

**HOUSE . . . . . No. 4055**

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The Commonwealth of Massachusetts

SO MUCH OF THE MESSAGE  
FROM  
HER EXCELLENCY THE GOVERNOR  
RETURNING THE GENERAL APPROPRIATION BILL  
FOR FISCAL YEAR 2024  
(SEE HOUSE, NO. 4040)  
AS RELATES TO ATTACHMENTS A THROUGH G,  
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.

August 9, 2023.

**HOUSE . . . . . No. 4055**

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OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE · BOSTON , MA 02133  
(617) 725-4000

**MAURA T. HEALEY**  
GOVERNOR

**KIMBERLEY DRISCOLL**  
LIEUTENANT GOVERNOR

August 9, 2023

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 4040, “An Act Making Appropriations for the Fiscal Year 2024 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 2024 (FY24) budget represents the first this administration will sign. We appreciate the partnership with the Legislature on a budget that will make Massachusetts more affordable, competitive, and equitable. We thank the Legislature for returning a conference report that furthers our shared values and delivers tangible benefits for the people of the Commonwealth. We recognize the time, effort, and thoughtfulness that went into producing this tremendous result.

The budget we are signing today supports our public schools, institutions of higher education, public transit, and our state’s ability to prepare for and protect against the impacts of climate change. It makes historic investments in workforce development programs, such as Early College and Innovation Pathways, Career Technical Institutes, and Registered Apprenticeship Programs. Importantly, the blueprint established by this budget will fully fund another year of the Student Opportunity Act, increase unrestricted local aid to cities and towns above the consensus revenue growth rate, expand college financial aid, and make community college free for thousands of students through our new MassReconnect program.

This budget will also boost spending within the Executive Office Energy and Environmental Affairs to 1 percent of the state budget, a goal we set out to achieve when we

filed House 1 in March. This spending will help address climate change and environmental justice in Massachusetts and, through that work, support workforce development to meet the needs of the new green economy, electrification of our transportation system, and decarbonization in the building space.

I am proud that, for the first time, this budget incorporates \$1 billion in new revenue made available through the Fair Share surtax and builds a structure to ensure that, this year and in future years, revenue from the Fair Share surtax will be spent the way voters intended – on education and transportation. That includes \$25 million to reduce the income-eligible waitlist for childcare slots, funding to support the permanent expansion of universal school meals, scholarships for nursing students, funds for municipal roadways and regional transit, and \$180.8 million in capital investments at the MBTA.

All this progress is possible because the state’s economy continues to be strong. This budget incorporates a consensus revenue estimate for Fiscal Year 2024 of \$40.41 billion, a 1.6 percent increase over adjusted Fiscal Year 2023 projected revenue, in addition to the new funding available through the Fair Share surtax. We also anticipate a \$525 million transfer to the state’s stabilization account from excess capital gains unavailable to the budget, which will push our reserve balance to over \$8.5 billion.

We continue to believe that this estimate is reasonable given the current fiscal outlook. We must not, however, lose sight of the need for tax relief. We are encouraged to see the conference report set aside \$580 million in Fiscal Year 2024 for tax relief. The people of Massachusetts are relying on us to get tax relief done as soon as possible. We look forward to continuing to work with our partners in the House and Senate to make Massachusetts a more affordable and equitable place for individuals and families to not only live but thrive by ensuring we can continue to compete for jobs, business growth, and economic expansion. Permanent tax relief will complement the many investments we are making in furtherance of these goals.

We must also be good stewards of our residents’ tax dollars by ensuring that the spending we commit to permanent programming can be sustained moving forward. Accordingly, I am vetoing Section 100 which proposes to transfer \$205 million in one-time funds from the Transitional Escrow Fund to the General Fund. We are making corresponding line-item reductions to ensure the budget is structurally balanced.

One-time transitional funds are transitory. They were built up through several years of significant surplus. They can and should be used to support one-time needs, and we look forward to working with the Legislature to identify transformational investments that can be made with these funds.

Permanent programming, however, should be supported by ongoing resources. We should refrain from tapping into one-time Transitional Escrow funds to support programming that we intend to be permanent. Such programming includes the expansion of universal school

meals and the Commonwealth Cares for Children (C3) grant program that supports early education and care providers. These programs are important enough to demand permanent funding.

Therefore, I am vetoing approximately \$272.42 million in gross spending across 35 line-items, netting \$205 million after revenue offsets. We are also making sure that universal school meals and C3 grants are fully funded in Fiscal Year 2024, and we are signing the section of the budget aimed at making the policy of universal school meals permanent.

We are reducing appropriation amounts in items of Section 2 of House 4040 that are enumerated in Attachment A of this message, by the amount and for the reasons set forth in that amendment.

We are disapproving, or striking wording in, items of Section 2 of House 4040 also set forth in Attachment A, for the reasons set forth in that attachment.

After vetoes, the \$55.98 billion budget we are signing today represents an approximately 5.1 percent increase over Fiscal Year 2023, not including collective bargaining costs, which have been held aside.

