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HOUSE . . . . . No. 5181

The Commonwealth of Massachusetts

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CHARLES D. BAKER
GOVERNOR

KARYN POLITO
LIEUTENANT GOVERNOR

August 10, 2022

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Section 3 of Article XC, of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 54 of House Bill No. 5163, "An Act to Improve and Modernize the Information Technology Systems and Capacities of the Judiciary."

Section 54 of the bill, which is entirely unrelated to information technology spending, requires that the unexpended balance remaining in a line item from the 2018 General Government Bond Bill be spent exclusively on court facilities in New Bedford. As drafted, the section would disrupt the current planned improvements to court capital facilities and deprive Trial Court management of the resources they have been relying on by redirecting all of the available funds to a single court project. Determination of the amount and priority order of capital spending is a critical executive function, as the administration is responsible for managing the entirety of capital spending within the administrative bond cap, informed by the guidance of the Capital Debt Affordability Committee and the Trial Court is responsible for the prioritization of court facility projects. Section 54 would thus have the direct effect, if approved, of stopping all other court projects, including ongoing work at the Quincy Regional Justice Center, the Framingham Regional Justice Center, and the Springfield Hall of Justice, in favor of building a new facility in New Bedford. This cannot be what the Legislature intended.

I recognize that the needs of court facilities have dramatically changed during the Baker-Polito Administration, not least because of the COVID-19 pandemic. The improvements that are authorized in House Bill No. 5163 address those changing needs, particularly in light of the increasing likelihood of electronic and remote operations. Instead of pressing ahead on a new courthouse facility that would eliminate all other spending on other courthouses, we should take this opportunity to further study how courthouse facility needs have changed and are likely to change in the future, so that any new project can be targeted to accommodate the actual projected need.

For the foregoing reasons, I recommend that Section 54 of House Bill No. 5163 be amended by striking out the Section and inserting in place thereof the following section:-

SECTION 54. (a) (1) Notwithstanding any general or special law to the contrary, not more than $500,000 shall be expended for the trial court, in consultation with the division of capital asset management and maintenance, to conduct a study to document and analyze the needs of court facilities in the downtown area of the city of New Bedford. The study shall include but not be limited to the following: (i) the current condition of existing facilities; (ii) usage of the New Bedford court facilities in the years immediately preceding 2020, and in the years 2020-2021; (iii) usage of other facilities during those time periods by constituents whose cases would have ordinarily been heard in a New Bedford court facility; (iv) a determination of capital needs of the existing New Bedford facilities; and (v) a projection of future needs for court facilities in New Bedford based on utilization, caseload trends and personnel and visitor needs at the facilities.

(2) In conducting the study authorized by paragraph (1), the Trial Court shall also consult with the executive office of technology services and security to determine if information technology projects or improvements authorized pursuant to item 0330-6000 of section 2, item 0330-6001 of section 2A or item 0330-6002 of section 2B of this act will impact the determination of needs of the facilities set forth in paragraph (1), and whether the existing facilities in New Bedford will constrain the information technology projects authorized in this act.

(b) The trial court shall file a report containing its findings with the clerks of the house of representatives and the senate, the chairs of the joint committee on the judiciary, the chairs of the joint committee on state administration and regulatory oversight, the chairs of the joint committee on bonding and capital expenditures, the chair of the house committee on ways and means and the chair of the senate committee on ways and means on or before December 31, 2022.

Respectfully Submitted,

Charles D. Baker
Governor

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

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 54. 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, August 10, 2022

at o'clock and minutes, .M.

Charles D. Baker

Governor