



**City of Boston State Legislative Agenda
Mayor Thomas M. Menino
2013-14 Session**

** Indicates legislation that is new to the Mayor's agenda*

EDUCATION

***An Act to Promote Public School Success**

Education reform legislation offered greater autonomy to several types of district schools, including Turnaround schools, Innovation schools, and Horace Mann charter schools. These efforts have produced strong academic results, and should be extended to serve a greater number of students. We know what is working in our schools and this bill builds on these efforts to close the achievement gap by:

- Extending “turn-around” powers and support grants to Level 3 schools
- Eliminating the cap on in-district charter schools and eliminating the requirement that renewal of these schools is based on union approval
- Prioritizing enrollment (by reserving seats) for students with disabilities or ELLs in charter schools
- Building and maintaining programs for charter students with disabilities and ELLs through partnerships and coordination with District resources
- Offering the same transportation services to both charter and district school students
- Extending the school day (with compensation rates & schedule set outside of collective bargaining)
- Allowing for “neighborhood” charter schools in large cities through geographical enrollment preferences
- Ensuring District input into the grade configuration and location of new charter schools
- Incorporating a weighted student formula for charter school funding
- Streamlining the administrative process for the application, approval and management of Horace Mann charter schools
- Supporting the growth of Innovation schools by clarifying the voting process and union approval requirements
- Allowing for single-sex schools, classes, and educational programs

***An Act Relative to Special Education Evaluation and Referral**

This bill seeks to improve consistency between federal and state laws on transitioning early childhood special education students to public schools. This bill would establish a mandatory reporting requirement and provide incentives for collaboration between Early Intervention providers and district schools to promote a smooth transition for students and families.

An Act Relative to Special Education Funding – Redraft of SB 196

This bill expands on previously filed legislation to ensure that state reimbursements for special education services is more closely aligned with actual district spending. The state requires that districts provide comprehensive special education services, but the Chapter 70 and Circuit Breaker formulas should be updated to keep pace with the cost of services provided.

MUNICIPAL INNOVATION & GOVERNMENTAL EFFICIENCY

***An Act to Allow for Municipal Innovation through Procurement Reform**

Procurement law in its current form can be a barrier to real-time municipal innovation and growth. This bill would allow municipalities to select partners quickly and work with them from the start to scope projects – rather than have the terms of the project defined only by the municipality and articulated only through a conventional RFP. This bill would exempt certain municipal innovation contracts from traditional procurement laws to allow for successful products/programs to be scaled up and shared across agencies and with other municipalities. In exchange for this flexibility, this bill increases transparency and accountability for these projects through open source and public reporting requirements. This bill will also streamline filing requirements for city contracts and update laws concerning the procurement of construction materials to reflect the intent of the cooperative purchasing provisions of the Municipal Relief Act.

An Act Relative to Commercial Taxation on MBTA Property – Refile of HB 777

The bill would remove the exempt status of property for commercial purposes on MBTA land (i.e. The Dunkin Donuts at Government Center, etc).

An Act Relative to the Appointment of Members of the Boston Licensing Board – Redraft of HB 1850

Transfers the authority to appoint members of the board from the Governor to the Mayor of the City of Boston; allows the City of Boston to join other municipalities, where appointment authority to those municipal boards charged with determining alcoholic beverage licensing is vested in the mayor or other local governmental body.

An Act to Amend the Taxation of Telecommunications Companies – Refile of SB 1498

This bill, which would amend two sections of the real estate tax statute, chapter 59, relative to the taxation of telecommunications equipment, is all about fairness. This bill amends the statute to include the assessment of the switching equipment used by these companies.

An Act Relative to the Excise on the Use of Commercial Parking Facilities – Refile of SB 1499

This is a common fee imposed in most every major city, but EPA parking restrictions in Boston limit supply and increase the price artificially. This bill would provide a local option for adoption of this tax.

An Act Relative to Hotel Rooms Booked Online – Redraft of HB 1693

Previously filed by DOR, this bill would allow for the taxation of hotel rooms sold online. These online resellers are currently exempt from collecting tax when selling retail.

