, 2023.

(b) Notwithstanding any general or special law to the contrary, upon the expiration of any contract for voice communication services the department of corrections and the sheriffs shall seek to maximize purchasing power and consolidate contracts to the extent feasible; provided,
that not later than July 1, 2023, the department of correction and the sheriffs shall report to the
house and senate committees on ways and means and the joint committee on the judiciary on the
status of any communication services contracts and plans to consolidate contracts to maximize
purchasing power for voice communication services.

(c) Notwithstanding any general or special law to the contrary any financial incentive
received in connection with a voice communication services or other communication services
contract, including, but not limited to a commission, shall be utilized for the purposes set forth in
subsection (d).

(d) Any service, benefit or program for incarcerated people to which commissary
commissions were specifically designated in fiscal year 2022 including, but not limited to, the
Inmate Benefit Fund, The Law Library and the Central Program Account in the state prison
system, shall be funded by the department of correction and the sheriffs at not less than the level
of funding in fiscal year 2022.

And further amend the bill by striking out Section 188 and inserting in place thereof the
following section:-

SECTION 188. Section 26 shall take effect on June 30, 2024.

And further amend the bill by striking out Section 191 and inserting in place thereof the
following section:-

SECTION 191. Section 72 shall take effect 1 year after the effective date of this act.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 28 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 28 would add a requirement that the public safety union member of the Pension Reserves Investment Management Board (“PRIM”) be appointed by the Governor from a list of three nominees submitted by the executive board of the Massachusetts Association of Contributory Retirement Systems, Inc. I hope that the intent of this section is to acknowledge that PRIM successfully manages the assets of a significant number of local retirement systems throughout the Commonwealth and that there should be some allowance for representation of these systems on the PRIM board.

My concern is that Section 28 as enacted by the Legislature provides no certainty that the nominees provided by the Massachusetts Association of Contributory Retirement Systems would come from one of the systems participating in PRIM. As a result, the nominees may not have a vested interest in the continued success of PRIM and the Pension Reserves Investment Trust Fund (“PRIT”), the success of which has greatly contributed to the strong fiscal health of the Commonwealth and ensures the Commonwealth is meeting its commitment to its employees and retirees. However, I acknowledge that representation from the participating systems is reasonable and am therefore proposing an amendment clarifying that the public safety union
representative to the PRIM board must be a member of a retirement system that participates in PRIT.

For these reasons, I recommend that the bill be amended by striking out section 28 and inserting in place thereof the following section:-

SECTION 28. Section 23 of said chapter 32, as so appearing, is hereby amended by inserting, in line 201, after the words “representative of a public safety union” the words:- who shall also be a member of the state employee’s retirement system, the teacher’s retirement system or a participating system in the PRIT Fund and.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 37 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 37 would require hawkers and peddler licenses to be renewed every five years rather than annually. I support the section’s intended goal of providing regulatory relief for properly licensed individuals but also believe that the current annual licensing requirement serves an important public safety purpose by ensuring that licensees continue to meet the good character requirements of licensure, including receiving approval from the local police chief. As a result, I am proposing an amendment that would allow for a license term of five years but continue to require annual submission of the certificate signed by the local police chief.

For these reasons, I recommend that the bill be amended by striking out section 37 and inserting in place thereof the following section:-

SECTION 37. Section 26 of chapter 101 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words “one year” and inserting in place thereof the following words:- 5 years; provided, that the certificate required to
be signed by the chief of police of the city or town in which the applicant resides pursuant to section 22, shall continue to be furnished by the applicant to the deputy director on an annual basis.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 49, 50, and 51 of House Bill No. 5050, “An Act making appropriations for the fiscal year 2023 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements.”

These are among a set of sections that would broaden access to critical and effective human immunodeficiency virus (HIV) prevention services in a variety of ways. While I support and am signing several initiatives in this collection, including those that authorize public health clinics that provide treatment for venereal diseases to also provide preventative care for HIV, I am recommending amendments to sections 49, 50, and 51.

These sections designate prevention of HIV as emergency treatment of a minor, which would allow minors to receive pre-exposure prophylaxis and other prevention treatment without parental consent. I agree with the broad aim of these sections, as it is vital to expand HIV prevention treatment to all eligible patients. Treatment decisions concerning minors, however, should include the minor’s parents whenever possible. Additionally, using antiretroviral medication to reduce the risk for acquiring HIV in adolescents is a new and evolving practice. Therefore, such treatment should only be provided to minors without parental consent in the limited circumstance where it is clearly necessary for the protection of the minor’s health and well-being and consultation with a parent is not possible. I am returning these sections with language that is tailored to accomplish this goal.
For these reasons, I recommend striking out sections 49, 50, and 51 in their entirely and inserting in place thereof the following 3 sections:-

SECTION 49. Said section 12F of said chapter 112, as so appearing, is hereby further amended by inserting after the word “patient”, in line 6, the following words:- , or for the prevention of HIV for sexually active minors.

SECTION 50. Said section 12F of said chapter 112, as so appearing, is hereby further amended by inserting after the word “be”, in line 14, the following words:- at risk of exposure due to sexual activity or to be.

SECTION 51. Said section 12F of said chapter 112, as so appearing, is hereby amended by inserting after the word “disease”, in line 18, the following words:- , or prevention of HIV if the minor is sexually active.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 73 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 73 proposes to add two new members to the Massachusetts Bay Transportation Authority (MBTA) board of directors that was established approximately one year ago. One member would be appointed by the Mayor of Boston and the other new member would be a municipal official from an MBTA community other than Boston.

I appreciate the desire of municipalities that rely on the MBTA to be involved in its management and, under the current structure, municipalities do have a seat on the board via the appointee from the MBTA’s Advisory Board. Nevertheless, Boston is the center of the MBTA as well as the largest city and economic hub in the Commonwealth, and I think there is great value in including Boston in the ongoing management of the MBTA.

As a result, I am proposing an amendment that would give the City of Boston a seat on the board consistent with both the existing parameters for board appointments, which require members to have specific qualifications, and the existing nomination process used for the AFL-CIO member. In addition, I propose that the second new member be qualified in the field of
human resources and talent acquisition to ensure the board has that valuable expertise as the MBTA continues to work on its staffing needs.

Additionally, in adding new members, Section 73 as enacted by the Legislature fails to adjust the minimum quorum required. Thus, I am also proposing to increase the quorum requirement of the board to account for the two additional members.

