

HOUSE No. 5190

The Commonwealth of Massachusetts

SO MUCH OF THE MESSAGE FROM
HIS EXCELLENCY THE GOVERNOR
RETURNING THE GENERAL APPROPRIATION BILL
FOR FISCAL YEAR 2021
(SEE HOUSE, NO. 5164)
AS RELATES TO ATTACHMENTS A THROUGH L,
FOR ITEMS RETURNED WITH DISAPPROVALS AND REDUCTIONS
OF CERTAIN ITEMS
UNDER THE PROVISIONS OF
SECTION 5 OF ARTICLE LXIII
AND SECTIONS RETURNED WITH RECOMMENDATION OF AMENDMENTS
UNDER THE PROVISIONS OF ARTICLE LVI
OF THE AMENDMENTS TO THE CONSTITUTION.

December 14, 2020.

HOUSE No. 5190

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

December 11, 2020

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 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 2021 (FY21) budget, the sixth of this Administration, achieves stability in challenging and uncertain times and once again provides money for education, stronger and safer communities, transportation, health care coverage, and sustains social service programs for mental health, substance misuse, children, and seniors.

Backed by a higher Stabilization Fund draw and the assumption that approximately \$225 million in spending authorization will go unused, the enacted budget added approximately \$620 million in spending to the revised budget I filed in October.

In total, the budget as enacted relies on over \$3 billion in one-time resources, comprised of one-time federal funds, a Stabilization Fund draw of up to \$1.7 billion, and a balance carried forward from FY20. I agree that the use of one-time funds is appropriate for one-time needs and for stabilizing spending through extraordinary times. Plainly the Legislature faced a difficult balancing act.

Together, we need to consider the size of the structural gap we create as the economic challenges caused by the COVID-19 pandemic continue into Fiscal Year 2022 and beyond. I continue to think \$1.35 billion is the maximum draw from the Stabilization Fund that would be appropriate for us to budget at this time.

Fortunately, since the revenue forecast was last revised in October, actual tax collections have been better than expected. The budget I sign today incorporates a tax reforecast of upwards of \$459 million, of which \$392 million remains on budget after certain statutory transfers.

I point out that I am signing all approximately \$80 million in earmarked funding, as these resources support one-time local projects in legislative districts throughout Massachusetts, with funding expected to go out by the end of the fiscal year.

I am vetoing \$166.7 million in gross spending that I see as not necessary in this environment, or a lower priority than other competing needs. In particular, I believe the small business recovery, education, and police oversight and training spending I am filing today is essential.

After vetoes, the \$45.9 billion spending plan I sign today represents an approximately 4.5% growth rate over estimated spending in Fiscal Year 2020 (FY20), excluding certain trust fund transfers, pensions, and interfund transfers.

FY21 Budget Highlights

This budget effectively buffers municipalities and public schools from the forecast drop in state revenue:

- Chapter 70 funding for education of \$5.3 billion, a \$108 million increase over FY20, with every district getting a least as much Chapter 70 aid as in FY20
- Level funding for Unrestricted General Government Aid, at \$1.1 billion
- This stable core funding is supplemented by hundreds of millions of one-time federal coronavirus relief money that the state has shared with cities, towns, and regional school districts.

Combating the Opioid Epidemic

- \$264 million across several state agencies for substance misuse treatment and services, a \$33 million increase over FY20 and a total increase of \$145 million since FY15 (not including MassHealth)

Food Security

- \$30 million for Emergency Food Assistance during the pandemic

- \$13 million for the Healthy Incentives Programs to address food insecurity exacerbated by COVID-19

Caring for our Seniors

- A full year of expanded income eligibility for the Medicare Savings Program, delivering savings to approximately 40,000 low-income seniors for their prescription drug costs
- \$599 million for the Executive Office of Elder Affairs
- \$17.5 million in support of grants to Local Councils on Aging and an increase of \$9.7 million above the FY20 budget for the Home Care program
- \$4.7 million increase for the Community Choices Program

Transportation

- \$1.302 billion in total operating budget transfers for the MBTA, an increase of \$98 million over FY20
- \$381 million in the Massachusetts Department of Transportation (MassDOT), an increase of \$35 million over FY20 to fund snow and ice operations
- \$90.5 million for Regional Transit Authorities
- \$800,000 increase for the Merit Rating Board

Black Advisory Commission and Latino Advisory Commission

- Over \$30 million to support the recommendations of the Administration's Black Advisory Commission and Latino Advisory Commission, including:
 - o Expansion of college and career pathways for high school students
 - o Targeted workforce development programs to prepare more Blacks and Latinos for successful employment
 - o Improvement and expansion of English for Speakers of Other Languages (ESOL) programs

Housing

- \$183 million in emergency assistance funding to provide shelter to homeless families
- \$135 million for the Massachusetts Rental Voucher (MRVP) program

- \$80 million for Local Housing Authorities (LHAs)
- \$56 million for homeless shelters serving individuals
- \$50 million for Residential Assistance for Families in Transition (RAFT)

Health and Human Services

- \$25.470 billion for the Executive Office of Health and Human Services (EOHHS), excluding supplemental payments to hospitals, a \$2.175 billion (9%) increase over the FY20 budget
- Fully funds the Department of Developmental Services' Turning 22 program at \$25 million
- \$10 million for the Safe and Successful Youth initiative

Behavioral Health

- \$912 million for the Department of Mental Health
- \$91 million for Adult Community and Clinical Services
- \$10 million for inpatient behavioral health beds
- \$6.5 million for DMH's jail and arrest diversion programs

Economic Development

- \$82.4 million in additional funding for economic recovery and small business efforts
- \$10 million for the Workforce Competitiveness Trust Fund for grants to support training and certification programs to help bridge the skills gap
- \$5 million for Small Business Technical Assistance grants to provide technical assistance, education, and access to capital to small businesses
- \$2.5 million for the Urban Agenda grant program

We appreciate the work of the Legislature in delivering the FY21 conference report, including reasonable funding levels for accounts that have historically required supplemental appropriations. There remain, however, some items within the conference committee report that we believe require additional corrective actions to maintain fiscal restraint and remain flexible for unanticipated future events.

Accordingly, we are vetoing \$166.7 million gross / \$156 million net in line-item and outside-section spending. Of the 113 outside sections presented in the conference report, we are signing 96 and returning 17 for amendment.

Therefore:

- We are reducing appropriation amounts in items of section 2 of House 5164 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 5164 also set forth in Attachment A, for the reasons set forth in that attachment; and
- Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth, we are returning sections 23, 40, 43, 69, 79, 80, 88, 90, 93, 99, 101, 103, 104, 107, 108, 110, and 116 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 L, inclusive.

Respectfully submitted,

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Attachment A

FY21 Budget

Veto Items: Line Item Accounts

Item Number	Action	Reduce By	Reduce To
Supreme Judicial Court Administration			
0320-0003	Reduce	177,978	9,960,064
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Suffolk County Clerk			
0320-0010	Reduce	180,960	1,794,445
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Commission on Judicial Conduct			
0321-0001	Reduce	91,514	907,682
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Board of Bar Examiners			
0321-0100	Reduce	158,427	1,695,303
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Correctional Legal Services			
0321-2100	Reduce	181,801	2,026,531
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Appeals Court			
0322-0100	Reduce	129,075	13,752,596
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Superior Court Justice Salaries			
0330-0101	Reduce	2,261,050	73,933,004
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Administrative Staff			
0330-0300	Reduce	7,437,435	261,682,713
I am reducing this item to the amount projected to be necessary.			
Vet Court Admin			
0330-0344	Reduce	35,851	184,264
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Recidivism Reduction Pilot Program			
0330-0599	Reduce	5,162	1,468,998
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Superior Court Administration			
0331-0100	Reduce	419,742	34,898,168
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Land Court Department			
0334-0001	Reduce	171,723	4,324,364
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Juvenile Court Department			
0337-0002	Reduce	646,714	20,268,503
I am reducing this item to the amount projected to be necessary.			
Commissioner of Probation			
0339-1001	Reduce	3,936,245	160,585,392
I am reducing this item to the amount projected to be necessary.			
Community Corrections Administration			
0339-1003	Reduce	1,132,222	24,757,292
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Divert Juveniles from Criminal Justice			
0339-1005	Reduce	150,000	350,000
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Jury Commissioner			
0339-2100	Reduce	40,573	3,097,944
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Suffolk District Attorney			
0340-0100	Reduce	444,830	23,585,279
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Suffolk District Attorney State Police Overtime			
0340-0198	Reduce	11,386	379,537
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Northern District Attorney			
0340-0200	Reduce	427,608	19,930,382
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
DA Drug Diversion and Education			
0340-0203	Reduce	4,950	495,000
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Northern DA State Police Overtime			
0340-0298	Reduce	16,872	562,384
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Eastern District Attorney			
0340-0300	Reduce	308,695	11,873,363
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Eastern District Attorney State Police Overtime			
0340-0398	Reduce	16,208	540,272
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Middle District Attorney			
0340-0400	Reduce	304,016	12,991,570
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Middle District Attorney State Police Overtime			
0340-0498	Reduce	13,507	450,247
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Hampden District Attorney			
0340-0500	Reduce	528,275	13,042,051
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Hampden District Attorney State Police Overtime			
0340-0598	Reduce	11,103	370,106
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Northwestern District Attorney			
0340-0600	Reduce	267,005	8,210,419
I am reducing this item to the amount projected to be necessary.			