An Act Relative to Assessing Administration – Refile of HB 781

This multi-section bill addresses a number of "nuts and bolts" assessing administration issues, enhancing the department's efficiency. The omnibus bill would allow the City to:

- Use the State's property valuation in cases in which the taxpayer appealed his or her property value. Currently, if the taxpayer loses their appeal, the City is not able to assess a penalty or reap the revenue from a higher amount if/when the State determines the value to be higher than the City's assessment.
- Update the boat excise amount to reflect the actual value of the boat, correcting the outdated valuation mechanism used today. This change will also prevent boat owners from renewing their registration until the owner is up-to-date on all excise bills, making the process for boat excise fall in line with the process for automobiles.

An Act Relative to the Filing Deadline for Residential and Personal Exemptions – Refile of HB 3693

This special act clarifies the filing deadline for residential exemptions and personal exemptions. There is now some confusion around the deadline, and this bill would define the deadline as either April 1st OR three (3) months from the mailing of the 3rd quarter bill (which ever date falls later).

An Act Exempting Towns from Certain Fees – Refile of HB 269

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.

HOUSING

*** An Act to Protect Neighborhoods from Problem Properties**

The legislation authorizes municipalities to adopt local laws regarding the prevention and remediation of blight, and authorizes municipalities to issue and serve orders to correct blighted properties. The bill would also authorize municipalities to more effectively collect fines for failure to respond to an order to correct these properties. Under this bill, municipalities may seek court intervention to either order the owner to remediate the property or, alternatively, authorize a municipality to make the repairs and seek reimbursement.

*** The Home and Healthy for Families Act**

This legislation would create a housing voucher program for 300 hard-to-house homeless families that have chronic health problems and a need for wraparound social supports to maintain housing. The program would be targeted to cities/regions in the state that experience high levels of family homelessness and would be intended to reduce the overall burden on the emergency assistance system and to ensure continuity of care, access to community support services and improve health outcomes for families that have complicated medical, mental health and disability needs.

*** An Act to Revitalize State Public Housing Developments**

Boston has been uniquely successful in leveraging federal HOPE VI grants to help redevelop severely distressed public housing developments. However, only federal housing developments are eligible for these funds, while the state public housing portfolio has high levels of unmet capital need across the Commonwealth. This bill seeks to establish a competitive grant program at the state level to allow housing authorities to address some of their most severe unmet capital needs and preserve this important state housing stock.

*** An Act Relative to Lead Abatement**

This bill would update the state's lead law to reflect our current understanding of the impacts of lead exposure on children and set the threshold for lead exposure levels at more scientific-based standards. Current law requires landlords to abate the lead hazard in properties rented to families with young children. Unfortunately, some landlords discriminate against these families instead of deleading their units. This bill would double the tax credit for lead paint removal. Additionally, the bill would give an incentive to landlords to delead their units by stiffening the penalties in civil discrimination cases.

An Act Relative to a Form of Governance for the Boston Housing Authority – Refile of HB 4008

This home rule petition helps to maintain a full membership in the BHA's Monitoring Committee by allowing the committee members to remain in place until their successor is appointed. Currently, it has been increasingly difficult to retain committee membership and to find enough nominees because of the short terms and the long process of appointment. The petition makes it easier for people to be nominated to the committee by removing the requirement that a nomination list to the Mayor must contain at least twenty names. It also allows the Mayor and City Council to make amendments regarding the appointment of members by ordinance and would require, to ensure tenant participation, that one member of the committee be a tenant with rental assistance administered by the BHA.

ECONOMIC DEVELOPMENT

*** An Act to Further Commercialization and Job Creation through Innovation at Research Universities**

In partnership with UMass and the MA Technology Transfer Center, this legislation builds upon work taking place in the Innovation District and creates a mechanism for the commercialization of products from the shelf to the start-up. Local universities currently have large research portfolios and ideas that are available to be licensed, but there needs to be a more targeted focus on the commercialization of these products and ideas. This bill will direct funding to the MA Technology Transfer Center for proof of concept awards in order to jumpstart the commercialization of the Commonwealth's vast research portfolio.