For these reasons, I recommend that the bill be amended by striking out Section 73 and inserting in place thereof the following 2 sections:-

SECTION 73. Section 7 of chapter 161A of the General Laws, inserted by section 19 of chapter 29 of the acts of 2021, is hereby amended by striking out the first paragraph of subsection (a) and inserting in place thereof the following paragraph:-

(a) The authority shall be governed and its corporate powers exercised by a board of directors. The board shall consist of: the secretary, who shall serve ex officio; 1 person to be appointed by the advisory board who shall have municipal government experience in the service area constituting the authority and experience in transportation operations, transportation planning, housing policy, urban planning or public or private finance; and 7 persons to be appointed by the governor, 1 of whom shall have experience in safety, 1 of whom shall have experience in transportation operations, 1 of whom shall have experience in human resources management and talent acquisition, 1 of whom shall have experience in public or private finance, 1 of whom shall be a rider as defined in section 1 and a resident of an environmental justice population as defined in section 62 of chapter 30, 1 of whom shall be selected from a list of 3 persons with experience in transportation operations and who are employees of the city of Boston recommended by the mayor of the city of Boston and 1 of whom shall be selected from a list of 3 persons recommended by the president of the Massachusetts State Labor Council, AFL-CIO.

SECTION 73A. Subsection (d) of said section 7 of said chapter 161A, as so inserted, is hereby amended by striking out the word “Four” and inserting in place thereof the following word:- Five.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 75 and 76 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 76 creates timelines for the review of a municipal aggregation plan which will allow a municipality to automatically switch a customer onto a competitive electric supplier chosen by the municipality without needing the customer’s consent. While customers are able to opt out of the municipal aggregation program, it is essential that the municipality provide a robust education program and provide notices to customers consistent with the requirements developed by the Department of Public Utilities (“DPU”). Accordingly, while I support providing timelines to ensure that the DPU conducts its review in a timely manner, the time periods must provide consumers an opportunity to review the municipal aggregation plan, including revisions, and allow the DPU sufficient time to ensure the plan complies with the law and delivers all necessary consumer protections. Section 76 sets timelines that prohibit meaningful customer input, particularly for environmental justice communities, and restrict the ability for the Department to ensure compliance with consumer protection provisions of the law.

Section 75 strikes a requirement that the DPU hold a public hearing prior to making its decision which is proposed to be re-established later in Section 76. However, I am uncomfortable signing a section that repeals this requirement in isolation without the
accompanying changes I have proposed and as a result I am also returning section 75 as part of my amendment.

For these reasons, I recommend striking out Sections 75 and 76 and inserting in place thereof the following 2 sections:-

SECTION 75. Subsection (a) of said section 134 of said chapter 164, as so appearing, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Upon an affirmative vote to initiate said process, a municipality or group of municipalities establishing load aggregation pursuant to this section shall, in consultation with the department of energy resources, pursuant to section 6 of chapter 25A, develop a plan, for review by its citizens, detailing the process and consequences of aggregation. Any municipal load aggregation plan established pursuant to this section shall provide for universal access, reliability, and equitable treatment of all classes of customers and shall meet any requirements established by law or the department concerning aggregated service. Said plan shall be filed with the department, for its final review and approval, and shall include, without limitation, an organizational structure of the program, its operations, and its funding; rate setting and other costs to participants; the methods for entering and terminating agreements with other entities; the rights and responsibilities of program participants; and termination of the program.

SECTION 76. Said subsection (a) of said section 134 of said chapter 164, as so appearing, is hereby further amended by inserting after the fourth paragraph the following 5 paragraphs:-

The department shall approve any plan submitted that complies with and is consistent with this subsection. Prior to the department’s decision, the department shall conduct a public hearing. Failure to make a decision on a plan submitted under this section within 180 days of its submission date shall constitute approval of the plan. Such constructive approval shall not exempt the municipality or group of municipalities from complying with all laws, rules, and requirements governing municipal aggregations and the provision of competitive energy supply services, including required notices of changes in price and renewable energy content, regardless of the language contained in the plan.

If after review, the department rejects a plan, the department shall send to the municipality or group of municipalities a denial order containing the reason for the rejection. The municipality or group of municipalities may revise the plan to address such reasons within 30 days of the department’s decision. The department may waive the requirements that the municipality or group of municipalities consult with the department of energy resources regarding the revised plan and submit the revised plan for public review. The department shall review and approve, modify and approve, or reject any such revised plan not more than 90 days after receipt of the revised plan.

The department shall not direct or otherwise require revisions to an approved plan without first providing the municipality or group of municipalities with notice and opportunity.
for a full and fair hearing. If the department requires revisions to an approved plan, the municipality or group of municipalities shall submit to the department for approval any revision to an approved plan; provided, however, that the department shall review and approve any such revisions to the approved plan not more than 60 days after the receipt of the proposed revision. Any other proposed revisions to an approved municipal aggregation plan are subject to the requirements and deadlines for submission of an initial municipal aggregation plan. The competitive supplier providing generation service to retail customers of an aggregation may request an exemption from the quarterly information disclosure requirements set forth in 220 CMR 11.06(4)(c) or any successor regulation. The department may grant such exemption if the competitive supplier demonstrates that it will, through sufficient alternative means, provide retail customers participating in the aggregation with the same information regarding the fuel mix, emissions and labor characteristics of the competitive supplier’s energy supply.

After obtaining approval of its plan, the aggregated entity may mail information and educational materials regarding its plan to each ratepayer within the municipality; provided, however, that the department may revoke the aggregated entity’s plan if the marketing materials are inconsistent with any law, regulation, or requirement governing the marketing of energy supply. Such marketing materials must disclose the basic service rate, how to access it, and the fact that it is available to them without penalty, as well as notify competitive supply customers that there may be penalties assessed by the customer’s competitive supplier for terminating a competitive supply contract and switching to the municipal aggregation. To enable such mailing, the electric distribution company shall provide to such municipality a current list of the names, mailing addresses and service addresses of all electric customers taking distribution service within the municipality in a manner and time period established by the department; provided, however, that any customer may request that their name, mailing address, service addresses and account number not be shared with the municipality. Distribution companies shall at least annually allow customers an opportunity to opt out of having their name, mailing address, service addresses and account number shared with any municipality or competitive supplier.