Item Number	Action	Reduce By	Reduce To
Northwestern District Attorney State Police Overtime			
0340-0698	Reduce	9,612	320,396
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Norfolk District Attorney			
0340-0700	Reduce	200,025	11,939,039
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Norfolk District Attorney State Police Overtime			
0340-0798	Reduce	13,958	465,281
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Plymouth District Attorney			
0340-0800	Reduce	324,394	10,443,124
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Plymouth District Attorney State Police Overtime			
0340-0898	Reduce	14,035	467,825
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Bristol District Attorney			
0340-0900	Reduce	663,468	11,095,626
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Bristol District Attorney State Police Overtime			
0340-0998	Reduce	67,872	497,086
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Cape and Islands District Attorney			
0340-1000	Reduce	170,396	5,204,219
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Cape and Islands District Attorney State Police Overtime			
0340-1098	Reduce	9,105	303,504
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Berkshire District Attorney			
0340-1100	Reduce	246,575	4,796,949
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Berkshire District Attorney State Police Overtime			
0340-1198	Reduce	7,422	247,415
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
District Attorneys' Association			
0340-2100	Reduce	88,007	2,200,161
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
SEC of Commonwealth Admin			
0511-0000	Reduce	70,020	6,669,269
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Essex Registry of Deeds-Southern District			
0540-1000	Reduce	28,988	2,898,845
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Franklin Registry of Deeds			
0540-1100	Reduce	6,356	635,442
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Hampden Registry of Deeds			
0540-1200	Reduce	119,084	1,808,425
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Hampshire Registry of Deeds			
0540-1300	Reduce	8,090	809,004
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Middlesex Registry of Deeds-Northern District			
0540-1400	Reduce	12,066	1,206,559
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Middlesex Registry of Deeds-Southern District			
0540-1500	Reduce	375,000	3,325,303
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Berkshire Registry of Deeds-Northern District			
0540-1600	Reduce	2,740	273,981
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Berkshire Registry of Deeds-Central District			
0540-1700	Reduce	4,719	471,933
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Berkshire Registry of Deeds-Southern District			
0540-1800	Reduce	2,328	232,774
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Suffolk Registry of Deeds			
0540-1900	Reduce	21,800	2,180,002
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Worcester Registry of Deeds-Northern District			
0540-2000	Reduce	6,994	699,442
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Worcester Registry of Deeds-Worcester District			
0540-2100	Reduce	22,778	2,277,753
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Office of the Treasurer and Receiver-General			
0610-0000	Reduce	186,219	11,011,105
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Lottery Health and Welfare			
0640-0096	Reduce	23,694	473,616
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
State Auditor Administration			
0710-0000	Reduce	320,942	16,117,044
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Division of Local Mandates			
0710-0100	Reduce	12,448	369,026
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Bureau Special Investigations			
0710-0200	Reduce	18,720	1,872,092
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Medicaid Audit Unit			
0710-0225	Reduce	39,775	1,234,674
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Enhanced Bureau of Special Investigation			
0710-0300	Reduce	4,785	478,535
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Compensation to Crime Victims			
0810-0004	Reduce	117,453	2,349,061
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
State Ethics Commission			
0900-0100	Reduce	191,845	2,391,849
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Inspector General Operations			
0910-0200	Reduce	190,442	3,332,409
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Bureau of Program Integrity			
0910-0220	Reduce	47,319	540,765
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Inspector General Internal Special Audit			
0910-0300	Reduce	8,125	569,479
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Campaign and Political Finance			
0920-0300	Reduce	26,931	1,812,713
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Mass Commission Against Discrimination			
0940-0100	Reduce	121,395	4,047,794
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Commission on Status of Women			
0950-0000	Reduce	8,282	198,191
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
GLBT Commission			
0950-0050	Reduce	300,000	500,000
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Status of Asian Americans			
0950-0080	Reduce	20,000	150,000
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Cannabis Control Commission			
1070-0840	Reduce	2,427,239	9,972,761
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
DPPC Administration			
1107-2501	Reduce	2,102,742	5,793,837
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Sewer Rate Relief Funding			
1231-1000	Veto	1,500,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
Uniform Law Commission			
1599-2003	Veto	50,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
EJ Collins Jr Center			
1599-4417	Veto	250,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
Climate Adaptation and Preparedness			
2000-0101	Strike Wording		
I am striking this language because it is not consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Environmental Protection Administration			
2200-0100	Reduce/Strike Wording	6,875,705	33,239,295
I am reducing this item to the amount projected to be necessary, and I am striking language because it is not consistent with my revised House 2 recommendation.			
Hazardous Waste Cleanup			
2260-8870	Reduce/Strike Wording	1,000,000	13,789,058
I am reducing this item to an amount consistent with my revised House 2 recommendation, and I am striking language that is not consistent with my revised House 2 recommendation.			
Riverways Protection and Access			
2300-0101	Reduce	600,000	2,000,000
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Beach Preservation			
2800-0500	Strike Wording		
I am striking this language because it is not consistent with my revised House 2 recommendation.			
State Parks and Recreation			
2810-0100	Reduce/Strike Wording	2,364,717	49,170,283
I am reducing this item to the amount projected to be necessary, and I am striking this language because it is not consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
State House Park Rangers			
2820-0101	Reduce	24,269	2,268,788
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Center-Based Child Care Rate Increase			
3000-1042	Reduce	10,000,000	10,000,000
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
EEC Parent Fee Reserve			
3000-1044	Strike Wording		
I am striking this language because it is not consistent with my revised House 2 recommendation.			
Family and Community Engagement Services			
3000-7050	Reduce	497,190	11,042,000
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Neighborhood Villages Pilot Program			
3000-7055	Veto	1,000,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
EEC Provider Higher Education Opportunities			
3000-7066	Reduce	5,000,000	5,000,000
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
EOHHS and Medicaid Administration			
4000-0300	Strike Wording		
I am striking this language because it is not consistent with my revised House 2 recommendation.			
MassHealth Fee for Service Payments			
4000-0700	Reduce/Strike Wording	19,000,000	3,353,875,665
I am striking language that earmarks funding for a program expansion not recommended. The reduction in the item incorporates the amount of the stricken earmarked funds.			
Low-Income Citizenship Program			
4003-0122	Reduce	500,000	1,241,575
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Community Services			
4110-1000	Reduce	873,744	6,926,161
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Transitional Aid to Families with Dependent Children			
4403-2000	Strike Wording		
I am signing an increase in FY21 spending in support of COVID-19 pandemic response and striking language which commits funding beyond the current fiscal year.			

Item Number	Action	Reduce By	Reduce To
Emergency Aid to the Elderly Disabled and Children			
4408-1000	Strike Wording		
I am signing an increase in FY21 spending in support of COVID-19 pandemic response and striking language which commits funding beyond the current fiscal year.			
Postpartum Depression Pilot Program			
4510-0112	Veto	300,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
DPH Public Safety Reform Matching Grants			
4512-2020	Veto	2,500,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
School Based Health Programs			
4590-0250	Reduce/Strike Wording	1,717,629	12,405,954
I am reducing this item to an amount consistent with my revised House 2 recommendation and striking this language because it is not consistent with my revised House 2 recommendation.			
Smoking Prevention and Cessation			
4590-0300	Reduce	500,000	4,618,155
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Neighborhood Gun & Violence Prevention			
4590-1504	Veto	500,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation; \$14 million in funding is available in FY21, carried forward from FY20.			

Item Number	Action	Reduce By	Reduce To
Talking Book Program Worcester			
7000-9402	Reduce	14,047	468,217
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Talking Book Program Watertown			
7000-9406	Reduce	79,974	2,665,800
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Technology and Automated Resources			
7000-9506	Reduce	385,516	4,001,254
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Center for the Book			
7000-9508	Reduce	25,000	200,000
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Housing and Economic Development IT Cost			
7002-0017	Reduce	47,000	3,194,089
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Department of Industrial Accidents			
7003-0500	Reduce	451,797	18,986,939
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Program Mass Manufacturing Extension Partnership			
7003-0606	Veto	2,000,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
AFL-CIO Workforce Development Programs			
7003-1207	Veto	150,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
Emergency Assistance Family Shelter			
7004-0101	Strike Wording		
I am striking this language because the required reporting is infeasible.			
HomeBASE			
7004-0108	Strike Wording		
I am striking this language because the required reporting is infeasible.			
RAFT			
7004-9316	Strike Wording		
I am striking this language because it complicates the efficient allocation of funds.			
Commonwealth Zoological Corporation			
7007-0952	Reduce	600,000	4,625,000
I am reducing this item to the amount projected to be necessary.			