*** An Act Relative to Municipal Industrial Financing Authorities**

This bill seeks to amend Chapter 40D, the Boston Industrial Development Financing Authority (BIDFA) enabling legislation. Section 9 requires that bonds be secured by a trust agreement between the City and a corporate trustee, which must be a financial institution with trust powers and be located in the Commonwealth. Today, more and more bonds are sold as "Direct Bank Placements," which negates the need of a trustee. This bill would eliminate the need for this costly "middle man" so that more money is available for use in the deal. In addition, BIDFA is also limited in its bonding powers and this bill will add affordable housing an appropriate use.

*** An Act to Facilitate the Growth of Innovative Food Enterprises in the Commonwealth**

The bill will establish a program to provide a dedicated source of financing for local food and farming entrepreneurs, particularly those operating in or serving distressed communities in Massachusetts, both urban and rural. The fund would encourage investment by public and private sector partners (including foundations) in order to strengthen goals and projects related to the Commonwealth's food policy goals. Similar models focusing on food retail exist in other states (CA, NY, PA, IL).

*** An Act Relative to Licenses in the City of Boston**

Boston is currently at its cap for all-alcohol and beer and wine licenses. As a result, the Board has denied more than 100 applicants in each category over the last year. Some licenses are available on the open market for up to \$500,000 per license, which shuts out many small businesses and family-owned establishments. This bill would increase the number of licenses allotted to the City of Boston.

ENVIRONMENT & ENERGY

An Act Updating the Bottle Bill – Redraft of HB 890

The bottle bill is the state's most successful and effective recycling program -- decreasing litter in our neighborhoods, while increasing recycling efforts throughout our city. This bill would expand the bottle bill to include water, sports drinks, flavored teas, juices, and other beverage containers. The proposal also reestablishes the Clean Environment Fund, using forfeited deposits to improve recycling and other environmental projects.

*** An Act Relative to the Installation of Electrical Sub-Meters**

The bill would require all commercial tenant spaces to be sub-metered by 2025. This bill is modeled after New York City's law to promote energy efficiency by shifting rising electricity bills to tenants through sub-metering. This bill targets energy efficiency in large buildings, requiring owners to install sub-meters in all commercial tenant space or floors 10,000 sq. ft. and larger, as well as provide monthly statements of electricity use and charges to these tenants.

*** An Act Requiring Utilities to Provide Energy Use Data**

This bill will establish a statewide requirement for utilities to provide customers with building-level energy use data. The change would support Mayor Menino's proposed municipal "Energy Reporting and Disclosure Act" and would allow landlords to easily access energy usage in their buildings.

*** An Act to Establish Natural Gas Infrastructure Improvement Financing**

This bill would direct the Department of Public Utilities to establish a funding mechanism and program for natural gas utilities to replace pipes with leaks not deemed to be an immediate health and safety threat but pose a long-term environmental threat. Funds shall be dedicated to natural gas infrastructure improvement in order to reduce gas leaks that contribute to greenhouse gas emissions.

*** An Act to Establish Steam Utility Energy Efficiency Standards**

This bill would establish a comprehensive steam energy efficiency program; create a Systems Benefit Charge that steam utilities could include in customer bills to support the program; direct the Department of Public Utilities to establish a lost revenue recovery mechanism for steam distribution companies that implement efficiency; establish oversight through the Energy Efficiency Advisory Council of steam energy efficiency plans; establish standards to reduce the carbon intensity of steam generation over time; establish an alternative compliance payment requirement, with payments funneled back into the steam energy efficiency programs; and commission a deep water cooling feasibility study.

*** An Act to Recognize Solar Electricity as Utility Demand Management Measure**

This bill would provide that solar photovoltaics (PV) be included along with other customer-sited generation technologies recognized in the Green Communities Act as allowable “demand side management” program measures. Solar PV economics are changing rapidly and will soon pass the utility benefit cost test. This bill would enable utilities to sell PV with energy efficiency as allowable demand side management.

PUBLIC SAFETY

An Act to Provide Concurrent Police Authority for MassPort Properties – Redraft of SB 1228

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.

An Act Establishing a Regional Lockup Facility in Suffolk County – Refile of HB 2919

This bill would authorize the Suffolk County Sheriff’s Department to assume the responsibility of all post-booking prisoner transport and provide a regional lockup facility to hold all prisoners. The Suffolk County Sheriff’s Department is more appropriately equipped to maintain safe and secure transporting, custody and control. This would result in a significant cost savings to the Boston Police Department.

