

**Office of Mayor Thomas M. Menino
City of Boston Legislative Initiatives
2009-2010**

Note: *Indicates legislation that is new to the Mayor's package

Crime Prevention and Rehabilitation of Ex-Offenders

S. 977 An Act to Further Enhance Public Safety in the Commonwealth (Petruccelli)

This bill includes elements to help municipal law enforcement fight escalating crime, including: The creation of an electronic database for sales of weapons and ammunition; creation of penalties for felons in possession of a firearm; a ban on armor-piercing bullets by anyone other than law enforcement; and, a new definition of a "habitual offender."

H. 2247 An Act to Improve the Ballistic Database through Microstamping Ammunition (Linsky)

This bill calls for the creation of an electronic database and procedure to accurately record the individual characteristics of each weapon in the Commonwealth. Otherwise known as "microstamping," this technology will give law enforcement officials a head-start in solving crime.

H. 1373 An Act to Ease the Transition of Ex-Offenders (Fox)

This bill continues the progress made last session on a number of items designed to help transition ex-offenders back into society upon their release, such as: financial incentives for employers who hire former inmates, additional funding for GED and other educational opportunities, provisions requiring clarity and transparency in CORI reports, and better coordination of discharge planning. The bill also prohibits the use of check boxes to determine criminal records on employment applications.

H. 3433 An Act to Promote Conflict Resolution Curricula* (Rushing)

Research has shown that conflict resolution education is effective at promoting positive behavior for youth including reducing school suspensions, slowing the rise of aggressive attitudes and behaviors, and increasing social competence and pro-social behavior. This legislation enables the Department of Education, in consultation with the Department of Public Health, to develop a model curriculum and implementation guidelines related to conflict resolution education.

H. 1704 An Act to Create a Second and Subsequent Offense for deriving support from prostitution* (Rush)

The creation of a second and subsequent offense for deriving support from prostitution.

H. 2270 An Act to Expand the list of crimes for DNA samples* (Rush)

This bill will expand the list of crimes for which the police can take a DNA sample, and will also allow this sample to be taken at the time the police arrest the individual.

Municipal Revenues

S. 1322 An Act Relative to the Taxation of Telecommunications Companies (Petruccelli)

This bill would amend 3 sections of the real estate tax statute to remove special tax exemptions for telephone/internet companies.

H. 3751 An Act Relative to a Local Options Meals Tax (Scaccia)

This bill would allow municipalities the option of imposing a local excise tax on sale of prepared food and beverages of up to 2%.

H. 2824 An Act Relative to the Taxation of Public Land Used for Commercial Purposes on MBTA Property (Malia)

The bill would remove the exempt status of property for commercial purposes on MBTA land.

S. 1323 An Act Permitting Cities and Towns to Impose an Excise on the Use of Off-Street Parking Facilities (Petruccelli)

This is a common fee imposed in most every major city. EPA parking restrictions in Boston limit supply and increase the price artificially.

H. 299 An Act Relative to the Storage Fee for Towing (Scaccia)

This bill would attempt to increase the storage fee for all towed vehicles, resulting in an increase of up to \$5.00 per tow. Currently BTM charges a maximum of \$15.00 per day, and the Dept. of Telecommunications and Energy (DTE) allows a maximum of \$20.00 per day. This is a companion piece to the towing fee change made in 2003.

H. 847 Extend State Exemption from DEP Fees to Municipalities*

(Mayor Menino supports this legislation filed by Rep. Cleon Turner)

This bill would exempt municipalities and municipal authorities from Department of Environmental Protection compliance fees. Boston and other municipalities currently must pay fines and fees for failure to meet DEP timelines on contaminated properties acquired by the City through tax title foreclosure. This is a disincentive to responsible municipal action. The state currently exempts its own agencies from these fees.

Public Safety

H. 3640 An Act to Authorize Cameras to Capture Traffic Violations (Honan)

This law authorizes cameras to capture vehicles that disregard traffic control signals and blocking intersections.

H. 3638 An Act to Promote School Zone Safety* (Honan)

This legislation would enable vehicles equipped with cameras to measure speed violations within school zones and when the STOP arm on a school bus is deployed. Cameras would capture violations for vehicles that do not stop when a bus is picking up or dropping off children, and if a vehicle goes faster than the posted limit of 20MPH during set times.