The following periods shall be excluded from the computation of time for the department to issue a decision under this section: (i) the period for any extension of time to file responses to discovery granted by the department, (ii) the period of time for any motion to stay granted by the department, (iii) the period during the pendency of any motion regarding the scope of the proceeding or request for an interlocutory order, and (iv) the period during the pendency of an interlocutory appeal. Any proposed revisions to a municipal aggregation plan submitted under this section, other than revisions at the direction of the department, shall be treated as a new plan filing for the purpose the department review deadlines set forth in this section.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 80 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 80 amends the Paid Family and Medical Leave Act ("the Act") by expressly allowing employees to supplement their Paid Family and Medical Leave (PFML) wage replacement benefits with accrued sick and vacation time in order to collect their average weekly wage while out on leave. This significant change in law would go into effect retroactively, as of July 1, 2022. As detailed below, this proposal raises multiple concerns.

First, it would likely place a heavy administrative burden on employers. Under the PFML program, an employee’s weekly benefit amount is determined using a statutory formula and may not exceed 64 percent of the state average weekly wage. Employers would be required to calculate the difference between an employee’s weekly PFML benefit amount and their average weekly wage every time the employee utilizes PFML. This can only be accomplished by performing an individualized calculation for each employee, using metrics that employers typically do not have access to at the start of an employee’s leave. Additionally, erroneous overpayments by employers while employees are on PFML are already a challenge that require substantial resources for employers to identify and recover. This mandate would further exacerbate that issue.
Second, the Department of Family and Medical Leave (DFML), the agency that administers the PFML program, would need to implement systems changes and a modification to their processes in order to enable employers to calculate the amount of vacation or sick accrual needed to top off an employee’s PFML leave. This budget does not provide any resources to support the DFML in effectuating these changes. Further, it would be impossible for the DFML to meet the retroactive effective date of July 1, 2022.

Finally, this amendment to the Act would likely place a strain on the PFML program as eligible individuals would be incentivized to use PFML more often. The overall increased cost of the program—and subsequently, the cost to employers and employees whose contributions support the program—is difficult to estimate. Increased utilization of PFML may also cause more absences in the workplace and all the attendant costs, such as increased overtime and workplace fatigue.

Without a full understanding of the administrative, fiscal, and workplace impacts of this section, I cannot sign it. Instead, I am recommending language that directs the DFML to perform a study on the proposal.

For these reasons, I recommend that Section 80 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 80. The department of family and medical leave shall conduct a study on the proposal to amend section 3 of chapter 175M of the General Laws to expressly permit employees who are taking paid family or medical leave to supplement their wage replacement benefits with any accrued sick or vacation pay or other paid leave provided under an employer policy. The department shall (i) evaluate the benefits and any disadvantages of this policy change on employers and employees; (ii) determine what operational modifications will be required for the department and employers; and (iii) provide an estimate of the implementation costs and required timeline for the department and employers. The department shall submit the results of the study by filing the same with the secretary of the executive office of labor and workforce development, the secretary of the executive office for administration and finance, the clerks of the house of representatives and senate, the joint committee on labor and workforce development and the house and senate committees on ways and means.

Respectfully submitted,

Charles D. Baker
Governor
ATTACHMENT N

July 28, 2022

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 101 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 101 establishes the Children and Family Legal Representation Trust Fund, to be administered by the Chief Counsel of the Committee for Public Counsel Services (CPCS) and credited with reimbursement funds from federal sources for the legal representation of children and families by CPCS including, but not limited to, reimbursements under Title IV-E of the federal Social Security Act. Money in the fund may be expended on the following broad range of purposes: (i) providing pre-petition representation and diversion advocacy; (ii) increasing the availability and quality of representation statewide; (iii) ensuring availability of education advocacy statewide; (iv) improving the quality of advocacy; (v) increasing multidisciplinary representation and the use of experts, parent partner programs, and specialized advocacy and support units; and (vi) improving and modernizing agency data collection, data reporting, and billing systems.

I support the establishment of this trust fund to receive federal reimbursements for the legal representation of children and families. However, these funds should be spent exclusively for the purpose of expanding guardian ad litem (GAL) appointments in proceedings in which it is alleged that a child has been subject to abuse or neglect. When appointed by the Court, it is the
role of the GAL to provide children in the custody of the Department of Children and Families (DCF) with an independent advocate responsible for considering only the child’s best interest. It is my firm belief that this advocacy is critical to the well-being of children in DCF proceedings and should be made mandatory in every case involving a custody determination, as I have proposed in separate legislation. Therefore, I am recommending that the allowable expenditures from the fund be modified to support expanded GAL appointments and that the fund be administered by the Court Administrator, who is best positioned to facilitate the expenditure of funds for this purpose.

For these reasons, I recommend that Section 101 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 101. Said chapter 211D is hereby further amended by adding the following section:-

Section 17. (a) There shall be a Children and Family Legal Representation Trust Fund to be administered by the court administrator. There shall be credited to the fund: (i) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (ii) reimbursement funds from federal sources for the legal representations of children and families by the committee for public counsel services including, but not limited to, reimbursements under Title IV-E of the federal Social Security Act; and (iii) interest earned on such revenues and reimbursements in the fund. Amounts credited to the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund.

(b) Money in the fund may be expended by the court administrator, without further appropriation, for the purpose of supporting the expanded appointments of guardians ad litem in proceedings filed pursuant to clause (3) of subsection (a) of section 23 or section 24 of chapter 119, section 3 of chapter 210 or any other proceeding determining custody of a child receiving services from the department of children and families in which it is alleged that the child has been subject to abuse or neglect. The court administrator may designate an administrator of the fund to implement approved activities consistent with this section.

(c) Annually, not later than November 1, the court administrator shall file a report on the fund’s activities with the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on the judiciary. The report shall include, but not be limited to: (i) the source and amount of funds received; (ii) the amounts distributed; and (iii) anticipated revenue and expenditure projections for the next calendar year.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 109 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 109 proposes to make changes to membership of the South Boston Community Development Foundation which was established in 1997 to mitigate impacts on the South Boston community resulting from construction of the Boston Convention and Exhibition Center (“BCEC”) in South Boston. The Foundation receives financial contributions from the Massachusetts Convention Center Authority (“MCCA”) from certain events that are hosted at the BCEC as well as a portion of on-site parking revenue. The Foundation is then able to dispense funds for the benefit of the South Boston residential, charitable, and business communities.

This section would add two members to the Foundation. One would be appointed by the state senator from the first Suffolk district and would be required to be a veteran or active-duty service member, and one would be appointed by the state representative from the fourth Suffolk district who would be required to be a member of the local hospitality workforce. The Foundation currently permits the state senator and state representative or their designees to sit on the board but this participation comes without voting rights over the distribution of Foundation funds. The section as enacted by the Legislature would remove this restriction.
I am concerned about making a change that would allow elected members of the Legislature to direct funds in their districts outside of the legislative process and outside of their official capacity as elected officials. I am therefore proposing an amendment to the section that would allow the two additional members described above to join the Foundation; however, I would propose that the other provisions governing board membership remain intact.