Item Number	Action	Reduce By	Reduce To
MA International Trade Council			
7008-1300	Reduce	1,930	122,274
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Financial Literacy Education			
7010-1194	Veto	250,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
DESE Computer Science Education			
7010-1202	Veto	1,000,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
English Language Acquisition			
7027-1004	Reduce	987,102	3,546,372
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
School-age in Institutional Schools and			
7028-0031	Reduce	750,000	7,680,007
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Advanced Placement Math and Science			
7035-0035	Reduce	400,000	2,892,809
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
One-Time COVID-19 Response, Remote Learning and Student Support Grants			
7061-0027	Reduce/Strike Wording	52,985,000	75,000
I am filing a supplemental budget request today for \$53 million to prioritize more targeted measures to address COVID-related learning gaps.			
Education Reform Audits			
7061-0029	Reduce	91,298	925,214
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Assessment Consortium			
7061-9401	Veto	200,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
Massachusetts State Universities			
7066-1400	Veto	5,469,870	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
University of Massachusetts			
7100-0200	Strike Wording		
I am striking this language because it is not consistent with my revised House 2 recommendation and the required reports are unduly burdensome.			
MA Technology Transfer Center			
7100-0801	Veto	400,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Massachusetts Community Colleges			
7100-4000	Veto	5,883,238	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
Bridgewater State University			
7109-0100	Reduce	964,674	50,176,535
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Westfield State University			
7115-0100	Reduce	400,000	30,592,952
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Worcester State University			
7116-0100	Reduce	400,000	30,071,800
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Bristol Community College			
7503-0100	Reduce	449,770	23,400,891
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Massasoit Community College			
7508-0100	Reduce	300,000	23,764,288
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Brewer Center for Civic Learning			
7509-0101	Veto	150,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
Quinsigamond Community College			
7512-0100	Reduce	350,000	23,485,425
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Roxbury Community College			
7515-0100	Reduce	150,000	11,744,587
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Bunker Hill Community College			
7518-0100	Reduce	400,000	29,224,168
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
PACE Initiative			
7518-0120	Veto	300,000	0
I am vetoing this item because it is not consistent with my revised House 2 recommendation.			
Department of Fire Services			
8324-0000	Reduce	225,582	31,672,062
I am reducing this item to the amount projected to be necessary.			

Item Number	Action	Reduce By	Reduce To
Department of Correction Facility			
8900-0001	Strike Wording		
I am striking this language because it is not consistent with my revised House 2 recommendation.			
DOC Prison Industries and Farms			
8900-0010	Strike Wording		
I am striking this language because it is not consistent with my revised House 2 recommendation.			
Hampden Sheriff			
8910-0102	Reduce	1,137,010	75,687,572
I am reducing this item to the amount projected to be necessary.			
Middlesex Sheriff			
8910-0107	Reduce	763,536	69,791,598
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Hampshire Sheriff			
8910-0110	Reduce	53,948	15,051,842
I am reducing this item to the amount projected to be necessary.			
Berkshire Sheriff's Department			
8910-0145	Reduce	170,629	18,612,496
I am reducing this item to the amount projected to be necessary.			

Item Number	Action	Reduce By	Reduce To
Hampden Sheriff's Regional Mental Health			
8910-1010	Reduce	132,404	1,091,246
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Hampden Sheriff Inmate Transfers			
8910-1020	Reduce	5,198	608,834
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Western Mass Regional Women's Correction			
8910-1030	Reduce	201,125	4,206,665
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Barnstable Sheriff			
8910-8200	Reduce	162,827	29,847,859
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Nantucket Sheriff's Department			
8910-8500	Reduce	11,278	780,731
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
Norfolk Sheriff Community Programs Retained Revenue			
8910-8630	Reduce	65,000	160,000
I am reducing this item to an amount consistent with my revised House 2 recommendation.			

Item Number	Action	Reduce By	Reduce To
Parole Board Administration			
8950-0001	Reduce	1,000,000	20,693,374
I am reducing this item to an amount consistent with my revised House 2 recommendation.			
CTF Transfer to RTAs			
1595-6370	Reduce	3,500,000	90,500,000
I am reducing this item to an amount consistent with my revised House 2 recommendation. RTAs received substantial federal funding as part of the CARES Act and are expected to end FY21 with significant cash reserves.			

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CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

ATTACHMENT B

December 11, 2020

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 23 and 43 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 23 proposes to establish 2 new statutory funds in Chapter 29 of the General Laws, a Federal Coronavirus Relief Trust Fund and a Nonpublic Ambulance Service Reimbursement Trust Fund. This section also makes updates to the existing Early Education and Care Public-Private Trust Fund.

The Federal Coronavirus Relief Fund as written would sweep up federal funds that are now managed directly by departments. This would potentially interfere with the rapid and appropriate administration of dozens or even hundreds of federal programs. It would risk delay and confusion, and could create compliance risk if the eventual appropriations do not accord with federal grant requirements. Accordingly, I am proposing to revise this section to follow a similar structure of the fund established earlier this year by the Legislature for funds received under the federal CARES Act, with additional specifications to account for the regular flow of federal funds to the Commonwealth. Specifically, I propose to narrow the scope of the section to

cover only those new programs created by Congress specifically to address COVID and related recovery needs.

Sections 23, together with Section 43, also establishes a Nonpublic Ambulance Service Reimbursement Trust Fund and an assessment on nonpublic ambulance service providers to increase MassHealth ambulance transportation reimbursements. I am supportive of establishing such an assessment and payment structure for this provider class. However, the proposal as enacted must be modified in order to bring it into compliance with federal law. First, the assessed class of ambulance services must be limited to emergency transportation only. Second, language requiring that the schedule of payments made from the fund be proportionate to the amounts assessed on nonpublic ambulance service providers must be omitted, as it runs counter to federal prohibitions on hold harmless restrictions. As a result, I am recommending revised language to correct these issues.

Lastly, I am returning to you the language of the Early Education and Care Public-Private Trust Fund unchanged.

For the reasons stated above, I recommend that Section 23 be amended by striking out the section in its entirety and inserting in place thereof the following section:-

SECTION 23. Chapter 29 of the General Laws is hereby amended by striking out section 2IHHH, inserted by section 8 of chapter 124 of the acts of 2020, and inserting in place thereof the following 2 sections:-

Section 2IHHH. (a) There shall be an Early Education and Care Public-Private Trust Fund. The fund shall be administered by the commissioner of early education and care.

(b) 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) interest earned on such revenues; and (iii) funds from public and private sources, including, but not limited to, gifts, grants and donations, to support state, philanthropic and private partnership efforts supporting Massachusetts childcare providers. Amounts credited to the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund.

(c) Amounts credited to the fund may be expended, without further appropriation, by the commissioner for the following purposes:

(i) to assist the needs of providers in the early education and care mixed delivery system;

(ii) for the development of an infrastructure to facilitate state, private and philanthropic efforts in support of the early education and care field; and

(iii) for state collaboration with philanthropic organizations and businesses to establish and maintain an infrastructure for providing ongoing technical assistance and programming for the early education and care field including, but not limited to, the enhancement of business stability and sustainability, the fostering of local cross-sector early childhood education

collaboration and the enhancement of program quality, including supports for early childhood educators.

(d) Amounts received from private sources shall be approved by the commissioner of early education and care and subject to review before being deposited in the fund to ensure that pledged funds are not accompanied by conditions, explicit or implicit, on the implementation of early education and care policy and planning. The review shall be made publicly available.

(e) The commissioner of early education and care may designate an administrator of the fund for purposes of implementing approved activities consistent with this section.

(f) Annually, not later than November 1, the commissioner of early education and care shall report on the fund's activities to the house and senate committees on ways and means, the chairs of the joint committee on education and the house and senate clerks. The report shall include, but shall not be limited to: (i) the source and amount of funds received; (ii) the amounts distributed and the purpose of expenditures from the fund, including, but not limited to, funds expended to assist early education and care providers; (iii) any grants provided to early education and care programs, philanthropic organizations or other stakeholder organizations; and (iv) anticipated revenue and expenditure projections for the next year.

Section 2JJJJ. (a) There shall be established and set up on the books of the commonwealth a separate fund known as the Nonpublic Ambulance Service Reimbursement Trust Fund to be administered by the secretary of health and human services. There shall be credited to the fund: (i) all revenues generated from the funds collected pursuant to subsection (b) of section 67A of chapter 118E; (ii) an amount equal to any federal financial participation revenues claimed and received by the commonwealth for eligible expenditures made from the fund; (iii) any revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; and (iv) interest earned on any money in the fund. Amounts credited to the fund shall be expended without further appropriation. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in subsequent fiscal years. No expenditure shall be made from said fund which shall cause said fund to be in deficit at the close of a fiscal year.

(b) Money in the fund shall be expended for Medicaid payments to nonpublic ambulance services defined in subsection (a) of section 67A of chapter 118E.

(c) Revenues generated from clauses (i) and (ii) of the second sentence of subsection (a) shall be expended exclusively for nonpublic ambulance services defined in subsection (a) of section 67A of chapter 118E and shall not be used to replace payment commitments between the nonpublic ambulance services and the commonwealth. The expenditures shall be established by the executive office of health and human services in a manner consistent with the requirements and conditions of federal financial participation under 42 U.S.C. 1396b(w) and 42 C.F.R. 433.68, including the prohibitions against hold harmless provisions as defined under 42 U.S.C. 1396b(w)(4) and 42 C.F.R. 433.68(f) and shall be made only under federally-approved payment methods and consistent with federal funding requirements and all federal payment limits as determined by the secretary of health and human services. Federal financial participation shall be

sought in a manner that achieves the maximum amount of federal revenue such that the assessment amount equals the state share of the qualifying Medicaid ambulance service payments related to this section.