H. 3322 An Act Relative to Motor Vehicle Citations for Firearms Arrests (Scaccia)

For each person convicted as a result of a firearm arrest, the Registrar of Motor Vehicles would suspend/revoke the right to operate and register a motor vehicle in the Commonwealth. The period of suspension would not exceed 5 years, but officers will be aware of a person's prior firearm offenses during a routine traffic stop.

H. 2276 An Act Relative to the Destruction of Drugs Held by Police Departments (Scaccia)

By current law, police departments are required to hold and store all drugs seized in an arrest. This results in a dangerous situation where large quantities of drugs are being stored in a warehouse and need to be guarded around the clock. To destroy the evidence, police departments must obtain an order from the District Attorney. While BPD is currently working on getting orders for much of the current stockpile of narcotics, this bill sets up a procedure for drug destruction, based on the current federal procedure and following federal evidentiary guidelines.

H. 2269 An Act to Enhance the Threats Statute (Rush)

This would allow apprehension of a person who makes a threat against someone else without a warrant. Currently, police must obtain a warrant to make an arrest – this would allow apprehension without that warrant.

H. 1707 An Act to Require Mandatory Post-Release Supervision and Assistance for all Offenders Released from State and County Incarceration (Rush)

About 40% of the offenders released from the State Prison, and almost all the offenders released from the Suffolk County House of Corrections, are returning to the streets of Boston without guidance on re-entering society. This would allow an additional tool for the state to provide additional services to those offenders who would benefit from such assistance.

H. 1702 An Act Relative to the Failure to Submit to a Police Officer (Rush)

Presently, when a driver fails to pull over and stop when directed to do so or fails to produce a license, there is a \$100 penalty. This would change that penalty to a \$500 fine and up to a year in jail time.

H. 1713 An Act Relative to Assault and Battery upon Public Employees (Sanchez)

After a number of assaults on parking enforcement officers, this issue emerged as a problem because the City could not aggressively pursue action against the offenders. This bill seeks an increase in the maximum term of imprisonment to not less than 180 days or more than 5 years in a House of Correction, with a fine to not less than \$1000 or more than \$10,000.

H. 3265 An Act Relative to the Speed Limit in Cities and Towns (Malia)

This legislation would reduce the speed limit in thickly settled areas and in business districts from the current level of 30 miles per hour to 25 miles per hour.

H. 3639 An Act Permitting the Use of Traffic Control Signal Violation Monitoring System Devices as a Means of Promoting Traffic Safety (Honan)

This legislation would provide for the creation of a pilot program for Boston and Cambridge to use photo-monitoring devices to enforce traffic control signals.

S. 1793 An Act Relative to the Illegal Use of Motor Vehicle “Hides” (Petruccelli)

This makes use of a motor vehicle hide, which is legal for transport of items such as jewelry, illegal when used for criminal activity. It adds a minimum of 3 years and not more than 5 years to any eventual sentence.

H. 1787 An Act to Access Information Regarding Drug Overdose Deaths (Rep. Walsh)

This would require that the medical examiner, upon determination that a death was caused by a negligent act or by drugs, report that information to the local district attorney and the police department. There is currently no reporting requirement and so cases that might otherwise be able to be linked together often cannot be done.

H. 2273 An Act to Provide Concurrent Police Authority for MassPort Properties (Rush)

This bill would provide concurrent jurisdiction on all MassPort Authority for the local law enforcement agency. Without this designation, public safety in these areas may be compromised.

H. 2271 An Act Clarifying Enforcement of the State Fire Code (Rush)

Currently state-owned buildings and state authority-owned buildings are not required to comply with the state fire code because the general laws do not specifically mention that the state must comply with the code. This legislation would amend the General Laws to make either the state fire marshal or the local fire department in charge of enforcing the fire code with respect to state buildings.

H. 1786 An Act to Amend the Jaywalking Statute* (Rep. Walsh)

An amendment to the current jaywalking statute to impose stiffer penalties for jaywalkers. This stems from the increase in accidents caused by pedestrians crossing the street in areas not designated as crosswalks.