#### FY24 Budget Highlights:

##### Fair Share

- \$524 million for education:
  - o \$71 million for early education and care will increase childcare slots for income-eligible families and put the Commonwealth on a path to universal Pre-K
  - o \$224 million for K-12 education will guarantee access to free meals for students across the Commonwealth, expand pathways for high school students to earn college degrees and fund clean energy infrastructure in schools
  - o \$229 million for higher education will help make community college and a four-year degree more accessible through the MassReconnect program and the expansion of financial aid
- \$477 million for transportation will:
  - o Preserve critical highway bridge infrastructure
  - o Improve accessibility at MBTA stations
  - o Pilot means-tested MBTA fares

- o Create a path for regional transit authorities to pilot innovative services and increase rural connectivity

#### Education and Local Aid

- Fully funds the Student Opportunity Act, including a \$594 million, or 9.9 percent, increase in Chapter 70 funding
- Provides \$475 million for Commonwealth Cares for Children (C3) grants to early-education providers
- Provides \$10 million for a career pathways program for early educators
- Extends in-state tuition rates at the state's public universities to students without documentation
- Funds a 3.2 percent increase to Unrestricted General Government Aid
- Includes major increases of \$21.3 million for school transportation reimbursement and \$9.5 million in rural school aid
- Fully funds Special Education Circuit Breaker
- Increases payments in lieu of taxes (PILOT) for state-owned land by \$6.5 million or 14 percent

#### Housing and Homelessness

- Supports the creation of the new Executive Office of Housing and Livable Communities
- Creates 750 new Massachusetts Rental Voucher Program (MRVP) vouchers for low-income tenants
- Creates 150 new Alternative Housing Voucher Program (AHVP) vouchers for individuals with disabilities, including, for the first time, 50 project-based vouchers
- Makes eviction protections permanent for renters with pending EA applications
- Reauthorizes the Brownfields Tax Credit recommended in our tax relief package
- Increases funding to address and prevent homelessness:
  - o \$324 million for the Emergency Assistance Family Shelter (EA) program, representing a 48 percent increase over Fiscal Year 2023

- o \$37 million for HomeBASE to connect EA-eligible families with more permanent housing opportunities

#### Economic Development

- Funds \$6.5 million in targeted initiatives at the Massachusetts Technology Collaborative to support workforce, manufacturing, cybersecurity, and the innovation economy
- Provides \$5 million for Small Business Technical Assistance Grants to leverage the expertise of nonprofits to offer technical assistance, education, and access to capital for small businesses
- Provides \$600,000 for the Massachusetts Downtown Initiative for municipalities looking to revitalize their downtowns

#### Health and Human Services

- Dedicates \$173 million to Chapter 257 rate increases for human service providers
- Includes an increase of \$44.6 million for behavioral health initiatives at the Department of Mental Health to expand inpatient and community capacity
- Includes an additional \$6.1 million for immigrant and refugee services, including \$1.8 million for health assessments and \$1.5 million for employment programs
- Provides \$2.75 million for Technology Forward to provide assistive technology and remote support or monitoring
- Supports a pilot to expand subsidized ConnectorCare coverage to individuals at or below 500 percent of the federal poverty limit
- Expands access to contraceptives by allowing pharmacists to prescribe and dispense hormonal contraceptives

#### Workforce Development

- Provides \$16.2 million for Summer Jobs Program for At-Risk Youth (Youthworks) to subsidize wages and facilitate career development for at-risk youth
- Provides \$15.4 million for Career Technical Institutes
- Includes \$3.8 million for the Registered Apprenticeship Program to fund approximately 1,000 placements

#### Serving Our Veterans

- Funds the new Veterans' Services at \$185.6 million, a \$11.4 million, or 7 percent, increase from FY23 GAA

- Supports preparations for the opening of new Soldiers' Homes facilities:

- o Chelsea's long-term care transition from the Quigley Building to Community Living Center will begin March 2023

- o Holyoke's replacement of its long-term care facility by 2027, currently in the design phase with DCAMM

- Invests in payroll and overtime costs for nursing staff at the Soldiers' Homes  
Transportation

- Includes \$100 million for a new Municipal Partnership grant program for a road construction reserve

- Provides \$28 million for implementation of the Work and Family Mobility Act, including extended RMV service hours

- Provides \$200 million for MBTA capital investments, including station accessibility and improvements and design for the Red-Blue connector

- Directs \$20 million to the MBTA Workforce Safety Reserve, which can be used to support employee recruitment and retention

- Provides \$5 million for implementation of means-tested fares

- Includes \$15 million for fare-free pilot programs at Regional Transit Authorities

Energy and the Environment

- Appropriates 1 percent of total FY24 GAA spending to the Executive Office of Energy and Environmental Affairs, which includes:

- o \$25 million to permanently support Food Security Infrastructure Grants

- o \$30 million for the Massachusetts Clean Energy Center to support wind technology, clean homes, and workforce training programs in the clean energy industry

- o \$4.8 million for a decarbonization clearinghouse for energy efficiency, electrification, and storage

- o \$5 million to address deferred maintenance at Department of Conservation and Recreation parks and facilities

### Criminal Justice and Public Safety

- Provides funding for re-entry pathways, including green career training programs
- Supports new and enhanced training requirements through the POST Commission and Municipal Police Training Committee
- Provides \$2 million to establish a Safe Neighborhood Initiative, a collaborative effort between law enforcement and community leaders to develop comprehensive solutions to reduce crime and protect communities

### Technology and Cybersecurity

- Provides \$9.2 million in additional cybersecurity investments, including \$2.6 million in software licenses for web security, network endpoint protection, and threat detection
- Supports continued consolidation of IT services for executive branch departments

We appreciate the work of the Legislature in delivering the FY24 conference report that we are signing today and the thoughtfulness that went into the final legislation. With that in mind, we are signing 103 of the 112 outside sections included in the budget, returning 8 sections with amendments, and returning 1 section. We are hopeful the House and Senate will work with us to refine the proposals returned with amendment so that we can sign them in short order.