For the reasons stated above, I recommend that section 109 be amended by striking out the section and inserting in place thereof the following section:

SECTION 109. Paragraph (i) of subsection (g) of section 4 of chapter 152 of the acts of 1997, as amended by chapter 256 of the acts of 2006, is hereby further amended by inserting after the words “the representative from the fourth Suffolk district or his designee, who shall be a non-voting member;” the following words:- 1 member appointed by the senator from the first Suffolk district who shall be a veteran or active duty service member; 1 member appointed by the representative of the fourth Suffolk district, who shall be a member of the local hospitality workforce;.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 117 and 118 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Sections 117 and 118 would extend the commission designed to report and make recommendations on a possible amendment to the United States Constitution regarding the Supreme Court’s 2010 decision in *Citizens United v. FEC*. The commission was enacted through a ballot initiative in 2018, and these sections would extend the commission until December 31, 2025. However, as drafted, the sections do not provide any deadline by which the commission shall file a report on its recommendations. The sections also contain language that create unreasonable requirements regarding the appointments of members to the commission. I find these requirements unnecessary and believe the named public officials will make their appointments without them, as demonstrated by the many other appointments they have made to numerous commissions and task forces when required.

As a result, I recommend an amendment that would provide a date by which the commission’s recommendations shall be finalized and to eliminate the appointment requirements proposed in the sections.
For these reasons, I recommend that the bill be amended by striking out Sections 117 and 118 and inserting in place thereof the following 3 sections:-

SECTION 117. Subsection c. of section 1 of chapter 322 of the acts of 2018 is hereby amended by adding the following sentence:- The Citizens Commission shall continue to exist and perform the responsibilities required in this section until December 31, 2025. The commission shall file its recommendations pursuant to subsection b) of section 4.

SECTION 118. Subsection b) of section 4 of said chapter 322 is hereby amended by striking out the word “first”.

SECTION 118A. Said subsection b) of said section 4 of said chapter 322 is hereby amended by striking out the figure “2019” and inserting in place thereof the following figure:- 2025.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 132 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 132 would revive and continue until May 31, 2024, the special legislative commission to study and examine the Commonwealth’s civil service law established in the 2020 Police Reform Act. As drafted, it would require that the appointed members of the commission shall be reappointed by their appointing authorities at the start of the upcoming legislative session. However, as a result of changes in statewide constitutional offices there will be different appointing authorities as of January 2023, and no guarantee that the appointed members will still be available to continue to serve on this commission. As a result, I am recommending an amendment that would strike this requirement.

For these reasons, I recommend that the bill be amended by striking out Section 132 and inserting in place thereof the following section:-

SECTION 132. Upon the start of the legislative session beginning on January 4, 2023, the special legislative commission established in section 107 of chapter 253 of the acts of 2020 to study and examine the civil service law, is hereby revived and continued to May 31, 2024. The commission shall submit a report of its study and any recommendations, together with any draft
legislation necessary to carry those recommendations into effect, by filing the same with the
governor, the speaker of the house of representatives, the president of the senate, and the clerks
of the house of representatives and the senate not later than May 31, 2024.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 133, 192, 193, and 196 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

These sections require the Massachusetts Health Connector to implement a two-year pilot program to extend eligibility for premium assistance payments or point of service cost-sharing subsidies for applicants at or below 500 percent of the federal poverty guidelines. The pilot would take effect on June 1, 2023 and conclude on May 31, 2025.

While I agree with the goal of providing individuals and families with affordable coverage options, there are significant variables and factors that need to be considered before such a pilot can be implemented. The potential impact on carriers and enrollees, availability of federal funding and subsidies, and Connector systems changes that would need to be implemented to support such a program are all critical factors that would need to be fully understood prior to implementation in order to minimize market disruption and ensure fiscal and operational viability. In addition, there are a significant number of people who are currently eligible for subsidized health plans through the Connector but who have not taken advantage of those options, and I believe maximizing the uptake of those currently eligible should be a priority.
For these reasons, I recommend that Sections 133, 192, 193, and 196 be amended by striking out the sections in their entirely and inserting in place thereof the following section:-

SECTION 133. Notwithstanding any general or special law to the contrary, the commonwealth health insurance connector authority established in section 2 of chapter 176Q of the General Laws shall conduct a study, in consultation with the executive office of health and human services and the division of insurance, as necessary, of the costs and implementation steps required to implement a 2-year pilot program to extend eligibility for premium assistance payments or point-of-service cost-sharing subsidies for applicants at or below 500 per cent of the federal poverty guidelines; provided, that applicants participating in the pilot program that are between 300 and 500 percent of the federal poverty guidelines would have access to a plan that meets at least 90 per cent actuarial value; provided further, that the affordability standard for the pilot program would be consistent with current practices pursuant to section 3 of said chapter 176Q. The commonwealth health insurance connector authority shall submit a written report of its findings, including the potential impact on carriers and enrollees and the availability of federal funding and subsidies, with the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the joint committee on public health and the joint committee on health care financing not later than March 31, 2023.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 134 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 134 allows local retirement systems to opt into a higher cost of living adjustment (COLA) for their retirees than is normally the case. Generally, under current law, PERAC informs local retirement boards of the COLA for the year, which is related to a Social Security calculation, and is capped at 3%. Local retirement systems have the option to apply that COLA to the base amount of retirees’ pensions; base amounts vary by system but are generally in the range of $13,000 to $18,000. Following a year where the raw Social Security inflation measure was over 5%, the statute as proposed would allow local retirement systems to increase the COLA to as much as 5%.

While recognizing inflation has been a challenge for retirees on fixed incomes, I have two concerns with this section. First, as enacted, this section would leave the decision to increase the COLA to a retirement board, but it is the participating municipalities and other entities that bear the cost of that decision. Accordingly, my amendment proposes that municipal governments make this decision.
Second, the application of the COLA applies ambiguously. It appears that it has been discussed as applying to the base amount, but the section as enacted does not do so. Obviously, the implications for pension liabilities are much greater if the COLA applies to entire pensions and not just the base. I am reluctant to leave such an important distinction so unclear.

For these reasons, I recommend that the bill be amended by striking out Section 134 and inserting in place thereof the following section:-

SECTION 134. (a) (1) Notwithstanding section 103 of chapter 32 of the General Laws or any other general or special law to the contrary, the retirement board of any system that has accepted said section 103 may elect to establish a cost-of-living adjustment increase of not less than 3 per cent and not greater than 5 per cent on the base amount provided for in said section 103 for fiscal year 2023.

