

**ACEC/MA Legislative Tracking Report
November 15, 2017**

HB401 - An Act relative to community preservation funds for coastal infrastructure

Sponsor: Rep. Cantwell, James (D)

Summary: Amends; GL 44B:6 by directing that, in coastal communities that adopt the community preservation act, at least 10 per cent of the annual revenue in the community preservation be set aside to fund the preservation of public infrastructure through beach nourishment, dune restoration, and seawall maintenance and reconstruction.

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

HB405 - An Act relative to the financing of dredging projects

Sponsor: Rep. Cantwell, James (D)

Summary: Adds a new §11B to GL 91, the statute governing Waterways, to establish the Waterways Trust and to authorize the commissioner of the department of conservation and recreation to receive bequests, restitutions and gifts to the trust for the purpose of improvements to harbors and inland waterways; amends GL 91:11A to authorize the department of environmental protection to participate in funding municipal and local authorities up to 75% for dredging projects and up to 50% for all other work authorized under this section; replaces references to the Soil Conservation Service of USDA in several places in the chapter with United States Army Corps of Engineers and other federal agencies.

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

HB1105 - An Act extending municipal bonding terms for local infrastructure development programs

Sponsor: Rep. Kuros, Kevin (R)

Summary: Amends 213L:4 and 5 to extend the maximum bonding term for infrastructure investment and improvements from 25 years to 30 years.

Status: Joint Committee on Municipalities and Regional Government (JMR)

HB1314 - Resolve establishing a special commission to investigate and study relative to the application of building codes when existing structures in gateway cities are converted to a mixed-use development

Sponsor: Rep. Vega, Aaron (D)

Summary: Establishes a special commission consisting of 11 members to investigate the application of building codes when existing structures are converted to a mixed-use development. Recommended strategies will be submitted with their report that is due by July 1, 2018.

Status: Joint Committee on Public Safety and Homeland Security (JPSF)

HB1317 - An Act establishing the building code coordinating council

Sponsor: Rep. Walsh, Chris (D)

Summary: Eliminates the technical code council in GL 143:94 and establishes the Building Code Coordinating Council in a new section 101 of GL Chapter 143. The BCCC will be comprised of 12 members and is tasked with comparing and coordinating all existing and proposed construction codes to eliminate redundancies and conflicts. The BCCC will have the power to reject proposed regulations that are inconsistent, conflicting or redundant. Further, the BCCC is directed to establish procedures for considering public comment and for submission and approval of proposed regulations.

Status: Joint Committee on Public Safety and Homeland Security (JPSF)

HB1603 - An Act establishing a local option gasoline and diesel fuel excise

Sponsor: Rep. Pignatelli, William (D)

Summary: Adds new section 14 to GL Chapter 64A to authorize any city or town to impose a local excise

tax on the sale of gasoline and diesel fuel not to exceed 3 cents per gallon. Each city or town imposing such an excise tax is directed to establish a Municipal Fuel Excise Transportation Fund, in which all revenue from the fuel excise will be deposited.

Status: Reported favorably by Joint Committee (REP/J)

HB1663 - An Act relative to privatization contracts

Sponsor: Rep. Donahue, Daniel (D)

Summary: Amends provisions of GL 7:53 relative to the 'Pacheco' privatization contracts by taking out of the definition of privatization contracts the existing exemption for planning, engineering or design services. In effect, planning, engineering or design services will now be subject to the Pacheco law.

Status: Joint Committee on State Administration and Regulatory Oversight (JSA)

HB1722 - An Act relative to the Board of Building Regulations and Standards

Sponsor: Rep. Vieira, David (R)

Summary: Amends GL 143:97 (Amendments to the State Building Code) to prohibit the state board of building regulations and standards from adopting an amendment to the state building code that permits a city or town to accept the amendment on a local option basis. The intention here is apparently to avoid the creation of a 'patchwork' building code where different communities essentially choose to adopt different standards for themselves than other communities.

Status: Joint Committee on State Administration and Regulatory Oversight (JSA)

HB1726 - An Act to promote green infrastructure, reduce greenhouse gas emissions, and create jobs

Sponsor: Rep. Benson, Jennifer (D)

Summary: No Summary

Status: Joint Committee on Telecommunications, Utilities and Energy (JTU)

HB1778 - An Act relative to underground infrastructure

Sponsor: Rep. Walsh, Chris (D)

Summary: Amends GL 164 by inserting a new §71A; directs the department of public utilities to promulgate rules and regulations relating to the construction of utility infrastructure designed to shield utility infrastructure from damage due to storms, vandalism, security issues, and maintenance issues, overload issues; directs the department of utilities to prioritize and incentivize the creation of underground utilities wherever feasible.

Status: Joint Committee on Telecommunications, Utilities and Energy (JTU)

HB1813 - An Act relative to public safety in excavation

Sponsor: Rep. Cronin, Claire (D)

Summary: No Summary

Status: Joint Committee on Transportation (JTR)

HB1828 - An Act to explore alternative funding sources to ensure safe and reliable transportation

Sponsor: Rep. Farley-Bouvier, Tricia (D)

Summary: Establishes a pilot program to assess owners of motor vehicles a user fee that is based on the number of miles traveled on roads in this state by those motor vehicles (as an alternative to the 'diminishing' fuel tax revenues). The pilot program is to include at least 1,000 volunteers across the Commonwealth who are representative of drivers of trucks, passenger and commercial vehicles, who will have on-board vehicle-mileage-counting equipment added to their vehicles; the program is to test the reliability, ease of use, cost, and public acceptance of a user fee program; MassDOT 'may' refund motor vehicle fuel taxes paid by participants in the pilot program or may 'otherwise' compensate participants.