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth, we are returning sections 8, 15, 50, 57, 85, 87, 101, and 111 with recommendations for amendment and vetoing section 100. 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 G, inclusive.

Respectfully Submitted,

MAURA T. HEALEY /S/

Maura T. Healey  
Governor

KIMBERLEY DRISCOLL /S/

Kimberley Driscoll  
Lieutenant Governor



**Attachment A**

**FY24 Budget**

**Veto Items: Line Item Accounts**

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Sewer Rate Relief Funding			
1231-1000	Veto	1,500,000	0
I am vetoing this item because it is not consistent with my House 1 recommendation.			
Civics Education Trust Fund			
1595-0115	Reduce	1,000,000	1,500,000
I am reducing this item to the amount projected to be necessary. This account funds a trust fund, which has a carry forward balance. The balance with the addition of the transfer proposed here is sufficient to meet projected demand.			
Transfer to Workforce Competitiveness Trust Fund			
1595-1075	Reduce	10,000,000	10,000,000
I am vetoing this item because it is not consistent with my House 1 recommendation. This fund has substantial funding available to support workforce-related program goals due to funding appropriated in the American Rescue Plan Act and record high state contributions.			
Toxics Use Retained Revenue			
2210-0106	Reduce	1,136,978	2,888,473
I am vetoing this item because it is not consistent with my House 1 recommendation.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
<b>Center-Based Child Care Rate Increase</b>			
3000-1042	Veto	35,000,000	0
<p>I am vetoing this item because it is not consistent with my House 1 recommendation. This account appropriates funds to assist the early education workforce with personal child care costs. Sufficient funding exists elsewhere in the budget and through FY23 carry forward to meet projected demand. This account also provides funding to increase reimbursement rates at center-based child care providers, but excludes family child care centers from accessing these funds. Excluding family child care centers creates an inequity across different segments of the child care system. Line-item 3000-1041, filed by the administration and included in this budget, provides for an equitable rate increase at both center-based and family child care providers. In total, this budget includes \$45 M in funding for child care provider rate increases.</p>			
<b>Grants to Head Start Programs</b>			
3000-5000	Reduce	1,000,000	16,500,000
<p>I am reducing this item to the amount projected to be necessary. The adjusted funding level proposed here is consistent with the FY23 GAA and sustains significant expansion to this line-item in recent fiscal years.</p>			
<b>Parent-Child Plus Program</b>			
3000-7052	Reduce	250,000	4,000,000
<p>I am reducing this item to the amount projected to be necessary. The adjusted funding level proposed here is consistent with the FY23 GAA and sustains significant expansion to this line-item in recent fiscal years.</p>			
<b>MassHealth Fee for Service Payments</b>			
4000-0700	Reduce	142,850,000	3,601,016,357
<p>I am reducing this item to the amount projected to be necessary.</p>			
<b>Soldiers' Home in Massachusetts Administration</b>			
4180-0100	Reduce	859,000	48,420,108
<p>I am reducing this item to an amount consistent with my House 1 recommendation, as additional funds are not needed to maintain operations at the Chelsea Soldiers' Home. My administration filed a \$1.7 M PAC in the March supplemental budget to further support operations at Chelsea in FY24.</p>			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
State Supplement to Supplemental Security Income			
4405-2000	Reduce/Strike Wording	7,000,000	202,700,528
I am striking language that earmarks funding for a program that can be funded within the FY24 GAA. I am reducing this item to an amount consistent with my House 1 recommendation.			
Emergency Aid to the Elderly Disabled and Children			
4408-1000	Reduce/Strike Wording	18,000,000	186,409,929
I am striking language that earmarks funding for a program that can be funded within the FY24 GAA. I am reducing this item to the amount projected to be necessary based on updated projections of caseload.			
Children's Advocacy Centers			
4510-0811	Reduce	950,000	4,050,000
I am reducing this item to the amount projected to be necessary. This will allow the program to continue its current level of services.			
Bureau of Substance Addiction Services			
4512-0200	Reduce	2,800,000	216,694,161
I am reducing this item to the amount projected to be necessary. Amount typically reverts and veto is not expected to cause an operational impact. Additional funding sources for substance use disorder programs include Substance Use Disorder Federal Reinvestment Trust Fund and Opioid Recovery and Remediation Fund.			
Grants to Local Boards of Health			
4512-2022	Reduce	4,988,680	10,061,320
I am reducing this item to the amount projected to be necessary. \$197.0 M is available through American Rescue Plan Act funding to achieve the objectives of this line item to enhance the local public health system through data and performance tracking, workforce development, and grants.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Samaritans Inc Suicide Prevention Services			
4513-1027	Reduce/Strike Wording	1,400,000	400,000
I am reducing this item to an amount consistent with my House 1 recommendation. The program goals are sufficiently funded through an expansion in the Suicide Prevention and Intervention line item (4513-1026).			
Public Health Hospitals			
4590-0915	Reduce/Strike Wording	700,000	194,067,937
I am striking language that earmarks funding for a program, and I am reducing this item to an amount consistent with my House 1 recommendation. Sufficient funding is available to meet the goals stated in the earmark language.			
Prostate Cancer Research			
4590-0925	Reduce	250,000	1,000,000
I am reducing this item to the amount projected to be necessary. This will allow the program to continue its current level of services.			
DCF Family Resource Centers			
4800-0200	Reduce/Strike Wording	5,992,481	27,807,519
I am striking language that earmarks funding for a program. The earmarked funds are not necessary to support the activities of the program.			
Adult Mental Health and Support Services			
5046-0000	Reduce	3,750,000	596,627,446
I am reducing this item to the amount projected to be necessary due to savings from delayed implementation of the emergency room diversion program.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Autism Division			
5920-3010	Reduce	2,000,000	10,940,691
I am reducing this item to an amount consistent with my House 1 recommendation, as the additional funding is not needed to meet the goals of the program.			
Summer Jobs Program for At-Risk Youth			
7002-0012	Reduce	6,100,000	16,240,000
I am vetoing this item because it is not consistent with my House 1 recommendation. This program has substantial alternative funding available through the American Rescue Plan Act, and this veto will not result in any reductions in programming.			
Community Action Agency Operating and Outreach			
7002-0025	Veto	7,675,000	0
I am vetoing this item because its original purpose was specifically tied to addressing the COVID-19 pandemic.			
Community Foundation Grants			
7002-2022	Veto	5,000,000	0
I am vetoing this item because its original purpose was specifically tied to addressing the COVID-19 pandemic.			
Massachusetts Service Alliance			
7003-1206	Reduce	880,000	1,400,000
I am vetoing this item because it is not consistent with my House 1 recommendation. This is a passthrough and will not impact core Executive Office of Labor and Workforce Development programming.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
Homeless Individual Shelters			
7004-0102	Reduce/Strike Wording	40,000	110,752,398
I am striking language that earmarks funding for a program within this line item that recently had an open, competitive procurement for available funding. Maintaining this earmark language could create unintended consequences around procurement in the future.			
Home and Healthy for Good Program			
7004-0104	Reduce/Strike Wording	2,500,000	6,390,000
I am striking language that earmarks funding not necessary for the operation of the program, and I am reducing this item to the amount projected to be necessary.			
Housing Services and Counseling			
7004-3036	Reduce	774,000	9,700,000
I am reducing this item to the amount projected to be necessary.			
Loan Originator Administration and Consumer Couns			
7006-0011	Reduce	1,500,000	1,550,000
I am striking language that earmarks funding for a program already included in FY24 GAA base level funding, and I am reducing this item to the amount projected to be necessary.			
Department of Telecommunications and Cable			
7006-0071	Reduce/Strike Wording	25,000	3,307,411
I am striking language that earmarks funding on an account, the costs for which are assessed on the industry.			
Regional Economic Development Grants			
7007-0150	Reduce	500,000	1,500,000
I am reducing this item to the amount projected to be necessary. This reduction is not projected to cause operational impact.			

