

HOUSE No. 4289

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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COMMONWEALTH OF MASSACHUSETTS
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KARYN POLITO
LIEUTENANT GOVERNOR

December 13, 2021

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 4269, “An Act Relative to Immediate COVID-19 Recovery Needs,” and returning certain portions to you for reconsideration.

This bill directs funding to key areas in need of support as Massachusetts continues its recovery from the pandemic. It invests substantially in health care, housing and homeownership, workforce development, and other key priorities. Our Administration is eager to begin quickly deploying these resources to the individuals and communities that desperately need them.

The funding sources for appropriations in this bill are quite different from other legislation. The Commonwealth received \$5.286 billion from the Coronavirus State Fiscal Recovery Fund (CSFRF), which was created by the American Rescue Plan Act of 2021, Pub. L. 117-2 (March 11, 2021) (ARPA). This bill provides the authority to spend up to \$2.55 billion of these federal resources on the items included in the bill. The legislation also appropriates the full \$1.45 billion from the Transitional Escrow Fund, made up of state fiscal year 2021 surplus dollars, and assigns the Secretary of Administration and Finance the responsibility of matching expenditures to the most appropriate of these funding sources in recognition of the significant federal rules and regulations associated with CSFRF.

The \$4 billion spending plan supports residents and communities that were disproportionately impacted by COVID-19, with \$107.5 million allocated to workforce skills and job training, more than \$400 million to increase affordable and supportive housing production

and homeownership opportunities for residents in the hardest hit communities, and \$44.8 million to support food security for families across the Commonwealth.

The bill continues backing for recovering businesses, with \$500 million for the Unemployment Compensation Trust Fund and \$75 million for small business assistance, building upon more than \$700 million invested in 2021 in small businesses impacted by the COVID-19 pandemic.

To address an increase in need for behavioral health and addiction treatment services, exacerbated by the impacts of the pandemic, this bill includes \$400 million to expand access to mental and behavioral health supports and community-based primary care. It also includes funding to shore up health care systems that bore much of the weight of the public health emergency, allocating \$260 million to fiscally strained hospitals, \$200 million for local and regional public health systems, and \$500 million in premium pay bonuses for low-income workers that were on the frontlines during the emergency.

We are pleased to also support the many long-lasting capital investments in this spending plan, including nearly \$300 million for water, sewer, offshore wind, and other environmental infrastructure projects, \$100 million for improvements to public school HVAC systems, \$100 million for capital improvements to vocational high schools and public schools operating career and technical education programs, and \$50 million to facilitate increased broadband and internet access.

We support the COVID-19 Essential Employee Premium Pay program. This program will distribute \$500 million to lower-wage frontline workers who put themselves at risk with admirable commitment to their communities. We are proud of the job these workers did to pull together, look after vulnerable members of the community, and keep the Commonwealth on a path to recovery.

However, after the considerable time the Legislature took to send us this legislation, the program has been further complicated with the creation of a 28-member advisory panel that must consult with and provide recommendations to A&F on the design of the program, in a way that is virtually guaranteed to significantly hinder disbursement of the funds. Various organizations are responsible for naming members of the panel, but it is unclear whom they are expected to inform of their appointment decisions. No one is empowered to call the first meeting of the panel, no chairs are named, and no deadlines apply to the panel. Despite this, A&F must wait for the panel to coalesce and make recommendations, incorporate those recommendations into decisions about eligibility, and then design the means to identify and pay eligible recipients by March 31, 2022. Accordingly, we are vetoing those provisions of the bill.

Nonetheless, we are signing the other two sections that comprise this program. This will enable A&F to immediately begin the process of distributing these funds. We could send out \$500 checks to almost 1 million Massachusetts residents as soon as possible. Reinstating the

panel-driven process envisioned by the Legislature will simply disrupt the rollout midstream. We urge you to let our administration proceed with this important program today.