H. 3778 An Act to Authorize Fining or Arresting Individuals Aggressively Loitering* (Scaccia)

This bill authorizes the police to, at minimum, issue stiffer fines or to arrest individuals who are loitering in such a way that prevents the public from entering and exiting retail establishments.

S. 792 An Act to Authorize Fingerprinting Applicants in Specified Occupations* (Mayor Menino supports this legislation filed by Sen. James Timilty)

This bill allows municipalities to conduct a more complete criminal history background check by fingerprinting applicants of certain occupations.

H. 3321 An Act to Relative to the Law of the Road and Bicyclists* (Scaccia)

This bill authorizes the issuance of citations to cyclists for moving violations similar to those issued to motor vehicles.

H. 1278 An Act Relative to the Nuisance Statute (Basile)

This bill would allow the City to seize any vehicles of so-called “Johns” when they are arrested for solicitation. This would discourage people from fraternizing with prostitutes or using their automobiles to commit lewd acts.

Governmental Efficiencies

HD 3402 An Act to Fulfill the Promise of Home Rule* (Rep. Walsh)

To fulfill the promise of the Massachusetts Constitution's grant of home rule, this special act ensures that the city of Boston may exercise powers of local self government that are as strong as those of any municipality in the nation.

H. 2894 An Act to Improve Municipal Government Efficiencies* (Rush)

This legislation includes various provisions to enable municipal government efficiency, including: Amending tax exemptions for property leased to the school departments; revising certain contracting procedures; clarifying indemnification billing processes for disability retirement; enabling the abolition of Suffolk County; amending public school transportation reimbursements; providing public schools administrative flexibility; and, amending the assessing administration.

H. 3735 An Act Amending the Accidental Disability Retirement Allowance* (Scaccia)

This bill changes the accidental disability calculation to 72% of the average annual rate of regular compensation for the 12 month period for which last received regular compensation immediately preceding retirement date.

H. 2006 An Act to Amend the Fine for Failing to Obtain, Renew or Violating the Terms of a License to Operate an Open-Air Parking Lot (Rush)

This legislation will allow the Off-Street Parking Facilities Board to better enforce its open-air lot license requirements. Lot owners will have a greater incentive to comply with the terms of their licenses, as well as to renew their licenses in a timely manner each year. This would increase the fine from \$300 to \$1000.

H. 2210 Random drug and alcohol testing for public safety employees*

(Mayor Menino supports this legislation filed by Rep. Christopher Donelan)

The bill calls for mandatory random drug and alcohol testing for public safety employees.

H. 3736 An Act Making Certain Changes to Insurance for Persons in the Service of Counties, Cities, Towns, and Districts, and their Dependents* (Scaccia)

Bill would allow municipalities to seek the same authority the state has under Ch.32A, which allows the GIC to purchase health plans and undertake plan design. Currently cities and towns must follow Ch.32B (and any health benefit plan change must be approved by the unions).

HD 3771 An Act Relative to the Disclosure of Prior Employment Information (Rush)

This bill would obligate companies, both public and private, to provide employment records to background investigators, as a matter of course, in the interest of public safety. Currently, provision of this information is discretionary and slows down hiring.

H. 2305 An Act to Provide Funding for HazMat Preparedness and Response Teams (Rep. Walsh)

This legislation requests funding for Boston, Springfield and Cambridge for hazardous materials since these are the cities with the highest amounts of hazardous materials and as a result are at a greater risk for disaster.

H. 3737 An Act to Amend the Promotional Statute* (Scaccia)

This bill amends the promotional statute to clarify the requirement of one year of *actual* service in the lower rank of Sgt., Lt., etc. before becoming eligible for a promotion to the next rank. The recent decision in *Weinburgh v. Civil Service Commission* has created confusion as to what the current wording of the statute requires.

S. 948 An Act to Fund Municipally Operated Firefighter Recruit Training Programs (Hart)

This legislation would compensate those municipalities that have the added burden and costs associated with firefighter recruit training and do not benefit from the State Academy Recruit Training Program. Boston has trained 139 firefighter recruits from 20 municipalities since 1996 as well as training over 60 Boston recruits each year. This bill would also access funds paid by insurance companies for the state Firefighting Academy to make improvements to our Fire Academy in recognition of the training we provide.