(2) The sum of the dollar amount of the cost-of-living increase on the base amount, together with the amount of retirement allowance, pension or annuity to which the cost-of-living increase is applied, shall become the fixed retirement allowance, pension or annuity for all future purposes, including the application of subsequent cost-of-living adjustments in future years.

(b) A retirement board may grant a cost-of-living increase of not less than 3 percent and not greater than 5 per cent on the base amount for fiscal year 2023 at any time during the fiscal year.

(c) This section shall take effect for the members of a retirement system by a majority vote of the board of such system and upon local acceptance of the city council upon recommendation of the mayor in a city, of the chief executive officer as defined in section 7 of chapter 4 of the General Laws in a town, of the county commissioners in a county and in a district or other political subdivision of the commonwealth by vote of the governing board, commission or committee. For any retirement system comprising more than 1 political subdivision of the commonwealth, this section shall be effective by a majority vote of the board of such system and upon the acceptance of two-thirds of cities and towns within the system by approval of the city council upon recommendation of the mayor in a city and the chief executive officer as defined in section 7 of chapter 4 of the General Laws in a town.

And further recommend that the bill be amended by inserting after section 186 the following section:-

SECTION 186A. Section 134 shall take effect on July 1, 2022.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 137 of House Bill No. 5050, “An Act Making Appointments for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Many communities in the Commonwealth face environmental challenges stemming from nutrient contamination in their waterbodies. Coastal estuaries in the southeast portion of the state in particular have been impacted by excessive nitrogen pollution from septic systems, wastewater treatment plants, lawns, and stormwater, which leach into the groundwater and into surface water bodies. Eutrophication of these estuaries accelerates the growth of nuisance plants, forces out fish and indigenous plant species, and results in water bodies that violate state water quality standards. Upgrading septic systems, the largest source of nitrogen discharges to surface water bodies, would help address these issues.

Section 137 seeks to provide a mechanism for upgrades, recognizing that existing loan programs support homeowner upgrades of septic systems only if the system has failed. Upgrades and repairs to address nitrogen pollution stemming from a system that has not otherwise failed are not currently eligible for loans. While I agree with the goals of Section 137, the relevant executive branch agencies have identified where the language can be improved to clarify its intent and more effectively implement these goals.
Accordingly, I hereby recommend that the bill be amended by striking out Section 137 and inserting in place thereof the following section:-

SECTION 137. (a) For the purposes of this section a domestic septic system means any properly functioning septic system that is approved for the intended domestic use pursuant to title 5 of the state environmental code established in 310 CMR 15.000; provided further that an “enhanced nitrogen removal technology” means an enhanced nitrogen removal alternative technology approved by the department of environmental protection in accordance with title 5 of the state environmental code established in 310 CMR 15.000.

(b) Notwithstanding chapter 29C of the General Laws or any other general or special law to the contrary, to reduce environmental impacts of nitrogen pollution in vulnerable communities, a local or regional board of health may enter into agreements with residential owners to provide for the repair, replacement or upgrade of certain septic systems pursuant to subsections (c) and (d).

(c)(1) When an existing domestic septic system does not incorporate enhanced nitrogen removal technology, or utilizes a nitrogen removal technology that does not achieve the nitrogen level established by a rule or regulation of the local or regional board of health or the city or town, a local or regional board of health may enter into an agreement with the residential owner pursuant to section 127B½ of chapter 111 of the General Laws to finance by loan the repair, replacement or upgrade of the system to incorporate enhanced nitrogen removal technology.

(2) To qualify for such loan assistance, a domestic septic system shall be located within: (i) a watershed area of a nitrogen impaired water body as identified in the latest United States Environmental Protection Agency approved final listing of the latest state Integrated List of Waters for the commonwealth; (ii) a nitrogen sensitive area as defined in 310 CMR 15.000; or (iii) a watershed area of a water body subject to the latest state established total maximum daily load for total nitrogen pollution that is approved by the United States Environmental Protection Agency.

(3) The repair, replacement or upgrade, including installation, of a shared domestic septic system that treats for nitrogen located in an area described in paragraph (2) may qualify for such loan assistance; provided, that the: (i) shared system replaces or services at least 2 existing domestic septic systems that otherwise do not incorporate enhanced nitrogen removal technology; and (ii) the combined shared septic system, including its components, has a discharge volume of less than 10,000 gallons per day and incorporates enhanced nitrogen removal technology. For loan assistance pursuant to paragraph (1), each affected residential owner benefiting directly from the shared system shall enter into an agreement with the local or regional board of health in the city or town where such system is located for the repayment of the owner’s proportionate share of the costs and expenses incurred by the local or regional board of health for the repair, replacement or upgrade of any part of the shared system.

(d) Notwithstanding any general or special law to the contrary, a local or regional board of health may enter into an agreement for loan assistance with a residential owner to promote the
voluntary upgrade or replacement of the owner’s functioning domestic septic system to incorporate advanced nitrogen removal technology.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 139 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 139 allows the energy efficiency program administrators to develop small scale offerings that provide low- and moderate-income customers comprehensive energy efficiency services and building electrification along with onsite renewable energy generation and energy storage. The section further provides that these pilots should be designed to encourage customers to lower energy consumption, reduce demand, improve customer resiliency or reduce use of the distribution system. I support testing the delivery of energy efficiency, electrification, and onsite generation together; however, any pilot program should be designed to achieve all of the above objectives, not just one. For example, a pilot that increases energy consumption and energy demand, but only improves resiliency is not consistent with the Commonwealth’s goal of reducing energy use and costs. Moreover, customers can currently receive incentives for each of these measures through existing programs that separately achieve these objectives. Accordingly, pilot programs under section 139 would better serve the Commonwealth by testing the delivery of all these measures jointly. Additionally, it will be important to understand the impact of any pilot program on ratepayers so that we can take those impacts into account before deciding if a pilot program should be expanded.
For these reasons, I recommend amending Section 139 of the bill by striking out, in the last sentence of subsection (a), the word “or” and inserting in place thereof the following word: - 
and.

and further amending Section 139 of the bill by striking out, in the first sentence of subsection (c), the words “and (ii)” and inserting in place thereof the following words: - (ii) an analysis of the burdens to ratepayers of adding solar, storage, or other clean energy technologies into the energy efficiency programs, and (iii).

