

HOUSE No. 4678

The Commonwealth of Massachusetts

**SO MUCH OF THE MESSAGE
FROM
HIS EXCELLENCY THE GOVERNOR
RETURNING THE ENGROSSED BILL RELATIVE TO MAKING
APPROPRIATIONS FOR THE FISCAL YEAR 2022 TO PROVIDE FOR
SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR
CERTAIN OTHER ACTIVITIES AND PROJECTS
(SEE HOUSE, NO. 4578, amended)
AS RELATES TO SECTION 73 RETURNED
WITH DISAPPROVAL
UNDER THE PROVISIONS OF
SECTION 5 OF ARTICLE LXIII
AND A SECTION RETURNED WITH
RECOMMENDATION OF AMENDMENT
UNDER THE PROVISIONS OF ARTICLE LVI
OF THE AMENDMENTS TO THE CONSTITUTION.**

April 1, 2022.

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CHARLES D. BAKER
GOVERNOR

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KARYN POLITO
LIEUTENANT GOVERNOR

April 1, 2022

To the Honorable House of Representatives,

Pursuant to Section 5 of Article LXIII, as amended by Section 4 of Article XC of the Amendments to the Constitution, I am today signing House Bill 4578, “An Act Making Appropriations for the Fiscal Year 2022 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects,” but vetoing one section and returning one section with amendment.

The bill I am signing today authorizes \$1.6 billion in direct appropriations, or \$859 million net of related revenue. I am signing all of the spending. With a few additions, such as added funds for refugee resettlement assistance, these spending items generally reflect recommendations I filed in February, and as such represent a consensus view of supplemental spending priorities. I will work with the Legislature to effectuate a technical fix to an item authorizing spending for refugee resettlement, but am signing for now to indicate support for the intent of the appropriation.

This bill dedicates \$700 million to the public health response to COVID-19, with money for costs such as rapid tests and surveillance testing in congregate care settings, monoclonal antibody treatments, vaccination sites, and sufficient staffing in health care facilities. After anticipated FEMA reimbursements, these initiatives are expected to have a net cost of \$257 million.

The bill includes \$401 million for rate enhancements to human service providers, \$346 million of which is supported by federal funds, for a total of \$55 million in net state cost. It

authorizes \$140 million in spending through fiscal year 2023 for special education schools to help address direct care and clinical staffing needs.

The bill increases other support for families, especially those whose lives have been significantly disrupted by the pandemic. It provides \$100 million to maintain access to rental assistance through the Rental Assistance for Families in Transition (RAFT) program as the federal Emergency Rental Assistance program begins to wind down, as well as \$8.4 million to continue additional short-term assistance to families fostering children during the pandemic.

This bill also authorizes \$100 million to help municipalities repair roads from winter damage, and money for a variety of other public needs.

Revenues in Fiscal Year 2022 continue to far exceed initial expectations. I appreciate the Legislature's support for key spending items, and request consideration of other items still pending in the Legislature, including additional funds for the Massachusetts Office of Victim Assistance (MOVA), child care, youth-focused nonprofits, and climate resiliency. A disruption in the federal Victims of Crime Act (VOCA) means MOVA is short on funds to support counseling, advocacy, and intervention services for victims of crime. We can and should assure continuity in these critical services by moving on this funding expeditiously.

This bill will also make a variety of adjustments to law, nearly all of which I am signing. One section makes families participating in SNAP employment and training services categorically eligible for childcare subsidies in fiscal years 2022 and 2023. Another extends certain protections from evictions that otherwise expire today, April 1, and makes other modifications related to court eviction proceedings. Sections extend COVID-era dining and educator licensure rules, adjustments which remain valuable.

Another section exempts payments received under the premium pay program from the Massachusetts income tax, thereby increasing the value of these payments to recipients. I am pleased to note that approximately \$250 million of these payments went to eligible residents in March.

Another notable section allows National Guard members who were activated in response to the COVID pandemic after the state of emergency ended to qualify for the COVID veterans' bonus.

I remain hopeful that a section mandating the appointment of a guardian ad litem in every Juvenile Court proceeding in which it is alleged that a child has been subjected to abuse or neglect, and an accompanying \$50 million appropriation request, will be addressed soon by the Legislature, in order to protect the best interests of children.

I am signing nearly all of the sections added in the Legislature. Perhaps most notably, I am signing a section requiring the Pension Reserve Investment Management (PRIM) Board to

divest from assets in Russia, in response to the invasion of Ukraine. Other sections make a variety of changes, such as extending spending authorization for certain spending items, and extending commissions.