<b>Item Number</b>	<b>Action</b>	<b>Reduce By</b>	<b>Reduce To</b>
English Language and Literacy Programs			
7010-0033	Reduce/Strike Wording	300,000	5,366,731
I am striking language that earmarks funding for a program inconsistent with my House 1 recommendation.			
Advanced Placement Math and Science Programs			
7035-0035	Reduce	100,000	3,292,809
I am reducing this item to the amount projected to be necessary based on historical spending in this line-item.			
Special Education Circuit Breaker Reimbursement			
7061-0012	Reduce	5,601,240	498,972,361
I am reducing this item to the amount projected to be necessary. This budget contains language that will carry forward approximately \$5.6 M of unspent FY23 funding to support FY24 costs in this line-item. The amount as adjusted here, in combination with that additional funding, is sufficient to meet projected demand. The administration has separately filed for \$75 M in a FY23 supplemental budget to further support school districts with escalating out-of-district costs.			
Pre- and Post-Release Services Grant Program			
8000-0655	Reduce	1,000,000	6,000,000
I am reducing this item to the amount projected to be necessary. Program goals are sufficiently funded at recommended funding level.			
Nonprofit Security Grant Pilot Program			
8000-1127	Reduce	2,500,000	1,500,000
I am reducing this item to an amount consistent with my House 1 recommendation. Alternate funding for this purpose was appropriated in the American Rescue Plan Act (Chapter 268 of the Acts of 2022).			