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 143 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Together with Section 42, Section 143 represents an important effort to ensure that all stroke patients in Massachusetts are able to get to a hospital that can provide them with timely, appropriate treatment. Key to this effort are the experts the Department of Public Health (DPH) is required to convene from the American Stroke Association along with neurologists, emergency physicians, and a representative of a regional EMS council, as well as others, to advise DPH on the development of the stroke system of care for the Commonwealth. I support this vital effort and recognize the importance of developing a system that establishes criteria and timeframes for transporting suspected stroke patients, including the patients of the most serious strokes. I support the Legislature’s directive to DPH to promulgate regulations that establish a statewide standard prehospital care protocol related to the assessment, treatment, and transport of stroke patients by emergency medical services providers to an appropriate facility, and I also support requiring DPH to develop recommended national evidence-based quality measures.

However, I do not support the section’s prescriptive requirement that DPH develop and assign hospitals to a tiered system. This requirement may result in unnecessary routing of stroke
patients, which would produce an unmanageable burden for certain hospitals and unreasonable delays in accessing care for certain patients. DPH, in consultation with the expert advisory group created by Section 42, should be free to promulgate regulations that reflect a Massachusetts-specific model of care.

For these reasons, I recommend that Section 143 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 143. Notwithstanding any general or special law to the contrary, not later than 180 days after the effective date of this act, the department of public health shall promulgate regulations that create: (i) a statewide standard prehospital care protocol related to the assessment, treatment and transport of stroke patients by emergency medical services providers to a hospital designated by the department to care for stroke patients; provided, however, that the protocol shall be based on national evidence-based guidelines for transport of stroke patients, consider transport that crosses state lines and include plans for the triage and transport of suspected stroke patients including, but not limited to, those who may have an emergent large vessel occlusion, to an appropriate facility within a specified timeframe following the onset of symptoms and additional criteria to determine which level of care is the most appropriate destination; provided further, that the department shall develop said protocol in consultation with the expert stroke advisory taskforce established pursuant to subsection (c) of section 51L of chapter 111 of the General Laws; and (ii) recommended national evidence-based quality and utilization measure sets for stroke care for use by the center for health information and analysis pursuant to section 14 of chapter 12C of the General Laws; provided, however, that the department shall consider measures in current use in national quality improvement programs including, but not limited to, the Centers for Medicare and Medicaid Services, the National Quality Forum, the Paul Coverdell National Acute Stroke Program or other nationally-recognized data platforms.

Respectfully submitted,

Charles D. Baker
Governor
July 28, 2022

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 148 and 195 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Sections 148 and 195 require the Executive Office of Health and Human Services (EOHHS) to establish and implement an Incumbent Health Care Worker Certified Nursing Assistant (CNA) Certification Pilot Program. The purpose of the pilot is to provide paid training for health care workers with limited access to CNA certification training. The sections require that individuals who may have a difficult time attending classes while working be provided with flexibility to participate in the program. These sections also establish an advisory committee with membership from the Legislature, SEIU 1199, the Massachusetts Senior Care Association, Inc., the Massachusetts Hospital and Health Systems Association, and other stakeholders. After eighteen months, EOHHS is required to report on the results of the pilot and make recommendations for subsequent state action. EOHHS must implement the pilot by January 1, 2023.

CNAs are critical to our health care workforce. As we work to recover from the COVID-19 pandemic, the continuing strain on our health care workforce remains a serious challenge for the Commonwealth. I support the CNA certification pilot. It is a novel way to test alternative approaches to training and certification for health care staff who might not otherwise have the
opportunity to obtain this credential and join the CNA workforce. However, the section’s proposed implementation deadline of January 1, 2023 is infeasible. Accordingly, I am returning these sections with the achievable implementation deadline of July 1, 2023.

For these reasons, I recommend that Section 148 be amended by striking out the section in its entirely and inserting in place thereof the following section:-

SECTION 148. (a) Notwithstanding any general or special law to the contrary, the executive office of health and human services shall establish and implement an Incumbent Health Care Worker Certified Nursing Assistant (CNA) Certification Pilot Program. The pilot shall offer paid training for incumbent health care workers with limited access to state-approved CNA certification training. The pilot shall provide flexibility to individuals who may have a difficult time attending day or evening classes while fulfilling their current work responsibilities.

(b) There is hereby established an Incumbent Health Care Worker CNA Certification Pilot Program Advisory Committee. The secretary of health and human services, or a designee, shall appoint such advisory committee to represent significant constituencies and stakeholders, including, but not limited to, the chairs of the joint committee on labor and workforce development, representatives from community-based organizations and nonprofit service providers, a representative from the Commonwealth Corporation Foundation, the SEIU 1199 Training and Upgrading Fund, the Massachusetts Senior Care Association, Inc., the Massachusetts Hospital and Health Systems Association, and other such stakeholders as the secretary of health and human services shall deem necessary. The advisory committee shall advise on matters and policies affecting the Incumbent Health Care Worker CNA Certification Pilot Program. The advisory committee shall supply constituent-focused labor market information, review general programmatic parameters and guidelines and assist with the identification of any issues and barriers to the pilot’s efficiency and effectiveness. The advisory committee shall meet from time to time, but not less frequently than bi-monthly.

(c) Not later than 6 months and 1 year, respectively, after implementation of the pilot, the executive office of health and human services shall report on the results of the pilot and offer findings and recommendations for subsequent state action related to the pilot to the house and senate committees on ways and means, the joint committee on labor and workforce development and the joint committee on health care financing.

And I further recommend that Section 195 be amended by striking out the section in its entirety and inserting in place thereof the following section:-

SECTION 195. Section 148 shall take effect on July 1, 2023.

Respectfully submitted,

Charles D. Baker
Governor
July 28, 2022

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 169 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 169 requires the Department of Housing and Community Development ("DHCD") to conduct a study on the execution of no-fault evictions (those in which a tenancy is terminated without the fault of the tenant) from January 1, 2019 to July 31, 2022. The proposed section provides for specific information that must be collected as part of the study, and further provides that DHCD must collaborate on the report with a number of named housing advocacy groups. The findings of the study must be reported to the legislature by January 1, 2023.

I agree that the study would provide useful information on a critical topic. However, some of the requirements of the study require data that is infeasible for DHCD to obtain. The study is also required to be completed by the end of the year but the period to be studied continues until July 31, 2022, which means that new data needed for this study is still being generated even as the requirement becomes law. As a result, I am proposing an amendment that would adjust the scope of the study to exclude information that would be infeasible for DHCD to obtain and to provide DHCD additional time to undertake a successful study that will provide the Commonwealth, Legislators and stakeholders with productive information on this important matter.
For these reasons, I recommend that the bill be amended by striking out Section 169 and inserting in place thereof the following section:-

SECTION 169. For the purposes of this section, "no-fault eviction" shall mean a summary process action that results in the termination of a tenancy at will without fault of the tenant pursuant to section 13 of chapter 186 of the General Laws.