HD 3114 An Act Relative to Firefighter Training* (Moran)

State law gives the Massachusetts Fire Training Council the authority to train and certify all levels of fire service personnel within the Commonwealth. Currently, the State Fire Academy does not train members of the Boston Fire Department (BFD). The BFD operates its own training academy and trains firefighters from Boston and other communities. This bill would exempt the BFD from dependence on the Council for certification, allow the BFD to establish its own certification program to meet national standards, and allow local fire departments to use the International Association of Firefighters training program to train firefighters to the national standard and simultaneously meet national and state certification requirements.

Housing and Neighborhood Development

H. 3522 An Act to Protect and Preserve Neighborhoods*(Malia)

Legislation includes tenant protections in foreclosed properties, just cause eviction, a pilot diversion program, and statewide foreclosure registration. Provisions of the registration would be similar in intent to the existing City of Boston ordinance but would be modified to allow for greater flexibility among communities. The City's ordinance was met with good coverage in the news and among constituents. Because implementing registration ordinances at the municipal level is burdensome, this bill would be a more efficient governmental response to an issue that impacts the entire state.

H. 2896 An Act Encourage Affordable Housing (Sanchez)

This bill would allow monies collected via linkage programs to be eligible for matching funds from the state under the Community Preservation Act (CPA). The City of Boston already raises money in addition to general tax revenue for a CPA purpose (housing) via its linkage program.

H. 3460 An Act to Enhance Public Safety and Security in Public Housing Developments (Malia)

This would create an \$11M fund for the policing of public housing in the Commonwealth.

H. 3608 An Act to Stabilize Neighborhoods* (Honan)

The Neighborhood Stabilization Tax Credit will provide a modest but useful tax incentive to stimulate reinvestment in neighborhoods most impacted by foreclosures and the attendant problems of abandonment, disinvestment and neighborhood decline. The tax credit will equal 25% of

rehabilitation for owners and developers who provide a commitment to returning buildings to productive use. Bill language will target credits geographically under need-based criteria and will ensure a priority for owner-occupied housing or affordable rental housing.

Economic Development and Job Growth

H. 342 An Act Amending the Economic Development Incentive Program (Sanchez)

The Economic Development Incentive Program (EDIP) allows a city to grant an exemption on incremental property taxes for a project within an Economic Target Area (ETA) that creates jobs. The designation of a project within an ETA also results in an Investment Tax Credit or Abandoned Building Tax Credit from the State. However, in order to get the state tax credits, the project must be within an ETA and be a qualified project. This proposes a bill that would expand the definition of projects eligible to receive the investment tax credit to include 121A projects.

S. 204 An Act Relative to the Notification of Large Job Layoffs (Petruccelli)

This would tighten the Federal Worker Adjustment and Retraining Notification (WARN) act law by reducing the number or percentage of workers that must be terminated to trigger notification of state and local authorities. Under federal law, a covered employer must give notice if an employment site (or one or more facilities or operating units within an employment site) will be shut down, and the shutdown will result in an employment loss of 50 or more employees during any 30-day period.

H. 3574 An Act to promote Employer Assisted Housing* (Honan)

Legislation would provide business tax breaks to employers who provide affordable workforce housing to their employees. The City of Boston is currently working with corporations and educational institutions to promote the construction of workforce housing for their employees. An incentive from the state would promote the creation of new affordable housing.

Health and Human Services

S. 862 An Act Concerning Nutrition Labeling of Food by Certain Restaurants** **(Mayor Menino supports this legislation filed by Sen. Richard Moore)*

This bill establishes requirements for certain restaurants to provide nutritional information for all standard menu items; requires said restaurants to obtain nutrient analysis in a manner consistent with the Uniform Food, Drug and Cosmetic Act; establishes menu and signage regulations; directs the department of health to issue regulations within twelve months of enactment; establishes inspection requirements.

S. 759 An Act Relative to Substance Addiction Treatment*

(Mayor Menino supports this legislation filed by Sen. Marian Walsh)

Alcohol purchased for off-site consumption is currently exempt from the 5% MA sales tax, along with necessities such as food and clothing. This bill would remove the exemption of this product and would dedicate the revenue to a Substance Abuse Health Protection Fund to provide substance abuse treatment; prevention education in schools, workplaces, and the community; and substance abuse related public service advertising.