(d) The schedule of payment amounts to be established and distributed by the executive office of health and human services under this section shall be developed in a manner that: (i) promotes the provider capacity, access and quality management needs of the Medicaid program as those needs are determined by the secretary of health and human services; (ii) considers the cost of services delivered by providers for which the providers are not fully reimbursed or otherwise compensated, including, but not limited to, free care and services delivered in good faith reliance on authorization; (iii) considers existing Medicaid reimbursement rates; and (iv) closes the gap between Medicaid rates and average commercial rates. The executive office of health and human services shall consult with stakeholders, including the Massachusetts Ambulance Association, Incorporated, in the development and implementation of the payments. In order to accommodate timing discrepancies between the receipt of revenue and related expenditures, the comptroller may certify for payment amounts not to exceed the most recent revenue estimates as certified by the secretary of health and human services to be transferred, credited or deposited under this section.

(e) Annually, not later than September 30, the executive office of health and human services shall file a report with the house and senate committees on ways and means which shall include: (i) a detailed accounting of all money transferred, credited or deposited into and from the fund; (ii) the reasons for any unspent amount in the fund; and (iii) an analysis of the respective uniform assessment paid by nonpublic ambulance services, defined in section 67A of chapter 118E.

And further recommend that the bill be amended by striking out section 43 and inserting in place thereof the following section:-

SECTION 43. Said chapter 118E, as so appearing, is hereby amended by inserting after section 67 the following section:-

Section 67A. (a) The following words shall, unless the context clearly requires otherwise, have the following meanings:

“Ambulance service”, as defined in section 1 of chapter 111C.

“Emergency”, as defined in section 1 of chapter 111C.

“Executive office”, the executive office of health and human services.

“Gross patient service revenue”, the total dollar amount of nonpublic ambulance charges for services rendered in a fiscal year.

“Nonpublic emergency ambulance assessed charges”, gross patient service revenue attributable to all patients for emergency ambulance service less bad debt, charity care and payer discounts relating to such emergency ambulance service.

“Nonpublic ambulance service”, ambulance services which are not provided by a city or town, county, district or other governmental body and are licensed pursuant to section 6 of chapter 111C.

“Total nonpublic emergency ambulance service assessment amount”, an amount not less than 1- quarter of 1 per cent lower than the maximum limit for a provider assessment pursuant to 42 C.F.R. 433.68(f), inclusive of an annual amount of \$500,000; provided, that the annual amount of \$500,000 shall be for administrative costs of the executive office.

(b) A nonpublic ambulance service’s liability to the Nonpublic Ambulance Service Reimbursement Trust Fund, established in section 2JJJJ of chapter 29, shall equal the product of: (i) the ratio of its nonpublic emergency ambulance assessed charges to all nonpublic ambulance services’ nonpublic emergency ambulance assessed charges statewide; and (ii) the total nonpublic emergency ambulance service assessment amount. Annually, before October 1, the executive office shall establish each nonpublic ambulance service’s liability to said fund using the best data available as determined by the executive office and shall update each nonpublic ambulance service’s liability to said fund as updated information becomes available. The executive office shall specify, by regulation an appropriate mechanism for interim determination and payment of a nonpublic ambulance service’s liability to the fund. A nonpublic ambulance service's liability to the fund shall, in the case of a transfer of ownership, be assumed by the successor in interest to the nonpublic ambulance service.

(c) There shall be imposed in each fiscal year a uniform assessment upon the nonpublic emergency ambulance assessed charges of all nonpublic emergency ambulance services. Such uniform assessment shall not be implemented unless and until the executive office receives notice of federal matching funds approval from the federal Centers for Medicare and Medicaid Services.

(d) All nonpublic ambulance services, regardless of payment model, shall be subject to the uniform assessment pursuant to subsection (c), including, but not limited to, those nonpublic ambulance services in fee-for-service and managed care arrangements. The uniform assessment shall be set as a percentage of the nonpublic emergency ambulance assessed charges of each such nonpublic ambulance service and, for each fiscal year, the percentage shall be equal to the ratio of: (i) the total nonpublic emergency ambulance service assessment amount for the same fiscal year; to (ii) the total nonpublic emergency ambulance assessed charges in the same fiscal year and as the amount of those charges is determined by the executive office under this section. A nonpublic ambulance service’s liability to the fund shall, in the case of a transfer of ownership, be assumed by the successor in interest to the nonpublic ambulance service.

(e) The executive office shall establish an appropriate mechanism for enforcing each nonpublic ambulance service’s liability to the fund in the event that a nonpublic ambulance service does not make a scheduled payment to the fund.

And further recommend that the bill be amended by inserting after section 102 the following section:-

SECTION 102A. There shall be established and set up on the books of the commonwealth a separate fund called the Federal COVID Response Fund. The fund shall consist of revenues received by the commonwealth from the federal government to assist the commonwealth in its public health, community and economic recovery efforts related to the state of emergency concerning the novel coronavirus disease outbreak declared by the governor on March 10, 2020. Revenues, excluding those related to extensions or expansions of COVID-19-related federal grants previously credited to the General Federal Grants Fund established pursuant to section 2C of chapter 29 of the General Laws or related to increased Federal Medical Assistance Percentage (FMAP) rates under section 1905(b) of the Social Security Act, from federal funds allocated to the commonwealth pursuant to federal legislation that is enacted after December 4, 2020 and in response to the COVID-19 outbreak or related economic recovery, and only with respect to those federal funds made available in the form of newly created federal grant or reimbursement programs, and any interest earned on such revenues shall be deposited in the fund; provided, that any amounts received by the commonwealth from the federal government after December 4, 2020 that supplement or expand appropriations originally made to the commonwealth under section 5001(a) of the federal Coronavirus Aid, Relief, and Economic Security Act shall be deposited in the Massachusetts Coronavirus Relief Fund established pursuant to section 98 of chapter 124 of the acts of 2020. Spending from the fund shall be governed by applicable federal statutory requirements and any related guidance issued by the federal government, including the return of unexpended funds to the federal government.

Except where federal grant agreements require otherwise, the fund shall be administered by the secretary of administration and finance. Where federal grant agreements require administration of funds other than by the secretary of administration and finance, the funds shall be administered pursuant to federal grant agreements, and the secretary of administration and finance shall be informed of revenue and expenditure details in a form and manner determined by said secretary. The fund shall not be subject to appropriation. Any balance remaining in the fund at the close of a fiscal year shall be available for expenditure in the following fiscal year.

The comptroller may establish procedures necessary to effectuate this section, including procedures for the proper transfer, accounting and expenditures of funds.

Respectfully submitted,

Charles D. Baker
Governor

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

ATTACHMENT C

December 11, 2020

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, I am returning to you for amendment Section 40 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 40 affirmatively establishes in Massachusetts law a woman’s right to access an abortion. It also ensures that a woman can access an abortion in cases where the child will not survive after birth. These are important changes to protect a women’s reproductive rights and autonomy in the Commonwealth, and I support them. However, I cannot support the other ways that this section expands the availability of late-term abortions and permits minors age 16 and 17 to get an abortion without the consent of a parent or guardian.

For these reasons, I recommend that Section 40 be amended by striking out, in lines 734 to 735, the words “if it is necessary, in the best medical judgment of the physician, to preserve” and inserting in place thereof the following words:- or if a continuation of the pregnancy will impose, in the best medical judgment of the physician, a substantial risk to.

And by striking out in said Section 40, in line 736, the word “or the fetus” and inserting in place thereof the following word:- that

And by striking out in said Section 40, in lines 773, 778, and 786, the figure “16” each time it appears and inserting in place thereof the following figure:- 18.

And by striking out in said Section 40, in lines 801 to 803, inclusive, the following sentence:- Notwithstanding section 12F, a patient may provide consent and consent shall be granted under subparagraphs (ii) to (vi), inclusive, of said section 12F for abortion if the minor is not less than 16 years of age.

And by further amending said Section 40 by adding at the end thereof the following :-

Section 12S. Any person who commits an act in violation of section 12N shall be subject to immediate revocation of the person’s professional license by the appropriate licensing board and a penalty of up to \$15,000 for each violation.

Section 12T. Any person who violates section 12O shall be punished by a fine of not less than \$500 nor more than \$2,000. Any person who willfully violates the provisions of section 12P shall be punished by a fine of not less \$100 nor more than \$2,000.

Respectfully submitted,

Charles D. Baker
Governor

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

ATTACHMENT D

December 11, 2020

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 69 and 116 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 69 proposes to end the tolling period for municipal permitting activities that was established earlier this year in response to the COVID-19 pandemic on February 1, 2021. Currently, the tolling period ended on December 1, 2020 under legislation that was enacted last month. I understand that some municipalities could use additional time, however, the tolling period should not be extended for a longer time than is necessary. As a result, I am proposing changes to extend the end date from December 1, 2020 until December 31, 2020 to coincide with the end of the calendar year.

For these reasons, I recommend that Sections 69 and 116 be amended by striking out the sections and inserting in place thereof the following 2 sections:-

SECTION 69. Paragraph (ii) of subsection (b) of section 17 of said chapter 53 is hereby amended by striking out the words “December 1, 2020”, as appearing in section 33 of chapter 201 of the acts of 2020, and inserting in place thereof the following words:- December 31, 2020.

SECTION 116. Section 69 shall take effect on December 1, 2020.

Respectfully submitted,

Charles D. Baker
Governor

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

ATTACHMENT E

December 11, 2020

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 79, 80, 88 and 103 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 79 requires that until the end of the state of emergency, any notice to quit for nonpayment of rent given by a landlord to a residential tenant under chapter 186 shall be accompanied by a form with certain information, specified in the section, which would be of material interest to the tenant. The Executive Office of Housing and Economic Development (“EOHED”) is required to develop the required form, and make it publicly available on its website not later than December 18, 2020.