While I am signing the large majority of sections in this bill, I am vetoing section 73, which would prevent the Department of Early Education and Care (EEC) from entering into any contracts exceeding one year in length between March 1, 2022 and June 30, 2023. This restriction impermissibly interferes with executive decision making, as well as the efficient delivery of essential childcare services. For example, the Department of Children and Families (DCF) contracts for temporary childcare services through EEC, and DCF has already begun the process of issuing standard-length 14-month contracts to providers for the next contract cycle. Disrupting and altering this process would inhibit DCF's ability to attract and retain the most robust, stable childcare programs available.

I am returning with amendment section 38, which allocates supplemental early intervention staffing recovery payments disproportionately in favor of large providers at the expense of smaller providers. My amendment would allocate \$8 million in a more equitable fashion, establishing a payment methodology that focuses on children served in communities disproportionately impacted by COVID-19, and that rewards providers who increase delivery of in-person services and decrease reliance on telehealth.

The remainder of this bill I approve.

Respectfully Submitted,

Charles D. Baker,
Governor

There is no Attachment A

Attachment B

An Act making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects

Veto Items: Outside Sections

Early Education and Care Contracting Limitation

Section 73

I am vetoing this section because the restriction it imposes impermissibly interferes with executive decision making, as well as the efficient delivery of essential childcare services.

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— ATTACHMENT C —

April 1, 2022.

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 38 of House Bill 4578, “An Act Making Appropriations for the Fiscal Year 2022 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

Section 38 requires the Department of Public Health (DPH) to provide \$8 million for early intervention providers to support increased salaries, wages and benefits for early intervention clinicians and support staff. These payments must be distributed as payment vouchers to all early intervention providers using a proportional payment methodology based on the most recent child counts of the Department of Public Health. Funds must be distributed by May 1, 2022. DPH must report to the Executive Office for Administration and Finance and the Legislature by June 1, 2022 on the distribution of funds.

Early intervention is often a key factor to successful outcomes for children with developmental delays. Early intervention may reduce the need for special education during a child’s school years and help children reach their full potential. None of this would be possible

without the dedicated clinicians and support staff who work in early intervention programs. For these reasons, I support the additional targeted funding that increases salaries for these crucial members of our health care workforce. However, the formula for distribution established in Section 38 can and should be improved. Section 38 provides the funding on a simple headcount basis, and, among other things, fails to recognize the higher per-child cost of programs that provide more intensive services. It does not consider the impact of the COVID-19 pandemic on our equity communities that have been disproportionately affected by COVID-19, such as Brockton, Everett, Fall River, Fitchburg, Holyoke, Lawrence, and Revere, and it does not support clinicians and support staff who are providing in-person visits, which can be especially effective for the children who need early intervention when families choose this option. Additionally, the timelines for distributing the funding established in Section 38 are not feasible.

For these reasons, I recommend that Section 38 be amended by striking out the section in its entirety and inserting in place thereof the following section:-

SECTION 38. Item 4513-1020 of said section 2 of said chapter 24 is hereby amended by adding the following words:- provided further, that not less than \$8,000,000 shall be expended from this item for early intervention staffing recovery payments to address the staffing crisis and restore early intervention staffing and service hours through hiring, rehiring and retention of clinical and support staff across the early intervention system; provided further, that such funds shall be used to support increased salaries, wages and benefits for early intervention clinicians and support staff; provided further, that such funds may be used to cover supervision, training, nonbillable time and other onboarding costs directly associated with the hiring of new early intervention clinicians and support staff; provided further, that such staffing recovery payments shall be distributed by the department as payment vouchers to all vendors of certified early intervention programs; provided further that the department shall develop a methodology for distributing funding that takes into account the volume of services delivered by the provider, communities served, including consideration for health equity communities served, and use of funds to support return to in-person service delivery in accordance with family preferences; provided further, that such funds shall be distributed not later than June 1, 2022; and provided further, that not later than July 30, 2022, the department shall submit a report to the executive office for administration and finance and the house and senate committees on ways and means detailing the distribution of the staffing recovery payments.

Respectfully submitted,

Charles D. Baker
Governor

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

I disapprove Section 73.

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 38. The text of my recommended amendment 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, April 1, 2022

at o'clock and minutes, .M.

Charles D. Baker
Governor