*** An Act Relative to Dangerous Dogs**

A 2012 Animal Control law prohibits cities and towns from regulating dangerous dogs based on breed, eliminating the City of Boston’s pit bull ordinance. This bill provides an opt-out provision so that cities and towns may pass breed-specific legislation when municipal attack data shows that a particular breed is dangerous.

GUN REFORMS & VIOLENCE PREVENTION

An Act Relative to the Transmission of Firearms Background Check Information – Refile of HB 3569

As a result of the shootings at Virginia Tech, the state of Virginia took steps to close loopholes that had previously allowed people with mental illness to purchase handguns without detection by the National Instant Criminal Background Check System (NICS). This bill, originally filed by the Governor, will bring Massachusetts into compliance with NICS, requiring that courts of the Commonwealth transmit all required mental health records to the criminal justice background system for the purpose of firearms licensing. Passage of this legislation will also protect the Commonwealth from the loss of federal funding as a penalty for failure to comply with the NICS Act and permit Massachusetts to qualify for other federal funding opportunities.

*** An Act Relative to Sentencing Reform**

As a follow-up to the habitual offender legislation that passed last session, this bill seeks to address the next phase of sentencing reform. The goal of this bill is to ensure that we are tough on the most violent repeat felons, while also making sure that there is adequate rehabilitation for people who have made mistakes and are ready to transition from incarceration into becoming productive members of society. Provisions include:

- Stricter sentences for repeat firearm felonies
- Post-release supervision and support, by utilizing the existing system of parole
- Reduction in mandatory sentences for certain portions of the Controlled Substances Act, especially for low-level drug offenders
- Changes to the categories of weights that trigger mandatory minimums, so that a higher amount of narcotics would be needed to trigger each level of mandatory sentence
- Reduction in mandatory minimum sentences for school zone offenses for first-time offenders
- Directive for the DOC to promulgate regulations for a comprehensive re-entry strategy
- Medical information sharing between houses of correction and state prisons in order to improve medical care and improve suicide prevention efforts
- Judicial discretion for juveniles by raising the age for juvenile jurisdiction from 17 to 18
- More substantial racial impact assessment of current mandatory minimum sentencing laws
- Diversion programs for drug offenders to obtain treatment

An Act to Enhance Public Safety Through the Use of Technology – Refile of SB 835

This omnibus bill would combine both new and previously filed legislation into one comprehensive technology plan including:

- The creation of an electronic database for sales of firearms and ammunition.
- The requirement that any semiautomatic firearm manufactured or delivered in the Commonwealth shall be capable of micro-stamping ammunition, a process that allows a microscopic array of identifying characters to be copied from the firing pin to the cartridge case.
- The expansion of the list of crimes for which the police can take a DNA sample, and also allowing the sample to be taken at the time the police arrest the individual.

*** An Act to Establish a Gun Offender Registry**

Studies indicate people who carry illegal guns pose a very high risk of recidivism. Gun Offender Registry Acts (GORAs), like those in Baltimore and New York, require defendants convicted of specified gun crimes to register their addresses with the police; verify them in person every 6 months; and promptly notify the police if they change addresses for a period of time following their conviction or period of incarceration. The bill would create a Gun Offender Registry modeled after Megan’s Laws, which have proven to be effective enforcement tools against sex offenders.

*** An Act Relative to the Gang Prevention Task Force**

This legislation would establish a statewide task force to evaluate and assess local and national policies regarding the prevention, sentencing, and enforcement of gang-related crimes and activities. The 11-member task force would include a member appointed by the Mayor and would be tasked to conduct an analysis of gang injunction laws and programs, as well as other related laws.

TRANSPORTATION AND PUBLIC WORKS

*** An Act to Promote Worksite Safety and Restoration of Local Roads**

This bill would clarify municipal authority to enforce existing DPU regulations for work zone safety and roadway repair; enact policies that cover work zone and roadway construction practices not specifically addressed by DPU regulations; and, issue fines for non-compliance with DPU or local roadway repair policies. The City of Boston issued more than 1,000 non-binding violations of construction policies last year – including violations for improperly securing an excavation, not abiding by permit notification and use restrictions, and for utility patches that did not meet paving specifications. These violations are used to create performance scorecards for each utility. Despite this, the City of Boston continues to see troubling trends in work zone safety and proper repair of its roadways, leaving roads scarred with bad utility patches. This bill would provide additional leverage to ensure that roadways are repaired properly.