I am returning Section 79 with two proposed changes. First, I am striking the requirement that a court not accept for filing a writ, summons or complaint without proof of delivery of the form required under this subsection. Filing documents in court takes place at the clerk level and language in question would require clerks to determine, at the time of filing, whether documents submitted to the court constitute “proof of delivery” and would allow clerks to reject filings if they decide that the proof of delivery is insufficient. Such a requirement raises questions about whether it puts clerks in the untenable position of having to invoke judicial power.

In addition, I note that it will reasonably take some time for EOHED to establish a system by which landlords can upload the required electronic copy of a notice to quit. I am recommending that EOHED have until December 18—the date at which other provisions of this section become operative—to establish this electronic system and to publish the emergency regulations required by subsection (c).

Section 80 requires courts to stay judgments or executions in certain eviction cases if the tenant has a pending application for short-term emergency rental assistance. However, it also includes language that would require a court to grant a continuance at the time a trial is scheduled. This is inconsistent with current court procedures and I recommend alternative language to conform with existing court processes in summary process cases to avoid disruption.

Section 88 requires the department of housing and community development (DHCD) to submit a monthly report on rental assistance programs it administers through nine regional administering agencies. While I fully support the intent of this section, which is to ensure DHCD is collecting the kinds of data needed to effectively manage these programs, I am suggesting some changes to ensure that these new data collection efforts both are feasible and do not unreasonably impair the ability of the regional administering agencies to process applications and provide services to households in need.

Additionally, Section 103 proposes to establish a 19-member COVID-19 eviction diversion initiative task force to track the initiative’s outcomes. My recommended amendment does not include this task force as it is unnecessary at this time since the data collection requirement that I am recommending provides the mechanism to provide the necessary data to the Legislature, the courts, key stakeholders as well as the tenants of the Commonwealth.

For the reasons stated above, I recommend that Sections 79, 80, 88 and 103 be amended by striking out the sections in their entirety and inserting in place thereof the following 3 sections:-

SECTION 79. (a) Notwithstanding section 11 or section 12 of chapter 186 of the General Laws, chapter 239 of the General Laws or any other general or special law to the contrary, on and after the effective date of this act until the termination of the state of emergency concerning the outbreak of COVID-19 as declared by the governor on March 10, 2020, a notice to quit for nonpayment of rent given in writing by a landlord to a residential tenant pursuant to said section 11 or said section 12 of said chapter 186 shall be accompanied by a form that shall include, but not be limited to: (i) an attestation as to whether the tenant provided a declaration form pursuant to the federal Centers for Disease Control and Prevention order entitled “Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19”; (ii) an attestation as to whether the dwelling unit is a covered dwelling under section 4024(a)(1) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, and whether the notice to quit is in compliance with section 4024(c) of said act; (iii) documentation of any agreements between the tenant and landlord for the tenant to repay the landlord for non-payment of rent; and (iv) information on: (A) rental assistance programs including, but not limited to, the residential assistance for families in transition program and the emergency rental and mortgage assistance

program; (B) applicable trial court rules, standing orders or emergency administrative orders pertaining to actions for summary process; and (C) any relevant federal or state legal restrictions on residential evictions. The form shall also prominently display the following statement:

“THIS NOTICE TO QUIT IS NOT AN EVICTION. YOU DO NOT NEED TO IMMEDIATELY LEAVE YOUR UNIT. YOU ARE ENTITLED TO A LEGAL PROCEEDING IN WHICH YOU CAN DEFEND AGAINST THE EVICTION. ONLY A COURT ORDER CAN FORCE YOU TO LEAVE YOUR UNIT.”

The executive office of housing and economic development shall develop the form required under this subsection and make it publicly available on its website not later than December 18, 2020. The information in clause (iv) shall be made available in the 5 most common languages in the commonwealth, in addition to English.

(b) Notwithstanding section 11 or section 12 of chapter 186 of the General Laws or any other general or special law to the contrary, from December 18, 2020 until the termination of the state of emergency concerning the outbreak of the novel coronavirus disease, also known as COVID-19, declared by the governor on March 10, 2020, a landlord shall send electronically a copy of any notice to quit for nonpayment of rent given in writing by the landlord to a residential tenant pursuant to said section 11 or said section 12 of said chapter 186 to the executive office of housing and economic development; provided, however, that notices to quit received by the executive office of housing and economic development shall not be a public record as defined by clause Twenty-sixth of section 7 of chapter 4 of the General Laws or chapter 66 of the General Laws. The executive office of housing and economic development shall keep any personal identifying information in a notice to quit confidential; provided, however, that the executive office of housing and economic development may share such information with the individuals named in the notice to quit, the landlord or, to the extent permitted under federal law, a regional administering agency or housing consumer education center for the purposes of providing housing stability resources to tenants at risk of eviction.

(c) The executive office of housing and economic development shall issue emergency regulations as necessary to implement this section.

SECTION 80. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“COVID-19 emergency”, the state of emergency concerning the outbreak of COVID-19 as declared by the governor on March 10, 2020.

“Short-term emergency rental assistance”, temporary financial assistance provided to a residential tenant to prevent an eviction or homelessness under the residential assistance for families in transition program, the emergency rental and mortgage assistance program or any other program established or modified as a result of the COVID-19 emergency and administered by the department of housing and community development, a municipality or a nonprofit entity administering such program, using public funds, on behalf of the department, a municipality or a

federal agency to cure rent arrearage or provide financial assistance for moving cost assistance, including the payment of a security deposit.

(b) Notwithstanding chapter 239 of the General Laws or any other general or special law, rule, regulation or order to the contrary, during the COVID-19 emergency, a court having jurisdiction over an action for summary process under said chapter 239, including the Boston municipal court department, shall grant a continuance for a period as the court may deem just and reasonable if, at the time of the first case event in court: (i) the tenancy is being terminated solely for non-payment of rent for a residential dwelling unit; (ii) the non-payment of rent was due to a financial hardship related to or exacerbated by the COVID-19 emergency; and (iii) the defendant demonstrates, to the satisfaction of the court, a pending application for short-term emergency rental assistance; provided, however, notwithstanding this subsection, the court may consider any meritorious counterclaim brought in said action for summary process; provided further, that the court shall issue a stay of execution on a judgment for possession if the requirements in clauses (i) to (iii), inclusive, are met; and provided further, that the court shall not enter a judgment or issue an execution before the application has been approved or denied.

(c) Notwithstanding any general or special law to the contrary, not later than the fifteenth day of each month during the COVID-19 emergency, the executive office of the trial court shall submit a report for the previous month to the clerks of the senate and house of representatives, the senate and house committees on ways and means, the joint committee on housing and the joint committee on the judiciary that shall include, but not be limited to: (i) the number of actions for summary process entered and filed with each court having jurisdiction over an action for summary process; (ii) the number of default judgments entered, delineated by the reason for the summary process filing; (iii) the number of execution for possession orders granted, delineated by the reason for the summary process filing; (iv) the number of continuances requested and granted due to pending applications for short-term emergency rental assistance pursuant to subsection (b); (v) the number of stays issued due to pending applications for short-term emergency rental assistance pursuant to subsection (b); (vi) the average length of a continuance and stay granted under said subsection (b); (vii) the number of stays requested, granted or denied pursuant to sections 9 and 10 of chapter 239 of the General Laws; (viii) the number of landlords and tenants participating in pre-trial mediation and, to the extent practicable, the outcome of each mediation; (ix) the number of landlords and tenants receiving legal representation and legal services through on-site court diversion and support resources; and (x) any other relevant information as the trial court may decide.

SECTION 88. Notwithstanding any general or special law to the contrary, on or before the fifteenth day of each month, during the COVID-19 emergency, the department of housing and community development shall submit a report to the house and senate committees on ways and means and the joint committee on housing, detailing the activities of the governor's COVID-19 eviction diversion initiative from the prior month. The report shall include a breakdown of each rental and housing assistance program, including, but not limited to: (a) the residential assistance for families in transition program and (b) the emergency rental and mortgage assistance program, which shall include: (i) the number of households who applied for assistance; (ii) the number of households approved for assistance, delineated by rental assistance and mortgage assistance; (iii) the number of households denied assistance; (iv) the minimum,

median and average amount of financial assistance awarded; (v) the average number of days between the submission of an application and its approval or denial; (vi) the number of landlords who applied for assistance on behalf of tenants; and (vii) a breakdown of how assistance was utilized by each household receiving assistance, including, but not limited to, curing rental arrears, moving expenses, security deposit, first and last month's rent or other purposes; (c) the expansion of the housing consumer education centers, which shall include: (i) the number of households served, including number of households served by regional administering agency; and (ii) the number of special services coordinators assigned to each site; (d) rapid rehousing assistance through the HomeBase program, the Strategic Prevention Initiative and any other temporary program established to assist in rapid rehousing of families and individuals which shall include: (i) the number of households receiving assistance; (ii) the type of assistance given; and (iii) the average amount provided to each household receiving assistance; (e) the expansion of the tenancy preservation program which shall include: (i) the number of households served; and (ii) the number of trained staff; and (f) any other relevant information as the department may decide. The report shall also include the number of notices to quit received by the executive office of housing and economic development under section 79.