We appreciate the work of the Legislature in delivering this conference report, including allocating funding for some of the recommendations that our Administration made in May and June of this year. Vetoes are limited to concerns I have with requirements imposed in specific line-items and one section that will cause further delay in putting these critical funds to use for the residents of the Commonwealth.

Accordingly, we are vetoing certain language contained in 7 line-items. Of the 88 outside sections presented in the conference report, we are signing 86, vetoing 1, and returning 1 for amendment.

Therefore:

- We are disapproving, or striking wording in, items of section 2A of House 4269 set forth in Attachment A, for the reasons set forth in that attachment;
- We are disapproving section 79 of House 4269 itemized in Attachment B of this message for the reasons set forth in that Attachment; and
- We are returning section 72 with recommendations for amendment. Our reasons for doing so and the recommended amendments are set forth in a separate letter that is dated today and included with this message as Attachment C.

Respectfully Submitted,

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Attachment A

An Act Relative to Immediate COVID-19 Recovery Needs

Item Number	Action	Reduce By	Reduce To
Homeownership Assistance 1599-2020	Strike Wording		
I am striking this language because the required report is unduly burdensome.			
Rental Housing Production 1599-2022	Strike Wording		
I am striking this language because the required report is unduly burdensome.			
Public Housing Maintenance 1599-2024	Strike Wording		
I am striking this language because the required report is unduly burdensome.			
State Parks and Trails 1599-2030	Strike Wording		
I am striking this language because it would restrict the number of beneficiaries of the program.			
Greening the Gateway Cities 1599-2033	Strike Wording		
I am striking this language because it would restrict the number of beneficiaries of the program.			

Item Number	Action	Reduce By	Reduce To
Agriculture, Fishing, and Cranberry Growers	1599-2044	Strike Wording	I am striking this language because the required report is unduly burdensome.
DESE HVAC	1599-2055	Strike Wording	I am striking this language because the specified deadline is unduly burdensome.

Attachment B

An Act Relative to Immediate COVID-19 Recovery Needs

Veto Items: Outside Sections

COVID-19 Essential Employee Premium Pay Program 2

Section 79

I am vetoing this section because it unnecessarily complicates the implementation of the essential employee premium pay program.

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EXECUTIVE DEPARTMENT
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— ATTACHMENT C —

December 13, 2021

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 72 of House Bill No. 4269, “An Act relative to immediate COVID-19 recovery needs”.

Section 72 establishes a Behavioral Health Trust Fund, which is administered by the Commissioner of the Department of Public Health. The Trust is funded with a transfer of approximately \$198 million from the Behavioral Health Reserve Account (line 1599-2026), subject to further appropriation. The purpose of the Trust is to address barriers to the delivery of an equitable, culturally competent, affordable, and clinically-appropriate continuum of behavioral health care and services. Section 72 also creates a Behavioral Health Advisory Commission consisting of twenty members, including members of the General Court and their appointees, the Secretary of the Executive Office of Health and Human Services, appointees selected by the Governor, and various stakeholders. Neither the Commissioners of the Department of Mental Health nor Public Health are members of the Advisory Commission. The charge of the Advisory Commission is to provide the Legislature a report identifying and assessing eleven enumerated categories of potential barriers to accessing behavioral health services. Based on its findings, the Advisory Commission is required to make recommendations on funding to the Legislature for further appropriation from the Trust Fund.

I support the establishment of a Behavioral Health Trust Fund. I support the focus of the Trust on equitable, culturally competent, affordable, and clinically appropriate behavioral health care and services. I support the creation of an Advisory Commission to recommend to the Fund administrator the best use of Trust funds. I applaud each of the enumerated goals the Legislature has directed the Advisory Commission to focus on. I support the focus on workforce development; on addressing health care disparities including the structural barriers to accessing behavioral health services for many Commonwealth residents as a result of race, gender, sexual orientation, and limited English language proficiency; and I support improving access to treatment for justice involved and incarcerated individuals. However, I do not support Section 72 as currently drafted.