An Act Permitting the Use of Traffic Control Signal Violation Monitoring System Devices as a Means of Promoting Traffic Safety in the Commonwealth – Red Light Cameras – Refile of HB 918

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

An Act to Promote School Zone Safety – Refile of HB 917

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.

An Act Relative to the Speed Limit in Cities and Towns – Redraft of HB 1808

This legislation would allow for a local option to reduce the speed limit on functionally classified local roads from the current level of 30 miles per hour to 25 miles per hour.

An Act Relative to Noncriminal Disposition of Parking Violations – Refile of SB 1779

This bill allows the Parking Clerk to notify the RMV if persons obtain 5 or more parking violation notices, and fail to appear in accordance with these notices. The RMV then places the matter on record and shall suspend, without a hearing, the person's license to operate a motor vehicle in the Commonwealth.

An Act Relative to Mutual Aid for Roadway Reconstruction – Refile of SB 1013

This bill would allow cities or towns to provide mutual aid for roadway reconstruction in each other's cities. These mutual aid agreements amongst cities are regularly used for Police, Fire and EMS, but may be very beneficial for regional infrastructure projects.

An Act Relative to Assault and Battery upon Public Employees – Refile of HB 1362

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 not less than \$1,000 or more than \$10,000.

*** An Act to Clarify the Joint Use and Operation of Spectacle Island**

This bill would authorize joint use and operations of Spectacle Island by the City of Boston and the State Department of Conservation & Recreation. Located in Boston Harbor, Spectacle Island is currently owned by both City and State entities and legislation is needed to ensure proper and consistent management of the Island.

PUBLIC HEALTH

An Act Relative to Cooperative Data Sharing – Refile of HB 4337

This legislation would require the MA Department of Public Health to provide public health data to the Boston Public Health Commission.

An Act Relative to Comprehensive Health Education – Redraft of SB 259

This legislation would require comprehensive health education, including sex education, to be taught in Massachusetts' public schools. Currently, there is no state requirement for health education and no dedicated or prioritized funding for health education. This bill would require that health education be required for grades K-12 (either as a stand-alone class or integrated into existing health, physical education, science, or other related wellness activities). We also recommend requiring schools to conduct fitness assessments, as is currently done in several other states.

An Act to Establish Earned Paid Sick Time – Redraft of HB 1398

More than 1 million private sector workers, frequently women in low wage jobs, do not have paid sick time. This bill allows workers to earn sick time at the rate of 1 hour for every 30 hours worked, commencing with the date of hire. There are many "carve-outs" in this version of the bill to address the concerns of small businesses companies. A long-time supporter of paid family leave and the earned sick time campaign, Mayor Menino is a co-sponsor of this legislation.

HUMAN SERVICES

*** An Act Relative to Child Care and Waterfront Developments**

This bill would amend Chapter 91 to establish child care and early education as an eligible Facility of Public Accommodation in order to make it easier and more affordable for developers to include child-care facilities on site.

*** An Act Relative to Disability Insurance and Childbirth**

Short-term disability insurance (SDI) provides employees with temporary financial support during a work absence for a non-job-related injury or illness. Federal law mandates that pregnancy is a qualifying use of SDI, but few women who have the right to this form of insurance know about or take advantage of it. Massachusetts insurers are not required to disclose that pregnancy and childbirth are qualifying uses. This bill would require insurers to prominently indicate eligibility and elimination periods to prospective insured workers, notably women, alerting them to their right to SDI benefits for pregnancy. Currently, fewer than half of all new mothers in Massachusetts receive any paid time off during maternity leave.

CIVIC ENGAGEMENT

An Act Amending the Preparation of Certain Ballots in the City of Boston – Refile of HB 4020

This home rule petition provides definitions for Vietnamese and Chinese surnames and redefines the term transliteration to ensure that the provision of transliterated ballots meets the actual demand. The home rule also clarifies that the City is responsible for the cost of transliteration and the Secretary of the Commonwealth is responsible for other costs for state and elections, such as printing ballots.