Respectfully submitted,

Charles D. Baker
Governor

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

ATTACHMENT F

December 11, 2020

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 90 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 90 requires the Department of Public Health (DPH) to promulgate regulations to allow student nurses, recently graduated student nurses, and certified diabetes care and education specialists to administer medication to campers at medical specialty camps. While I support expanding the list of persons able to administer medication to campers, the safe administration of controlled substances requires appropriate clinical skill, training, and supervision. As a result, the amendment below proposes to limit the scope of the section to the administration of medication by student nurses, recently graduated student nurses, and diabetes care and education specialists. Additionally, the amendment would require DPH to study the risks and benefits of authorizing medical specialty camp staff trained under the supervision of a practitioner to administer medication to campers and to report on its findings by the close of the calendar year.

For these reasons, I recommend that Section 90 be amended by striking out the section in its entirety and inserting in place thereof the following section:-

SECTION 90. Notwithstanding any general or special law to the contrary, the department of public health, pursuant to its authority under subsection (g) of section 7 of chapter 94C of the

General Laws, shall promulgate regulations to allow: (i) student nurses and recently graduated student nurses, as included in the definition of “nurse” in section 1 of said chapter 94C and (ii) certified diabetes care and education specialists in good standing with the Certification Board for Diabetes Education and Care, to administer medication to campers at medical specialty camps as defined in the state sanitary code. The department shall study the risks and benefits associated with authorizing medical specialty camp staff trained under the supervision of a practitioner as defined in section 1 of said chapter 94C of the General Laws to administer medication and shall report on its findings to the chairs of the joint committee on public health by December 31, 2021.

Respectfully submitted,

Charles D. Baker
Governor

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

ATTACHMENT G

December 11, 2020

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 93 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 93 sets forth the Fiscal Year 2021 (“FY21”) funding distribution for the Commonwealth’s regional transit authorities (“RTAs”). The section retains my House 2 Revised base distribution recommendation at \$87 million and retains the existing amount and structure that distributes performance grants based on Memorandums of Understanding executed between the RTAs and the Massachusetts Department of Transportation; however, it also adds an additional \$3.5 million to be allocated by a new funding formula that is not consistent with my recommendations.

Additionally, the RTAs received approximately \$213 million as part of the CARES Act, in addition to the \$87 million in State Contract Assistance (“SCA”) that the RTAs received in FY20, as well as the \$70 million in existing Federal Fiscal Year 2020 federal distributions from the Urbanized/Rural Area formulas. As a result, all 15 RTAs are expected to end FY21 with significant cash reserves.

As a result, I am recommending changes that eliminate the amount to be distributed through the proposed funding formula to be consistent with my previous recommendations. I am

also proposing to extend the reporting date for a report on RTA performance and progress until December 31, 2021 to ensure that the full FY21 data can be collected from the RTAs.

For these reasons, I recommend that Section 93 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 93. Notwithstanding any special or general law to the contrary, for fiscal year 2021, of the \$90,500,000 transferred in item 1595-6370 of section 2E, \$87,000,000 shall be considered operating assistance and distributed to regional transit authorities based on fiscal year 2020 distributions, in accordance with the fiscal year 2020 bilateral memorandum of understanding between each regional transit authority and the Massachusetts Department of Transportation provided, however, that each regional transit authority shall receive operating assistance from this item of not less than the amount received in fiscal year 2020. The operating assistance amount shall be spent to advance the goals and targets in the fiscal year 2020 bilateral memorandum of understanding between each regional transit authority and the department.

Of the amount to be distributed under item 1595-6370 of section 2E, \$3,500,000 shall be distributed as performance grants to regional transit authorities. The performance grants shall be distributed to regional transit authorities that best demonstrate compliance with, or a commitment to, the service decisions, quality of service and environmental sustainability recommendations from the report of the task force on regional transit authority performance and funding established pursuant to section 72 of chapter 154 of the acts of 2018. The department may require each regional transit authority to provide data on ridership, customer service and satisfaction, asset management and financial performance, including farebox recovery, and shall compile any collected data into a report on the performance of regional transit authorities and each authority's progress toward meeting the performance metrics established in the memorandum of understanding. The report shall be filed with the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on transportation not later than December 31, 2021.

Respectfully submitted,

Charles D. Baker
Governor

HOUSE No. 5190

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

ATTACHMENT H

December 11, 2020

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 99 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 99 permits eligible voters to vote early by mail in any municipal or state primary or election held on or before March 31, 2021. During this period, eligible voters who take precautions related to COVID-19 pursuant to the state of emergency or in response to medical guidance will also be allowed to vote by absentee ballot. These temporary changes will ensure that local elections continue to be administered safely as we work to overcome the pandemic. In furtherance of the foregoing, and to ensure maximum flexibility for local elections in the coming months, I am proposing to supplement this section by adding language that would allow municipalities to offer early voting in person if the local election official recommends it and the appropriate municipal authority votes to do so. In alignment with the provisions enacted in Section 99, this would apply to elections held on or before March 31, 2021.

For this reason, I recommend that Section 99 be amended by adding the following subsection:-

(l) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law or municipal ordinance to the contrary, upon a recorded and public vote by the select board, board of selectmen, town council or city council authorizing early in-person voting, any eligible voter of such municipality may vote early in-person for any annual or special municipal election held on or before March 31, 2021. Such vote may only be taken after a request from the city or town clerk or authorized local election official recommending in-person early voting and provided that such vote occurs not less than 5 business days prior to the proposed beginning of early voting and that such early in-person voting complies with the following:

- (i) A city or town, as part of the vote to allow early voting in-person, may set the early voting period to begin no sooner than 10 days before the election and end no later than the business day preceding the business day before the election.
- (ii) Early voting shall be conducted during the usual business hours of the city or town clerk unless different hours are set as part of the vote, including any weekend hours.
- (iii) The city or town clerk shall establish an early voting site that is centrally located, suitable and in a convenient public building. Notice of the early voting location, dates and hours must be posted at least 48 weekday hours before the early voting period begins.
- (iv) A qualified voter voting early in person shall be provided with a ballot and an envelope where the ballot is placed after voting which contains an affidavit of compliance to be filled out by the voter. A qualified voter voting early in person shall complete an affidavit under the regulations promulgated by the state secretary for the administration of early voting and appearing at 950 CMR 47.00, as applicable, which shall include a notice of penalties under section 26 of chapter 56 of the General Laws.

Respectfully submitted,

Charles D. Baker
Governor

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

ATTACHMENT I

December 11, 2020

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, I am returning to you for amendment Section 101 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 would require the Massachusetts Bay Transit Authority (MBTA) to utilize, to the extent feasible, increases in revenue from accelerated sales tax and any potential federal funding to prevent service elimination, station closure, and delays in capital projects. The Section would further require that the MBTA conduct public meetings in advance of any service or capital project changes and report to the legislature in advance of any service changes, station closures, or capital project delays.

In September, in response to a substantial and sustained decline in ridership due to the COVID-19 crisis, the MBTA began a process to determine how to maintain essential service to transit critical populations and geographic areas. The MBTA evaluated ridership trends and began a public engagement process. This Forging Ahead process is designed to establish an appropriate “base service” level which will meet the needs of current and near-term ridership and

allow the Authority to retain resources that will be needed in Fiscal Year 2022 and beyond as the pandemic ebbs, the economy recovers, and ridership returns.

I support a central objective of this outside section: that the MBTA continue its outreach and engagement with the public and the legislature as the agency moves forward with its Forging Ahead initiative. The MBTA has already conducted extensive outreach, including conducting 11 virtual public meetings in November and December and over 30 community meetings to solicit over 7,000 comments from the public. The MBTA is taking this feedback into account as it revises and finalizes the Forging Ahead plan. The MBTA commits to continuing its public engagement and, as provided in this amendment, will hold a total of at least five additional virtual public meetings before implementing service changes associated with the Forging Ahead process during FY21. Lastly, the MBTA will file reports with the Legislature at least 30 days in advance of service changes.

Certain provisions of Section 101, however, would unduly constrain the MBTA as it makes adjustments to service in light of reduced ridership and revenue. For example, the budget proposal would require, to the extent feasible, the expenditure of revenue from sales tax acceleration to prevent service reductions, station closures, and capital project delays. However, the additional revenue from sales tax acceleration is already being deployed to maintain the MBTA's "base service", which is the level of service needed to serve current and near-term projected ridership and is defined by the Fiscal Management and Control Board following the extensive Forging Ahead public process. I do agree that the MBTA should evaluate and deploy any additional funding that becomes available, including federal funding, to support sufficient base service levels and—when ridership and revenue so justify—begin to restore service that has been reduced and capital projects that have been delayed. Accordingly, I have returned language directing the MBTA to evaluate how to deploy available funding, including any future federal COVID relief funding which may be directed to the MBTA, to maintain essential base service levels and to restore service, reopen stations, and restart delayed capital projects as justified by increased ridership and revenue.

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. In fiscal year 2021, the Massachusetts Bay Transportation Authority will evaluate and deploy available funding, including potential federal funding, to continue essential service, as determined by the Fiscal and Management Control Board, and to restore service, reopen stations and restart delayed capital projects as justified by increased ridership and revenue. In fiscal year 2021, the authority shall hold a total of at least 5 public meetings before the closures or suspensions of commuter rail or transit stations, ferry routes or bus routes; provided, however, that the meetings may be held by remote means. Nothing in this section shall prohibit the Massachusetts Bay Transportation Authority from making service adjustments to frequency or schedules; provided, however, that the Authority shall consider rider access, and in particular the access of transit critical riders, when making such adjustments.