**Attachment B**

**FY24 Budget**

**Veto Item: Outside Sections**

Fund Transfer  
Section 100

I am vetoing this section because a transfer of one-time resources to fund ongoing spending operations is not considered a best practice and may be viewed negatively by rating agencies when assessing the Commonwealth's fiscal strength. Upon review of the Conference Report, I have identified corresponding spending reductions that will allow the Commonwealth to deliver a balanced budget without relying on the one-time funding sources identified in this section.



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**MAURA T. HEALEY**  
GOVERNOR

**KIMBERLEY DRISCOLL**  
LIEUTENANT GOVERNOR

ATTACHMENT C

August 9, 2023

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 8 and 101 of House Bill No. 4040, “An Act Making Appropriations for the Fiscal Year 2024 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 8 requires the Highway Division of the Massachusetts Department of Transportation (MassDOT) to establish a new department and a new licensure process to oversee quarries producing concrete aggregate. The provision also expands concrete testing lab services to residential and private entities. Section 101 provides an effective date of December 31, 2023 and requires MassDOT to promulgate regulations by that same date.

I fully support this proposal as it addresses a challenge faced by many homeowners and communities in the Commonwealth. Concrete contaminated with pyrite and pyrrhotite can weaken construction, drastically reducing the strength and limiting the lifespan of buildings and infrastructure, and resulting in significant financial harm to unassuming homeowners, municipalities, and the Commonwealth. As we work to replenish our housing supply, we must ensure that construction is completed with quality materials.

Establishing an efficient and meaningful licensing program will require time. MassDOT will need more than five months to establish a new department, recruit and retain necessary personnel, promulgate regulations, and develop a new licensure process. Delaying the effective date of this proposal to July 1, 2024 will allow MassDOT to complete these actions in an orderly way and effectively achieve the aims of the new law.

For these reasons, I recommend that the bill be amended by striking out sections 8 and 101 and inserting in place thereof the following 2 sections:-

SECTION 8. Chapter 6C of the General Laws is hereby amended by adding the following section:-

Section 79. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

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

“Certified professional 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.

“Licensed professional geologist”, a professional geologist certified by: (i) examination through the National Association of State Boards of Geology; or (ii) a state’s licensing authority that follows the national standards of the National Association of State Boards of Geology’s licensing program or its equivalent.

(b) Any person seeking to mine, expand, excavate or otherwise operate a quarry, sand and gravel operation or any other aggregate source for the purpose of producing concrete aggregate for sale or use in foundations, structural elements or infrastructure, including, but not limited to, roadways and bridges, shall submit to the department and the state geologist an application for a license to conduct such activity.

Each license application shall consist of: (i) a description of the geographic location of the aggregate source; (ii) an operations plan, including, but not limited to, mining, processing, storage and quality control methods; (iii) a geological source report, consistent with subsection (c); and (iv) the results of aggregate testing for the presence of pyrite and pyrrhotite, consistent with subsection (d). Each license application shall be accompanied by a fee as established by the department. Fees received by the department under this section shall be used to implement this section; provided, however, that any surplus fee receipts shall be deposited into the General Fund.

(c) An applicant under this section shall prepare a geological source report as required under subsection (b). Such report shall be prepared by a certified professional geologist, licensed professional geologist or an equivalent acceptable to the state geologist in a form and manner prescribed by the department, developed in consultation with the state geologist, a representative nominated by the Massachusetts Aggregate & Asphalt Pavement Association, Inc. and a representative nominated by the Massachusetts Concrete & Aggregate Producers Association,

Inc., and shall include, but shall not be limited to: (i) a description of the characteristics of the aggregate to be excavated at the aggregate source location; (ii) a description of the products to be produced at such location; and (iii) a copy of the results of an inspection of face material and geologic log analysis, which shall be conducted not more than 60 days prior to the date of the report. A geological source report prepared under this subsection shall be valid for a period of 1 year from the date of preparation.

(d) Aggregate testing to identify the presence of pyrite and pyrrhotite required under subsection (b) shall include, but shall not be limited to, a total sulfur test to measure total sulfur content in a representative sample. Aggregate testing shall be performed by an accredited laboratory in accordance with applicable standards established by American Society of Testing and Materials International or alternate standards to be determined by the department in consultation with the state geologist.

(e) The secretary or a designee, in consultation with the state geologist, shall review each license application submitted pursuant to this section and notify each applicant whether the license has been approved and any applicable conditions of operation. If the application is denied, the notification shall include the reason for denial. A license granted under this section shall be valid for 1 year from the date of approval; provided, however, that a license may be renewed after it expires. The department shall state the aggregate testing requirements established under subsection (d) in the license application; provided, however, that the state geologist may request additional testing or information during the review of a license application. The department may modify testing requirements and application criteria at its discretion.

The department may issue a license valid for more than 1 year to an applicant that has submitted geological source reports and been approved for a license for 5 consecutive years; provided, however, that the licensee shall be required to submit annual geologic source reports as a condition for receiving such license.

(f) A person owning or operating an aggregate source, subject to licensure pursuant to this section, shall maintain all records relevant to such licensure and operation, including, but not limited to, a record of sale for all aggregate, for not less than 30 years.