The department of housing and community development shall conduct a study on the execution of no-fault evictions from January 1, 2019 to July 31, 2022, inclusive. The study shall include, but not be limited to: (i) a count of families and individuals who were evicted through a no-fault eviction; (ii) an analysis of families and individuals who were removed from their rental unit pursuant to a no-fault eviction and who received rental assistance through the rental assistance for families in transition program, the emergency rental assistance program or any other rental assistance program; (iii) an examination of no-fault evictions that were executed after the foreclosure of a rental property by a third-party or bank; (iv) to the extent feasible, a demographic breakdown of those evicted through no-fault evictions including, but not limited to, race, ethnicity, age, gender identity and sexual orientation; and (v) a geographic breakdown of where no-fault evictions were executed.

The department of housing and community development shall work in collaboration with relevant interest and advocacy groups to complete the study, which may include, but shall not be limited to the Massachusetts Law Reform Institute, Inc., Homes for All Massachusetts, the Massachusetts Coalition for the Homeless, Inc., Lynn United for Change, City Life/Vida Urbana, Springfield No One Leaves, La Colaborativa, Inc. and the Citizens Housing and Planning Association, Inc. The department shall submit a report of its findings to the chairs of the joint committee on housing and post the report on the department’s website not later than July 1, 2023. All personally identifiable information shall be redacted from the report.

Respectfully submitted,

Charles D. Baker
Governor
July 28, 2022

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 171 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 171 directs the Division of Capital Asset Management and Maintenance (DCAMM) to exercise a purchase option on a University of Massachusetts at Dartmouth (University) leased facility in New Bedford. After exercising the purchase option, the section requires DCAMM, in consultation with the University and the Inspector General, to conduct a capital needs assessment of the building.

On January 6, 1997, legislation was signed into law authorizing DCAMM to lease the property in New Bedford on behalf of the University with an option to purchase at the end of the 20-year lease. Over the course of the 20-year lease no funding was set aside for future capital repairs and now many of the building systems are at the end of their useful life. Immediate repairs to address failed mechanical systems, replace the roof and address life safety needs are required. Currently, the University has neither the capital nor operating resources to support the building. For the Commonwealth to take ownership under these circumstances presents meaningful risks.
The University already has a significant deferred maintenance backlog, and I cannot approve language that directs a state agency to purchase a building that will increase that backlog without providing the necessary funding and capacity to execute on the capital repairs.

However, I do recognize that the original intent of the 1997 legislation was to recoup the public’s investment and for the Commonwealth to take ownership of this building, which is important to the University and to downtown New Bedford’s economic development and artistic community. I am therefore proposing alternative language that allows for the University, though the University of Massachusetts Building Authority (UMBA), to take ownership of the property in a sustainable and responsible way that serves the needs of students and enables the University to properly maintain the building.

First, I recommend that UMBA be the entity that takes ownership and manages any capital investment. UMBA is currently working with the University on two major projects on campus and would therefore be well positioned to build on an already strong team. Under my proposed amendment, UMBA is named as the successor agency for the purpose of exercising the option to purchase and will be required to exercise the option on or before August 14, 2022.

Second, recognizing that responsible ownership by UMBA will require appropriate funding, I intend to file for a $30 million appropriation in the upcoming close-out supplemental budget to cover, at a minimum, the next five years of needed capital and operating expenses.

For these reasons, I recommend that Section 171 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 171. Notwithstanding any general or special law to the contrary and for the sole purpose of the option to purchase the facility located at 182 Union street in the city of New Bedford set forth in the original lease agreement dated February 28, 2000, as extended by a one-year short-term tenancy agreement in fiscal year 2022, the University of Massachusetts Building Authority shall be the successor agency to the division of capital asset management and maintenance. Notwithstanding any general or special law to the contrary, on or before August 14, 2022, the University of Massachusetts Building Authority shall execute the option to purchase said facility located at 182 Union street in the city of New Bedford on behalf of the commonwealth, in accordance with section 2 of chapter 457 of the acts of 1996, and the deed conveying said property shall name as grantee the University of Massachusetts Building Authority.

Respectfully submitted,

Charles D. Baker
Governor
To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 174 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 174 requires the Comptroller to transfer $20 million to the Massachusetts Community Preservation Trust Fund prior to the calculation of the Fiscal Year 2022 (“FY22”) consolidated net surplus (“CNS”). I support funding for the Community Preservation Act. However, in my Fiscal Year 2023 budget proposal, I proposed a similar transfer to the Massachusetts Life Sciences Center (“MLSC”), in order to ensure MLSC had clear assurance as to their allocation of state operating funds at the beginning of their fiscal year, not months later. The Legislature did not include this proposal in the budget that is currently before me and appears to have overlooked MLSC in the CNS transfers, although transfers to MLSC have been the norm in recent years. To address this oversight, I am proposing an amendment to Section 174 that would include both the funding for the Massachusetts Community Preservation Trust Fund and the overlooked funding for the MLSC.

For these reasons, I recommend that the bill be amended by striking out Section 174 and inserting in place thereof the following section:-
SECTION 174. Notwithstanding any general or special law to the contrary, prior to transferring the consolidated net surplus in the budgetary funds for fiscal year 2022 to the Commonwealth Stabilization Fund pursuant to section 5C of chapter 29 of the General Laws, the comptroller shall: (i) transfer $10,000,000 to the Massachusetts Life Sciences Investment Fund established in section 6 of chapter 23I of the General Laws; and (ii) transfer $20,000,000 to the Massachusetts Community Preservation Trust Fund established in section 9 of chapter 44B of the General Laws.