In fiscal year 2021, the authority shall submit to the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on transportation a report detailing any proposed service reduction, route elimination, commuter rail station closure or delays in capital projects not less than 30 days before any such reduction, elimination, closure or delay is scheduled to begin.

Respectfully submitted,

Charles D. Baker
Governor

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

ATTACHMENT J

December 11, 2020

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 107 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 107 requires that grants allocated to Regional Tourism Councils through the Massachusetts Tourism Trust Fund for Fiscal Year 2021 be distributed not later than January 1, 2021. The section additionally requires that the Fiscal Year 2020 amounts collected from gaming revenue also be distributed by January 1, 2021.

However, the Fiscal Year 2020 amounts referenced in the section were already distributed in October of this year. My proposed section would remove this requirement for this reason. Additionally, similar sections that have become law in the past have provided more than a month from the time that the section became law until the required date for distribution. As a result, I am proposing to extend the date until February 1, 2021 to reflect the time frame that has been previously utilized.

For these reasons, I recommend that Section 107 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 107. Grants from the amounts collected pursuant to subsection (a) of section 13T of chapter 23A of the General Laws allocated to regional tourism councils pursuant to clause (ii) of subsection (d) of said section 13T of said chapter 23A for fiscal year 2021 shall be distributed not later than February 1, 2021.

Respectfully submitted,

Charles D. Baker
Governor

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

ATTACHMENT K

December 11, 2020

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 104 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 104 requires the Executive Office for Administration & Finance (“A&F”) to develop and operate a publicly accessible and searchable website to provide reporting on expenditures made by the Commonwealth from Federal funds that have been received related to the COVID-19 pandemic response.

I am supportive of the intent of this section and A&F is currently developing such a website. However, some of the requirements included in the section are unable to be implemented or are administratively burdensome, such as a requirement that the website be updated weekly. Additionally, I am recommending that the February 1, 2021 deadline to implement this section be extended until March 30, 2021 in order ensure that the site is fully operative. In order to offset this delay, I am recommending that A&F provide regular reports to the Legislature so that they have up to date information related to these important funds.

For these reasons, I recommend that Section 104 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 104. (a) The executive office for administration and finance shall submit a report to the house and senate committees on ways and means that describes the funds made available to the commonwealth through the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, Public Law 116-123, the Families First Coronavirus Response Act, Public Law 116-127, the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, Public Law 116-147 and any additional federal funds committed to the commonwealth to provide financial assistance in response to the novel coronavirus and aid in ongoing public health, community and economic recovery efforts. The executive office shall submit the first report on or before March 30, 2021; the second report on or before June 30, 2021; the third report on or before September 30, 2021, and the fourth report on or before December 30, 2021.

(b) The report shall provide a breakdown of: (i) all federal grants and direct funds allocated to or received by the commonwealth; (ii) amounts of federal grants and direct funds allocated to or received by the commonwealth, by federal program and administering state agency; (iii) reimbursements provided by the federal emergency management agency due to a national emergency declaration or other federal reimbursements related to the novel coronavirus; (iv) expenditures, for each federal program; (v) any other planned use of available funding for each federal program, by category of spending and purpose of expenditure.

(c) The executive office of administration and finance, in consultation with the office of the comptroller, shall develop and operate a publicly accessible and searchable website to provide reporting on expenditures made by the commonwealth from funds received through the federal Coronavirus Relief Fund created in Section 5001 of Public Law 116-136 and deposited in Massachusetts Coronavirus Relief Fund.

The website shall be updated regularly and shall: (i) allow users to search electronically: (A) aggregated data by project; (B) federal category of spending; and (C) all transactions exceeding \$50,000, provided that personal identifying information is protected; (ii) allow users to download information; and (iii) where possible, contain graphical representations of the data.

(d) The executive office for administration and finance shall implement this section not later than March 30, 2021.

Respectfully submitted,

Charles D. Baker
Governor

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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

KARYN POLITO
LIEUTENANT GOVERNOR

ATTACHMENT L

December 11, 2020

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 108 and 110 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 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 108 requires the Department of Public Health (DPH) to issue a report no later than February 1, 2021 detailing the rules, regulations, guidance, and best practices in place to prevent the transmission of COVID-19 from patients being discharged from hospitals to long-term care facilities and other congregate care facilities. Separately, Section 110 requires the Department of Children and Families (DCF) to submit a report by January 15, 2021 concerning statewide coordinated efforts undertaken by DCF and the Department of Elementary and Secondary Education since March 16, 2020 to monitor both the virtual and in-person school attendance of children involved with DCF. While I do not object to the submission of these reports, the current due dates do not provide sufficient time for DPH and DCF to prepare responsive reports, respectively.

For this reason, I recommend that Section 108 be amended by striking out the words, “February 1, 2021” and inserting in place thereof the following:- July 1, 2021.

And further, I recommend that Section 110 be amended by striking out the words, “January 15, 2021” and inserting in place thereof the following:- April 15, 2021.

Respectfully submitted,

Charles D. Baker
Governor

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

I disapprove the following items:

in Section 2

1231-1000
1599-2003
1599-4417
3000-7055
4510-0112
4512-2020
4590-1504
7003-0606
7003-1207
7010-1194
7010-1202
7061-9401
7066-1400
7100-0801
7100-4000
7509-0101
7518-0120

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

Section 2	Reduce By	Reduce To
0320-0003	177,978	9,960,064
0320-0010	180,960	1,794,445
0321-0001	91,514	907,682
0321-0100	158,427	1,695,303
0321-2100	181,801	2,026,531
0322-0100	129,075	13,752,596
0330-0101	2,261,050	73,933,004
0330-0300	7,437,435	261,682,713
0330-0344	35,851	184,264
0330-0599	5,162	1,468,998
0331-0100	419,742	34,898,168
0334-0001	171,723	4,324,364
0337-0002	646,714	20,268,503
0339-1001	3,936,245	160,585,392
0339-1003	1,132,222	24,757,292
0339-1005	150,000	350,000
0339-2100	40,573	3,097,944
0340-0100	444,830	23,585,279
0340-0198	11,386	379,537
0340-0200	427,608	19,930,382
0340-0203	4,950	495,000

0340-0298	16,872	562,384
0340-0300	308,695	11,873,363
0340-0398	16,208	540,272
0340-0400	304,016	12,991,570
0340-0498	13,507	450,247
0340-0500	528,275	13,042,051
0340-0598	11,103	370,106
0340-0600	267,005	8,210,419
0340-0698	9,612	320,396
0340-0700	200,025	11,939,039
0340-0798	13,958	465,281
0340-0800	324,394	10,443,124
0340-0898	14,035	467,825
0340-0900	663,468	11,095,626
0340-0998	67,872	497,086
0340-1000	170,396	5,204,219
0340-1098	9,105	303,504
0340-1100	246,575	4,796,949
0340-1198	7,422	247,415
0340-2100	88,007	2,200,161
0511-0000	70,020	6,669,269
0540-1000	28,988	2,898,845
0540-1100	6,356	635,442
0540-1200	119,084	1,808,425
0540-1300	8,090	809,004
0540-1400	12,066	1,206,559
0540-1500	375,000	3,325,303
0540-1600	2,740	273,981
0540-1700	4,719	471,933
0540-1800	2,328	232,774
0540-1900	21,800	2,180,002
0540-2000	6,994	699,442
0540-2100	22,778	2,277,753
0610-0000	186,219	11,011,105
0640-0096	23,694	473,616
0710-0000	320,942	16,117,044
0710-0100	12,448	369,026
0710-0200	18,720	1,872,092
0710-0225	39,775	1,234,674
0710-0300	4,785	478,535
0810-0004	117,453	2,349,061
0900-0100	191,845	2,391,849
0910-0200	190,442	3,332,409
0910-0220	47,319	540,765
0910-0300	8,125	569,479
0920-0300	26,931	1,812,713
0940-0100	121,395	4,047,794
0950-0000	8,282	198,191
0950-0050	300,000	500,000
0950-0080	20,000	150,000
1070-0840	2,427,239	9,972,761
1107-2501	2,102,742	5,793,837
2300-0101	600,000	2,000,000
2820-0101	24,269	2,268,788
3000-1042	10,000,000	10,000,000
3000-7050	497,190	11,042,000

3000-7066	5,000,000	5,000,000
4003-0122	500,000	1,241,575
4110-1000	873,744	6,926,161
4590-0300	500,000	4,618,155
7000-9402	14,047	468,217
7000-9406	79,974	2,665,800
7000-9506	385,516	4,001,254
7000-9508	25,000	200,000
7002-0017	47,000	3,194,089
7003-0500	451,797	18,986,939
7007-0952	600,000	4,625,000
7008-1300	1,930	122,274
7027-1004	987,102	3,546,372
7028-0031	750,000	7,680,007
7035-0035	400,000	2,892,809
7061-0029	91,298	925,214
7109-0100	964,674	50,176,535
7115-0100	400,000	30,592,952
7116-0100	400,000	30,071,800
7503-0100	449,770	23,400,891
7508-0100	300,000	23,764,288
7512-0100	350,000	23,485,425
7515-0100	150,000	11,744,587
7518-0100	400,000	29,224,168
8324-0000	225,582	31,672,062
8910-0102	1,137,010	75,687,572
8910-0107	763,536	69,791,598
8910-0110	53,948	15,051,842
8910-0145	170,629	18,612,496
8910-1010	132,404	1,091,246
8910-1020	5,198	608,834
8910-1030	201,125	4,206,665
8910-8200	162,827	29,847,859
8910-8500	11,278	780,731
8910-8630	65,000	160,000
8950-0001	1,000,000	20,693,374