(g) A person owning or operating a concrete production facility for the purpose of producing concrete for sale or use in foundations, structural elements or infrastructure, including, but not limited to, roadways and bridges, and who is in receipt of aggregate material from a source licensed pursuant to this section, shall maintain a record of the aggregate used in individual concrete batches for not less than 30 years.

(h) The department, in consultation with the state geologist, shall maintain all data collected under this section.

(i) Nothing in this section shall affect the operations of quarries producing aggregate for purposes other than those described in subsection (b).

(j) The department, in consultation with the state geologist, shall promulgate regulations to implement this section.

SECTION 101. Section 79 of chapter 6C of the General Laws, inserted by section 8, shall take effect on July 1, 2024; provided, however, that entities licensed to operate a quarry or sand and gravel operation in the commonwealth before the effective date of this act that are affected by said section 79 of said chapter 6C shall meet the requirements of said section 79 of said chapter 6C not later than July 1, 2024; and provided further, that any work conducted by such an entity prior to July 1, 2024 shall comply with existing regulations.

Respectfully submitted,

MAURA T. HEALEY /S/

Maura T. Healey  
Governor

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**MAURA T. HEALEY**  
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**KIMBERLEY DRISCOLL**  
LIEUTENANT GOVERNOR

ATTACHMENT D

August 9, 2023

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. 4040, “An Act Making Appropriations for the Fiscal Year 2024 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 proposes that the Alcoholic Beverages Control Commission enforce, regulate, and control the distribution of alcoholic beverages consumed in gaming establishments but not within gaming areas. Under current law, the Massachusetts Gaming Commission holds primary enforcement authority over the distribution of alcoholic beverages within gaming establishments, with the Alcoholic Beverage Control Commission providing investigative support. Section 15 would alter the division of enforcement authority between the Commissions in some, but not all, respects.

I am concerned that this section begins, but does not complete, the important work of reviewing and fine-tuning alcohol enforcement authority in gaming establishments. The language in Section 15 amends some but not all of the existing enforcement statutes, creating the risk or appearance of conflict with provisions of G.L. c. 23K, § 6(g) and G.L. c. 10, § 72A.

I note that the Expanded Gaming Act was signed into law in 2011, creating the category of gaming beverages licenses for the first time. As gaming has grown and developed over the past decade, the structure for regulating these licenses is in need of review and may be in need of change. Therefore, I recommend that this section be amended to require the Alcoholic Beverages

Control Commission and the Massachusetts Gaming Commission to study alcohol regulation and enforcement in gaming establishments, including in restaurants and bars within gaming establishments but not in gaming areas. I also recommend that the Commissions review the effectiveness of their ongoing enforcement partnership.

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

SECTION 15. The Alcoholic Beverages Control Commission and Massachusetts Gaming Commission shall study and report on the status of alcohol enforcement in gaming establishments, including in restaurants and bars within gaming establishments but not in gaming areas, and review the effectiveness of the ongoing collaborative relationship that exists between the Alcoholic Beverages Control Commission and Massachusetts Gaming Commission. In their review, the Alcoholic Beverages Control Commission and the Massachusetts Gaming Commission shall seek input from stakeholders, including but not limited to gaming licensees, vendors and contractors that hold or operate under gaming establishment liquor licenses.

A report of their findings, including any legislative or regulatory recommendations, shall be filed with the clerks of the house of representatives and senate, the joint committee on consumer protection and professional licensure, and the joint committee on economic development and emerging technologies not later than April 1, 2024.

Respectfully submitted,

MAURA T. HEALEY /S/

Maura T. Healey  
Governor

**HOUSE . . . . . No. 4055**

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**MAURA T. HEALEY**  
GOVERNOR

**KIMBERLEY DRISCOLL**  
LIEUTENANT GOVERNOR

ATTACHMENT E

August 9, 2023

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 50, 85, and 111 of House Bill No. 4040, “An Act Making Appropriations for the Fiscal Year 2024 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 50, 85, and 111 provide unlimited free phone calls to incarcerated individuals in the custody of state and county correctional facilities, retroactive to July 1, 2023. The provisions also require the Department of Corrections and county Sheriff’s Departments to consolidate contracts to increase purchasing power and create more leverage in contract negotiations.

I wholeheartedly support the aim of these sections which, as appearing in the conference report, build upon language I proposed in H.1. Ensuring access to free phone calls is a meaningful step on the path of criminal justice reform and recognizes the importance of building connections between those who are incarcerated and those who care about them on the outside. These provisions have long been the subject of vocal advocacy and have strong support from many stakeholders. I commend the Legislature for adopting this very important policy. However, as written, the proposal is retroactive, posing serious implementation challenges, and underfunded by \$20M in the budget. To achieve our shared goals, I am recommending that the effective date of these sections be delayed to December 1, 2023. This adjustment avoids the need

for retroactive reimbursements, provides time for the Department of Corrections and the Sheriff's Departments to manage vendor contracts more effectively, and addresses fiscal challenges while also ensuring that families will be able to connect with their incarcerated loved ones during the holiday season.