H. 1962 An Act to Promote Diversion to Substance Abuse Treatment for Non-violent Drug Offenders* (Mayor Menino supports this legislation filed by Rep. Martin Walsh)

Of the nearly 25,000 individuals in the MA state and county correctional system, 20% committed offenses related to drug use, and an additional 20% committed offenses to obtain money for drug use. This proposal would build the state's infrastructure and capacity to offer treatment as an alternative to incarceration for non-violent drug offenders, creating greater access to treatment for addicted individuals and reducing the cost burden to taxpayers associated with incarceration and addiction-related recidivism.

An Act to Enable Health Safety Net Reimbursement for EMS* (Rush)

This bill enables public emergency medical services in Boston to be eligible for reimbursement by the Health Safety Net Trust Fund.

H. 718 An Act to Establish the MA Food Policy Council (Forry)

This bill would establish an advisory council jointly chaired by the department of agricultural resources and the department of public health. The council will be charged with making an action plan for the state to improve the distribution, availability, promotion, and affordability of Massachusetts agriculture and other fresh, healthy food for all residents.

Energy/Environment

H. 3057 An Act Relative to the Reinstatement of the Clean Environment Fund (Basile)

This bill separates the unpaid bottle deposits into a separate fund dedicated to sustain recycling and climate protection. It also includes deposits for all beverage containers that encapsulate fluids intended for human consumption, allowing plastic water and juice bottles to be presented for redemption.

H. 2726 An Act to Establish a Green Building Income and Excise Tax Credit (Forry)

This bill will provide tax credits to building developers, owners and tenants who, for commercial and multi-family residential buildings, invest in measures to: 1.) increase energy efficiency; 2.) improve indoor air quality; and 3.) reduce the environmental impacts.

S. 1274 An Act to provide for a Corporate Tax Deduction to Allow Businesses to Provide Home Energy Efficiency Audits to Employees as a Benefit of Employment* (Galluccio)

Alternative energy installations are afforded a tax deduction. This bill would provide corporate tax expenditures for corporations that offer energy efficiency audits as a benefit of employment.

H. 3084 An Act to Promote Solar Hot Water Installations* (Honan)

There are many more applications for solar thermal systems than the current code provides for, thus precluding a wide range of applications for solar thermal technologies (such as domestic hot water, swimming pool heating, space heating, and industrial process heat). This bill would clarify the regulation of Solar Hot Water Installations to capture the full array of applications while reducing costs and operating limitations.

H. 3083 An Act to Promote Commercial Tenant Energy Efficiency* (Honan)

The bill would direct the Department of Public Safety to change the Building Code to allow commercial landlords to sub-meter tenant electric accounts in commercial office spaces 10,000 square feet or larger. This change would promote tenant fit-outs to incorporate more energy conservation measures and tenant occupancy behavior to be more energy efficient.

S. 195 An Act to Promote BioThermal Energy in Boston* (Galluccio)

The bill would amend the definition of sustainable energy as revised by the Green Communities Act of 2008 to include biothermal energy. Under the revised definition, biothermal facilities would qualify for renewable energy credits, loan supports and other benefits allocated to other green energy sources.

SD 1876 An Act Authorizing Certain Development in the Fort Point Channel (Hart)

This bill ensures that Fort Point Channel will continue to develop into a public and open water park. Maritime Rules require that the lane be navigable for shipping, however, the Channel is not used for that purpose anymore. This will ensure that the Channel remain open to the public while still being available for development in the area.

S. 1324 An Act to Establish a Groundwater Protection Tax Credit for Homeowners (Petruccelli)

This bill provides residential property owners with tax credits for the repair of a private sewer lateral, the installation of an innovative groundwater recharge system, or the inspection or repair of wood pilings used to support the foundation of the property.

Public Education

H. 352 Provide Opportunities for Single-Sex Schools and Classes* (Basile)

(Mayor Menino supports this legislation previously filed by the Department of Education)

This bill, filed last session by the Department of Education, authorizes the establishment of single-sex schools and educational programs.

H. 346 Amend Reimbursement Rates for Special Education* (Allen)

Currently, the circuit-breaker program uses a complex formula to reimburse local school districts for some out-of-district tuition costs for special education. This proposal would increase the circuit-breaker reimbursement to allow the program to keep pace with the cost of services provided.