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

Section 2E	Reduce By	Reduce To
1595-6370	3,500,000	90,500,000

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
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2200-0100	6,875,705	33,239,295	" ; provided further, that not later than February 3, 2021 the department shall report to the house and senate committees on ways and means detailing: (i) the status of hiring of additional staff; (ii) the historic staffing level of the department for the last 10 fiscal years; (iii) the number of enforcement actions for serious violations and fine collections compared to the previous 10 fiscal years; and (iv) recommendations for the additional resources needed to fulfill the department's enforcement responsibilities; provided further, that in order to facilitate an effective hiring process for new employees at the department, funds appropriated for this item shall not revert but shall be made available for this item in fiscal year 2022"
2260-8870	1,000,000	13,789,058	" ; provided, that the department of environmental protection shall provide the department of revenue with information necessary for the completion of the report required in item 1232-0200 including, but not limited to, the number of tanks out of compliance with said chapter 21J"
2810-0100	2,364,717	49,170,283	" ; provided further, that all properties that were open in fiscal year 2020 shall be open in fiscal year 2021"
4000-0700	19,000,000	3,353,875,665	" ; provided further, that not less than \$19,000,000 shall be expended for expanded oral health benefits for adult members, with benefits beginning on January 1, 2021"
			and
			" ; provided further, that coverage for adult endodontic and prosthodontic services shall begin on January 1, 2021"
4590-0250	1,717,629	12,405,954	" ; provided, that funds shall be distributed to public and nonpublic schools based on the percentage of students in the commonwealth enrolled in each"
7061-0027	52,985,000	75,000	" ; provided, that each district shall receive a grant amount equal to the sum of \$25 multiplied by the district's foundation enrollment plus \$75 multiplied by the district's low-income enrollment, as calculated under section 3; provided further, that eligible expenses shall include, but not be limited to, personal protective equipment, hygienic supplies, costs associated with socially distanced onsite learning, remote learning, or hybrid approaches as determined by the district, and any expenses required to ensure that low-income and other vulnerable students receive assistance and support that provides them equal access to educational opportunities, including but not limited to, assistance overcoming technological hurdles to learning, and access to social services, mental health, and behavioral health resources to address the potential trauma and other effects of the pandemic on students; provided further, that the department shall issue a preliminary report on the program's implementation to the joint committee on education and the house and senate committees on ways and means not later than February 1, 2021, and a final report not later than April 15, "

and

"; and provided further, that any funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding any general or special law to the contrary"

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

Section 2 Wording Stricken

2000-0101 "; provided further, that not later than February 3, 2021, the executive office shall submit a report to the house and senate committees on ways and means that shall include, but not be limited to: (1) the number of full-time equivalent positions assigned to the executive office's environmental justice staff; (2) responsibilities held by the executive office's environmental justice staff; and (3) the status of environmental justice policies, strategies and initiatives being pursued for both the current and coming fiscal years"

and

"that not later than December 30, 2020,"

2800-0500 "as determined by the commission established"

3000-1044 "for the entirety of fiscal year 2021 and"

4000-0300 "; provided further, that, for fiscal year 2021 and beyond, in establishing Medicaid reimbursement rates for Medicaid eligible inpatient services provided by chronic disease rehabilitation hospitals located in the commonwealth that serve solely children and adolescents, the executive office of health and human services shall apply a multiplier of 1.5 times the hospital's fiscal year 2020 current inpatient per diem rate in fiscal year 2021; provided further, that for fiscal year 2022 and beyond, such rates of reimbursement shall not be lower than the rates in effect for the prior fiscal year"

4403-2000 "; provided further, that the payment standard and need standard for fiscal year 2022 shall be not less than the standards set forth in this item"

and

", and that the increase will be deemed a permanent increase continuing past July 1, 2021"

and

", the final amount of the increase, and an estimate of the full cost of annualizing the increase in fiscal year 2022"

4408-1000 "; provided further, that the payment standard and need standard for fiscal year 2022 shall be not less than the standards set forth in this item"

and

" , and that the increase will be deemed a permanent increase continuing past July 1, 2021"

and

" , the final amount of the increase, and an estimate of the full cost of annualizing the increase in fiscal year 2022"

7004-0101 "; (V) the total number of families receiving benefits under 7004-0101 that have received assistance under 7004-1018 during each of the previous 3 years"

and

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

7004-0108 "; and (v) total number of families receiving benefits under 7004-0101 that have received assistance under 7004-0108 during the previous 1, 2, and 3 years, including available demographic information"

7004-9316 The word "arrearage" the first time it appears

and

" ; provided further, that cash benefits for any recipients approved shall not exceed the actual liability or four times the monthly rental or mortgage liability, whichever is less"

7100-0200 "; provided further, that not later than March 15, 2021, the university shall meet with the chairs of the house and senate committees on ways and means and the chairs of the joint committee on higher education to review: (i) its 5-year projected spending plan for academic years 2021 through 2026, including anticipated cost savings initiatives and efforts to reduce student tuition and fees; and (ii) a comprehensive report on spending over the previous academic year; provided further, that the report shall include, but not be limited to: (a) personnel costs, delineated by staff type and type of pay, including, but not limited to, base pay and bonus pay; (b) the number of full-time equivalent employees, delineated by staff type; (c) non-instructional administrative costs; (d) costs related to asset management and acquisition; (e) annual enrollment growth; (f) annual tuition and fee growth; (g) fee structure; (h) expenditures on direct student financial aid; and (i) average financial aid award per financial aid recipient; provided further, that funding for each center and institute at the University of Massachusetts at Boston shall be provided at an amount not less than in fiscal year 2018; provided further, that if, as a result of extraordinary or unforeseen circumstances, the university deems it necessary to reduce funding to any of said institutions, the university shall issue a report detailing: (1) the reasons for said reductions; (2) all steps taken to avoid such reductions including, but not limited to, the identification of other sources of existing funds, raising of new revenues and the pursuit of savings initiatives and efficiencies; and (3) a mitigation plan to ameliorate the effects on students and university staff of such reductions, for which input from students and university staff shall be solicited; provided further, that the report shall be provided to the joint committee on higher education and the house and senate

committees on ways and means not less than 120 days before any such funding reduction or institutional closure; provided further, that not later than January 4, 2021, the University of Massachusetts at Boston shall submit a report to the joint committee on higher education and the house and senate committees on ways and means detailing the progress made implementing the April 2019 taskforce on centers and institutes' recommendations"

8900-0001

"; provided further, that the Disability Law Center, Inc. may investigate the physical environment of those facilities, including infrastructure issues, and may use methods including, but not limited to, testing and sampling the physical and environmental conditions, whether or not they are utilized by patients or inmates; provided further, that the Disability Law Center, Inc. may monitor the continuity of care for Bridgewater state hospital persons served who are discharged 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, 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; provided further, that given the continued prevalence and threat of COVID-19 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 COVID-19 according to the Centers for Disease Control and Prevention's guidelines; provided further, that the department shall consider, but shall not be limited to considering: (1) the use of home confinement without exclusion pursuant to chapter 211F of the General Laws; (2) the expedition of medical parole petition review by superintendents and the commissioner; (3) the use of furlough; (4) the maximization of good time by eliminating mandates for participation in programming for those close to their release dates; and (5) 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 funds shall be made available from this item for the creation of an independent ombudsman's office for the duration of the state of emergency relative to COVID-19 declared by the governor on March 10, 2020; provided further, that the attorney general, in consultation with the department of public health, shall appoint an ombudsman to act as director of the ombudsman's office; provided further, that the office shall monitor compliance with the requirements of this item relative to the COVID-19 public health emergency, including, but not limited to, actions taken or not taken by the department to ensure the health and safety of individuals under the department's purview including, but not limited to, employees and inmates, as well as the families of such individuals, and shall have access to information related to the department's use of the mechanisms for release, home confinement or furlough stated in this item; provided further, that the office shall establish public health standards, using recommended standards and guidance from public health experts, to evaluate the department's compliance or noncompliance with best practices; provided further, that not less than biweekly, the office shall provide the joint committee on the judiciary and the joint committee on public health with a report on: (A) the department's efforts to mitigate the rate of infection in facilities under its purview; (B) the department's efforts taken relative to safe depopulation during the state of emergency relative to the COVID-19 declared by the governor on March 10, 2020; (C) the department's policies in development to further mitigate the rate of infection in correctional settings; (D) the amount of population reduction achieved to-date by the use of the mechanisms for release, home confinement or furlough stated in this item; and (E) the department's compliance or non-

compliance with the office's established public health standards; and provided further, that, if the office determines that the department is not taking actions necessary to mitigate the rate of infection in facilities under its purview or is in noncompliance with its established public health standards, the office may recommend that the joint committee on the judiciary and the joint committee on public health require the commissioner to testify in a publicly available forum to discuss the department's noncompliance and a remediation plan to meet the office's public health standards"

8900-0010 ", including their disciplinary record while in custody"

and

"and their employment rate after release"

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 23, 40, 43, 69, 79, 80, 88, 90, 93, 99, 101, 103, 104, 107, 108, 110, and 116. 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, December 11, 2020

at o'clock and minutes, .M.

Charles D. Baker

Governor