For this reason, I recommend that sections 50, 85, and 111 be amended by striking out the sections and inserting in place thereof the following 3 sections:-

SECTION 50. Chapter 127 of the General Laws is hereby amended by inserting after section 87 the following section:-

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

(b) The department of correction and sheriffs shall provide any person committed to a state correctional facility, state prison or county correctional facility, including a jail or house 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 possible and no facility shall offer access to voice communication services less than were offered and available at such facilities on December 1, 2023; provided further, that the department of correction and sheriffs shall ensure adequate infrastructure for voice communication services; 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 85. (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 87A of chapter 127 of the General Laws, as inserted by section 50; provided, however, that voice communication services shall be free of charge to the person initiating and the person receiving the communication beginning on December 1, 2023; provided further, that other communication services offered pursuant to said section 87A of said chapter 127, 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 beginning on December 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 correction and the sheriffs shall seek to maximize purchasing power and consolidate contracts to the extent feasible; provided,



that not later than January 1, 2024, 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 revert to the General Fund.

SECTION 111. Section 87A of chapter 127 of the General Laws, as inserted by section 50, shall take effect December 1, 2023.

Respectfully submitted,

MAURA T. HEALEY /S/

Maura T. Healey  
Governor

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**KIMBERLEY DRISCOLL**  
LIEUTENANT GOVERNOR

ATTACHMENT F

August 9, 2023

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 57 of House Bill No. 4040, “An Act Making Appropriations for the Fiscal Year 2024 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 57 modifies the state Paid Family and Medical Leave (PFML) program by allowing employees to supplement their weekly PFML benefit amount with accrued vacation time, sick time, or other paid time off to collect their average weekly wage. I firmly support this change in law. Employees rely on the PFML program to take time off to care for themselves or their loved ones, to bond with an adopted or newborn child, and to manage family affairs when a family member is on active duty in the armed forces. During these critical periods, individuals should be able to use PFML and their accrued leave balances to fully replace the income they otherwise would have received if not on leave.

To successfully implement this critical but administratively complex initiative, employers and the Department of Family and Medical Leave (DFML), which administers the PFML program, need time to prepare. For example, employers must educate themselves on the proposed changes, update payroll processing systems, and inform their employees about the law’s new provisions. DFML must likewise reconfigure its online claims portal to give employers access to the information they will need to implement the new law. In addition, DFML will need to propose regulations, gather stakeholder feedback, and promulgate final rules to ensure that employers have clear guidance on their role in enabling employees to supplement

their PFML benefits with employer-provided paid leave. I have instructed DFML to begin this work promptly.

As it appears in the conference report, Section 57 would become effective immediately and apply retroactively to July 1, 2023. To better ensure that this important law is smoothly implemented, I am proposing an amendment that would provide employers and DFML with six months to take all necessary actions to effectuate this law. To ensure that employees receive the benefits of this provision retroactively to July 1, 2023, as the section currently contemplates, the language I am returning would apply to leave taken on or after July 1, 2023. Given our shared goal to make this important change to the PFML program, I ask that you take swift action on this proposal.

For these reasons, I recommend that the bill be amended by striking out Section 57 and inserting in place thereof the following 2 sections:-

SECTION 57. Section 3 of chapter 175M of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 43 and 44, the words “or (ii) a paid family, or medical leave policy of an employer” and inserting in place thereof the following words:- (ii) a paid family or medical leave policy of an employer; or (iii) any accrued sick or vacation pay or other paid leave provided under an employer policy, including, but not limited to, any leave provided under a collective bargaining agreement.

SECTION 57A. Section 57 shall take effect 180 days after the passage of this act; provided, however, section 57 shall apply to all claims eligible under section 3 of chapter 175M of the General Laws filed for leave taken on or after July 1, 2023.

Respectfully submitted,

MAURA T. HEALEY /S/

Maura T. Healey  
Governor

**HOUSE . . . . . No. 4055**

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LIEUTENANT GOVERNOR

ATTACHMENT G

August 9, 2023

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 87 of House Bill No. 4040, “An Act Making Appropriations for the Fiscal Year 2024 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 87 requires MassHealth ground ambulance services provided to Fee-For-Service and Managed Care Plan members who are also Medicare eligible to be paid at the Medicare rate. I support the aim of this section, as emergency medical services providers, including those serving our municipalities, are under financial strain due to significant staffing shortages, and this initiative will increase federally reimbursable funding for ambulance transports. However, I am returning Section 87 to state expressly that the requirement set forth therein is subject to federal approval. Requiring federal approval is standard for any amendment to MassHealth services, enables MassHealth to maximize federally reimbursable expenditures, and ensures a sustainable MassHealth program.

For these reasons, I recommend that the bill be amended by striking out Section 87 and inserting in place thereof the following section:-

SECTION 87. Notwithstanding any general or special law to the contrary and subject to federal approval, all ambulance ground transportation provided to MassHealth fee-for-service and managed care plan members who are also Medicare eligible shall be paid at the applicable Medicare rate.

Respectfully submitted,

MAURA T. HEALEY /S/

Maura T. Healey  
Governor

The actions taken by the Governor are delineated on this excerpt from the original parchment:—

I disapprove Section 100.