Section 72 establishes a lengthy, bureaucratic process that will unnecessarily delay the delivery of critical funding to Massachusetts residents with behavioral health disorders and behavioral health care providers who have already been waiting far too long. The Advisory Commission should be just that: advisory, not the first step in a second round of an already protracted appropriations process. Additionally, the Secretary of the Executive Office of Health and Human Services is the state official most appropriate to administer the Trust, rather than the Commissioner of the Department of Public Health. Finally, the Advisory Commission should include among its membership both the Commissioners of the Department of Mental Health and Public Health.

For these reasons, I recommend that Section 72 be amended by striking out the first sentence of subsection (a) of section 72 and inserting in place thereof the following sentence:-

There shall be a Behavioral Health Trust Fund that shall be administered by the secretary of health and human services, who shall expend the funds for the purpose of addressing barriers to the delivery of an equitable, culturally competent, affordable and clinically-appropriate continuum of behavioral health care and services.

And by inserting in the first sentence of paragraph (1) of subsection (b) of said section 72 after the words "general court" the following words:- and the secretary of health and human services.

And by striking out in the second sentence of said paragraph (1) of said subsection (b) of said section 72 the words "secretary of health and human services" and inserting in place thereof the following words:- commissioner of public health; the commissioner of mental health;

And by inserting in paragraph (3) of said subsection (b) of said section 72 after the words "findings and recommendations to the" the following words:- secretary of health and human services.

And by adding to said paragraph (3) of said subsection (b) of said section 72 the following sentence:-

The secretary shall consider such findings and recommendations in making expenditures from the fund.

And by striking out in subsection (c) of said section 72 the word “commissioner” and inserting in place thereof the following words:- secretary of health and human services.

Respectfully submitted,

Charles D. Baker
Governor

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

I disapprove Section 79.

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

Section 2A	Wording Stricken
1599-2020	"; and provided further, that not less than 30 days prior to obligations being made from this item, the administering entity shall submit a report to the executive office for administration and finance, the joint committee on housing and the house and senate committees on ways and means on proposed allocations and spending plans for programs within this item including, but not limited to, any program criteria and guidelines for the distribution of funds"
1599-2022	"; and provided further, that not less than 30 days prior to obligations being made from this item, the administering entity shall submit a report to the executive office for administration and finance, the joint committee on housing and the house and senate committees on ways and means on proposed allocations and spending plans for programs within this item including, but not limited to, any program criteria and guidelines for the distribution of funds"
1599-2024	“; and provided further, that not less than 30 days prior to obligations being made from this item, the department shall provide a distribution methodology to the executive office for administration and finance, the house and senate committees on ways and means and the joint committee on housing”
1599-2030	“; provided further, that significant funds shall be used to increase the cap on grants under the conservation partnership grant program to \$400,000 per project”
1599-2033	“on publicly-owned land and land owned by non-profit organizations”
1599-2044	“; provided further, that not later than March 30, 2022, the executive office shall submit a report to the house and senate committees on ways and means, and the joint committee on environment, natural resources and agriculture detailing the status of the grant program that shall include, but not be limited to: (a) the number of grant applications, by industry; (b) the number of successful grant applicants, by industry; (c) the amount of grant funding allocated for each successful applicant; (d) each successful grant applicant’s proposed use of grant funding; and (e) the criteria used to determine successful application”
1599-2055	“; provided further, that grants shall be distributed not later than January 1, 2022; and provided further, that not later than March 1, 2022, the department shall report to the joint committee on education and the house and senate committees on ways and means on the grants awarded to schools and include its analysis and recommendations based on the grant program’s findings”

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, Section 72. The text of my recommended amendments is set forth in a separate letter of this date to the Senate and House of Representatives.

The remainder of this bill I approve.

Approved, December 13, 2021

at o'clock and minutes, .M.

Charles D. Baker

Governor