ATTACHMENT J

July 16, 2021

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 42 of House Bill No. 4002, “An Act Making Appropriations for the Fiscal Year 2022 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 42 proposes to limit the Department of Conservation and Recreation’s (DCR) statutory authority to make rules and regulations for the use of the reservations, roads, driveways, boulevards and bridges under the Department’s care by prohibiting the collection of any charge or fee for parking on any portion of a DCR boulevard, roadway, parkway, or way unless DCR has received prior approval from the local appropriating authority of the municipality in whose boundaries the fee is collected. The section further requires that the approval be received after January 1, 2021.

Partnership with municipalities on parking plans for DCR roadways is critical. However, the proposed change goes much further, proposing to invalidate municipal approvals that occurred prior to January 1, 2021. This section would establish a dangerous precedent by retroactively revoking the valid action of a municipal government months or years after the fact.

I agree that a significant portion of the fees collected from parking on Commonwealth properties managed by DCR within a particular community should be used for the ongoing maintenance of those properties and that the municipality where the fees are collected should play a significant role in the planning process for the ongoing needs of the parkways and reservations. That is why I support the section of this bill that devotes 50% of the parking fee and violation revenue collected at the Revere Beach Reservation after January 1, 2021, to the preservation, maintenance, nourishment, and public safety of Revere Beach. Additionally, DCR will be required to meet with the mayor of Revere to discuss the maintenance and safety plan for the beach for the next calendar year. These requirements make sense and will be beneficial to the City of Revere and Revere Beach. I am therefore proposing to replace the existing text of Section 42 with the operative text of the Revere Beach Trust Fund established in Section 7 of this bill.

For these reasons, I recommend that Section 42 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 42. Said chapter 92 is hereby further amended by inserting after said section 34E, as added by said chapter 252 of the acts of 2020, the following section:-

Section 34F. (a) There shall be established and set up on the books of the commonwealth a Revere Beach Reservation Trust Fund to be expended, without further appropriation, by the secretary of energy and environmental affairs for the long-term preservation, maintenance, nourishment and public safety of Revere beach in the city of Revere. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund, but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year. Annually, not later than October 1, a report shall be filed with the clerks of the senate and house of representatives and the house and senate committees on ways and means that shall include projects undertaken, expenditures made and income received by the fund.

(b) Not less than 50 per cent of the revenue collected by the department of conservation and recreation from parking stations installed on or after January 1, 2021 and not less than 50 per cent of the revenues generated through parking violations within the Revere beach reservation shall be deposited into the Revere Beach Reservation Trust Fund. Expenditures by the trust shall be used for capital improvements to Revere beach reservation.

(c) Annually, not later than November 30, the department of conservation and recreation shall meet with the mayor of the city of Revere to discuss the maintenance and safety plan for the beach for the next calendar year and the balance and expenditures from the Revere Beach Reservation Trust Fund.

Respectfully submitted,

Charles D. Baker

Governor