Respectfully submitted,

Charles D. Baker
Governor
The actions taken by the Governor are delineated on this excerpt from the original parchment:

I reduce the following items in Section 2 to the following amounts, and disapprove the wording as indicated:

<table>
<thead>
<tr>
<th>Section 2</th>
<th>Reduce By</th>
<th>Reduce To</th>
<th>Wording Stricken</th>
</tr>
</thead>
<tbody>
<tr>
<td>2100-0012</td>
<td>25,000</td>
<td>18,365,600</td>
<td>&quot;; and provided further, that not less than $25,000 shall be expended for Westford Community Access Television, Incorporated for production and programming in the town of Westford&quot;</td>
</tr>
<tr>
<td>2200-0107</td>
<td>200,000</td>
<td>499,997</td>
<td>&quot;; provided further, that not less than $200,000 shall be expended for the department of environmental protection to develop and administer a pilot program for the recycling of child passenger restraints; provided further, that the department may partner or contract with private organizations or political subdivisions of the commonwealth to assist in the development or establishment of the pilot program; and provided further, that not later than June 30, 2023, the department shall submit a report to the house and senate committees on ways and means and the joint committee on environment, natural resources and agriculture on data concerning the success of the pilot program including, but not limited to: (i) usage rates; (ii) the number of child passenger restraints recycled; and (iii) available demographic and equity data about the individuals utilizing the program&quot;</td>
</tr>
<tr>
<td>2310-0200</td>
<td>100,000</td>
<td>16,011,887</td>
<td>&quot;; provided further, that not less than $100,000 shall be expended for New England Wildlife Center, Inc. in the city known as the town of Weymouth for the costs associated with the care, treatment and maintenance of wildlife&quot;</td>
</tr>
<tr>
<td>7006-0071</td>
<td>25,000</td>
<td>3,153,295</td>
<td>&quot;; and provided further, that not less than $25,000 shall be expended for Plymouth Area Community Access Television, Inc. for a production and mobile studio van to provide video and streaming support for newsworthy events, meetings, forums conducted by elected and appointed officials, tourism and emergency directives to the greater Plymouth area&quot;</td>
</tr>
</tbody>
</table>
| 8900-0001 | 125,000 | 727,047,175 | "; provided further, that given the continued prevalence and threat of the 2019 novel coronavirus within department of correction facilities, the commissioner of correction shall release, transition to home confinement or furlough individuals in the care and custody of the department who can be safely released, transitioned to home confinement or furloughed with prioritization given to populations most vulnerable to serious medical outcomes associated with the 2019 novel coronavirus according to the federal Centers for Disease Control and Prevention’s guidelines; provided further, that the department shall consider, but shall not be limited to considering: (a) the use of home confinement without exclusion under chapter 211F of the General Laws; (b) the expedition of medical parole petition review by superintendents and the
commissioner; (c) the use of furlough; (d) the maximization of
good time by eliminating mandates for participation in
programming for those close to their release dates; and (e)
awarding credits to provide further remission from time of sentence
for time served during periods of declared public health
emergencies impacting the operation of prisons"

and

"; provided further, that not less than $125,000 shall be expended
for the Disability Law Center, Inc. to monitor the efficacy of
service delivery reforms at Bridgewater state hospital, including
units at the Old Colony correctional center and the treatment
center; provided further, that the Disability Law Center, Inc. may
investigate the physical environment of said facilities, including
infrastructure issues and may test and sample the physical and
environmental conditions, whether or not they are utilized by
patients or inmates; and provided further, that the Disability Law
Center, Inc. may monitor the continuity of care for persons who are
discharged from Bridgewater state hospital to county correctional
facilities or department of mental health facilities, including
assessment of the efficacy of admission, discharge and transfer
planning procedures and coordination between the department of
correction, Wellpath LLC, the department of mental health and
county correctional facilities; provided further, that at least once
every 6 months, the Disability Law Center, Inc. shall report on the
impact of these reforms on those served at Bridgewater state
hospital to the joint committee on mental health, substance use and
recovery, the joint committee on the judiciary, the house and senate
committees on ways and means, the president of the senate and the
speaker of the house of representatives"

I disapprove in the following items in Section 2 the wording as indicated:

Section 2 Wording Stricken

2810-0100 "; provided further, that the rinks under the control of the department shall remain open and
staffed for the full rink season and that ice skating shall be available from September 1
through April 15 of the following year"

and

"; provided further, that not later than February 3, 2023 the department shall submit a report
to the house and senate committees on ways and means on: (a) the status of hiring for
additional staffing; (b) the staffing levels for the previous 10 fiscal years; and (c) the average
staffing level at each park; provided further, that the department shall take steps to address
personnel needs in a manner that is geographically equitable; provided further, that not later
than January 14, 2023, the department shall submit a report to the house and senate
committees on ways and means detailing: (1) the hires made for division personnel in fiscal
year 2022; (2) the status of hiring for additional staffing; (3) the staffing levels for the
previous 10 fiscal years; and (4) the average staffing level at each park; provided further, that
notwithstanding any general or special law, rule, regulation, or administrative directive to the
contrary, the commissioner of conservation and recreation may fill not more than 975 full-
time positions"
7004-0101 "; (IV) applications and requests for services provided for in this item and in item 7004-0108 that do not result in a formal denial, a front-door entry into the emergency assistance system or verified diversion as a result of HomeBASE household assistance expressed as a percentage of the total; (V) the number of households submitting multiple applications or making multiple requests for services within the previous 1-month period and the previous 6-month period"

and

"; (VIII) the number of applications and requests that do not result in the household entering emergency assistance shelter within 48 hours and for which such non-entry is attributable to each of the following: written denial, pending documentation or verifications, no imminent homelessness or household withdrawal of the application"

and

"; (X) the number of families served under this item who required further assistance under this item or under item 7004-0108 at a later date; (XI) the type of assistance later required and provided; (XII) the total number of families receiving assistance under item 7004-0101 that have received assistance under this item or item 7004-0108 during each of the previous 3 years"

and

"; (XIV) the number of applications and requests from households that became homeless within 12 months of depleting their HomeBASE assistance under item 7004-0108; (XV) the reasons for homelessness in the applications and requests received under clause (XIV) and the number of applications and requests received under said clause (XIV) that are denied"

and

"; (iii) the number of families receiving multiple health and safety assessments within the previous 6-month period"

7004-0202 "; provided, that programs under this item shall be administered by direct service providers contracted under item 7004-0102"

8900-1100 "; provided further, that said support centers shall be administered by the department of public health for the purposes of lessening recidivism and increasing public safety by providing comprehensive reentry services"

I return for amendment, pursuant to the authority vested in me by Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, Sections 4, 5, 6, 13, 15, 26, 28, 37, 49, 50, 51, 71, 72, 73, 75, 76, 80, 101, 109, 117, 118, 132, 133, 134, 137, 139, 143, 148, 169, 171, 174, 175, 176, 177, 184, 188, 191, 192, 193, 195 and 196. The text of my recommended amendments is set forth in separate letters of this date to the Senate and House of Representatives.
The remainder of this bill I approve.

Approved, July 28, 2022

at o'clock and minutes, .M.

Charles D. Baker
Governor