I disapprove the following items:

in Section 2

1231-1000  
3000-1042  
7002-0025  
7002-2022

I reduce the following items in Section 2 to the following amounts:

Section 2	Reduce By	Reduce To
1595-0115	1,000,000	1,500,000
1595-1075	10,000,000	10,000,000
3000-5000	1,000,000	16,500,000
3000-7052	250,000	4,000,000
4000-0700	142,850,000	3,601,016,357
4180-0100	859,000	48,420,108
4510-0811	950,000	4,050,000
4512-0200	2,800,000	216,694,161
4512-2022	4,988,680	10,061,320
4590-0925	250,000	1,000,000
5046-0000	3,750,000	596,627,446
5920-3010	2,000,000	10,940,691
7002-0012	6,100,000	16,240,000
7003-1206	880,000	1,400,000
7004-3036	774,000	9,700,000
7007-0150	500,000	1,500,000
7035-0035	100,000	3,292,809
7061-0012	5,601,240	498,972,361
8000-0655	1,000,000	6,000,000
8000-1127	2,500,000	1,500,000

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

Section 2	Reduce By	Reduce To	Wording Stricken
4405-2000	7,000,000	202,700,528	; provided further, that rates for residential care facilities and rest homes effective July 1, 2023, established under section 13D of chapter 118E of the General Laws, shall cumulatively total not less than \$7,000,000 more than rates effective January 1, 2023
4408-1000	18,000,000	186,409,929	; provided further, that rates for residential care facilities and rest homes effective July 1, 2023, established under section 13D of chapter 118E of the General Laws, shall cumulatively total not less than \$3,000,000 more than rates effective January 1, 2023
4513-1027	1,400,000	400,000	; and provided further, that not less than \$1,000,000 shall be expended for the operation and expansion of Hey Sam, the text-based mental health support line tailored specifically to youth and young adults in the commonwealth and youth mental health community education, outreach and communications
4590-0915	700,000	194,067,937	; provided further, that not less than \$200,000 in retained revenue shall be expended for the Pappas Rehabilitation Hospital for Children summer program  and  ; provided further, that the department of public health shall expend not less than \$500,000 to municipalities hosting a department of public health facility that also acts as a department of mental health continuing care facility
4800-0200	5,992,481	27,807,519	; provided further, that not less than \$4,800,000 shall be expended for flexible funding grants to support current activities and services that are beyond contractual requirements for a family resource center and are necessary to meet needs, including emergency needs, to stabilize families in family resource center catchment areas; provided further, that said funds may be expended for the piloted use of varied master's degree-level clinicians to assist in the evaluation and delivery of services to children and families
7004-0102	40,000	110,752,398	; provided further, that not less than \$40,000 shall be expended for Craig's Doors - A Home Association, Inc. to fund placements for vulnerable individuals who are experiencing homelessness or to offer transportation vouchers to participants
7004-0104	2,500,000	6,390,000	; provided further, that not less than \$500,000 shall be expended by the Massachusetts Housing and Shelter Alliance, Inc. for the purpose of promotion, resource development and technical assistance related to the creation of permanent supportive housing for persons with disabilities who are experiencing homelessness and other solutions to homelessness
7006-0071	25,000	3,307,411	; and provided further, that not less than \$25,000 shall be expended for the city of Chicopee to replace equipment in order to continue to provide public and community access on the televisions of residents

7010-0033            300,000    5,366,731 ; provided further, that not less than \$300,000 shall be expended for Reading Recovery

and

; provided further, that funds provided to Reading Recovery in fiscal year 2024, may be expended through June 30, 2025

I reduce the following items in Section 2 by striking the wording as indicated and inserting in place thereof the following wording set forth below:

Section 2	Reduce By	Reduce To	
2210-0106	1,136,978	2,888,473	Wording Stricken
			For the department of environmental protection, which may expend for the administration and implementation of the Massachusetts Toxics Use Reduction Act, under chapter 21I of the General Laws, not more than \$4,025,451 in revenues collected from fees, penalties, grants and tuition under said chapter 21I
			Wording Inserted
			For the department of environmental protection, which may expend for the administration and implementation of the Massachusetts Toxics Use Reduction Act, under chapter 21I of the General Laws, not more than \$2,888,473 in revenues collected from fees, penalties, grants and tuition under said chapter 21I
7006-0011	1,500,000	1,550,000	Wording Stricken
			For the costs incurred by the division of banks associated with licensure of loan originators under chapter 255F of the General Laws; provided, that the division may expend revenues of not more than \$3,050,000 from the revenue received from administrative fees associated with the licensure fees and from civil administrative penalties collected under said chapter 255F; provided further, that not less than \$1,500,000 shall be expended by the commissioner of banks as grants for the operation of a program for best lending practices, first-time homeowner counseling for nontraditional loans and not less than 10 foreclosure education centers under section 16 of chapter 206 of the acts of 2007 and that the grants shall be awarded through a competitive application process using criteria established by the division
			Wording Inserted
			For the costs incurred by the division of banks associated with licensure of loan originators under chapter 255F of the General Laws;



provided, that the division may expend revenues of not more than \$1,550,000 from the revenue received from administrative fees associated with the licensure fees and from civil administrative penalties collected under said chapter 255F

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 8, 15, 50, 57, 85, 87, 101, 111. 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, August 09, 2023

at                      o'clock and                      minutes,                      .M.

Maura Healey  
Governor