Status: Joint Committee on Transportation (JTR)

HB1874 - An Act relative to Route 128 interchange improvements

Sponsor: Rep. Parisella, Jerald (D)

Summary: Directs the Massachusetts Highway Department to create a timeline for the implementation of the completed plan for interchange improvements along Route 128 from the city of Peabody to the city of Gloucester; further requires the Department to submit a report, including a proposed start date and date of completion, to the Joint Committee on Transportation no later than December 31, 2018.

Status: Joint Committee on Transportation (JTR)

HB1875 - An Act establishing a study to modernize road repair

Sponsor: Rep. Parisella, Jerald (D)

Summary: Requires that MassDOT, in collaboration with DPU, study methods to improve road repair following excavation work on public roads, including recommending methods to improve road repair, identifying the barriers to enacting uniform road repair regulations and examining the feasibility, costs and benefits of implementing uniform procedures to ensure that all public ways are repaired to equal or better condition and improve road repair; and requires that MassDOT submit its findings by July 1, 2019.

Status: Joint Committee on Transportation (JTR)

HB1893 - An Act relative to transportation infrastructure value capture

Sponsor: Rep. Straus, William (D)

Summary: Adds new Chapter 40X to the General Laws, entitled Supplemental Infrastructure Financing for Transportation (SIFT); authorizes the Secretary of Transportation to enter into SIFT agreements with municipalities authorizing cities and towns to collect and remit tax increment financing on transportation projects; lists SIFT agreement contents, including detailed descriptions of the project, boundaries of the SIFT district, the method of calculating the tax increment to be remitted and the board or officer responsible for calculating the tax increment; requires a municipal public hearing 30 days prior to any vote for approval; requires municipal approval by vote of any SIFT agreements prior to adoption; requires certification of the tax value of the property within SIFT boundaries.

Status: Joint Committee on Transportation (JTR)

HB2115 - An Act relative to drought management

Sponsor: Rep. Dykema, Carolyn (D)

Summary: Adds new Section 2B to GL 21A (Executive Office of Environmental Affairs) to establish a drought management task force; directs the task force to adopt a revised drought management plan; gives the EOEA Secretary the authority to order water conservation measures; requires cities and towns to enforce water conservation restrictions issued by the Secretary to the fullest extent permitted by law.

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

HB2116 - An Act providing for the establishment of sustainable water resource funds

Sponsor: Rep. Dykema, Carolyn (D)

Summary: Amends GL 40 by inserting a new section 39M; authorizes a municipality, water district, wastewater district or stormwater utility which accepts this section to establish a sustainable water resources fund, and to collect a charge to be used for measures to remedy and offset the environmental impacts of new or increased water withdrawals, sewerage, wastewater discharges, stormwater discharges or impairment of recharge of groundwater through depletion of ground or surface waters; articulates the permitted uses of and regulations governing the fund.

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

HB2117 - An Act relative to municipal assistance for clean water and economic development infrastructure

Sponsor: Rep. Dykema, Carolyn (D)

Summary: Establishes a Water Pollution Abatement Trust and a Water Infrastructure Improvement Fund for purposes of improving drinking water, wastewater and storm water capital assets through loans and grants, for which bonds may be issued for local or regional projects that meet certain criteria; authorizes the Treasurer to issue bonds for this purpose.

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

HB2139 - An Act to improve water quality and pollution control programs

Sponsor: Rep. Rogers, David (D)

Summary: Directs the Water Resources Commission to prepare a Massachusetts water quality and pollution control program report for the purpose of achieving the goals of the Federal Clean Water Act; requires the report to include a baseline and gap analysis that focuses on fresh and coastal waters; requires the analysis and report to include the listed scientific resources and technical assistance; requires the report to provide recommendations for meeting federal water requirements and for improving drinking water and wastewater infrastructure; requires the report to include a baseline budget analysis and recommendations for funding sources; authorizes the commission to establish advisory committees and hold public hearings; requires the commission to begin work within 30 days.

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

HB2147 - An Act providing for the establishment of a comprehensive adaptation management plan in response to climate change

Sponsor: Rep. Smizik, Frank (D)

Summary: Enacts a new Chapter 21P (Comprehensive Adaptation Management Planning in Response to Climate Change) in the General Laws. The new chapter would require the adoption a Comprehensive Adaptation Management Action Plan. Upon the adoption of the plan, all certificates, licenses, permits, authorizations, grants, financial obligations, projects, plans, actions, and approvals for any proposed projects, uses, or activities in and by the Commonwealth must be consistent, to the maximum extent practicable, with the adopted plan. Among other things, the Plan must demonstrate how the commonwealth will increase alternative local renewable power sources that reduce dependence on centralized power plants; improve resiliency by protecting and restoring natural green infrastructure; incentivize development in low-risk locations away from coastal and inland flood plains and discouraging new development in high-risk locations; and improve resiliency of structures through an update of the state Building Code. In addition, the plan is to encourage and provide guidance to regional planning agencies to proactively address the unavoidable consequences of climate change and provide a process for local and regional climate vulnerability assessment and adaptation strategy development; regional grants are to be designed to reduce community risks and hazards as a result of climate change; the Commonwealth may acquire from willing sellers land abutting or adjacent to areas subject to the ebb and flow of the tide or on barrier beaches or in velocity zones of flood plain areas.

Status: Attached to favorable report by Joint Committee

HB2595 - An Act relative to the Massachusetts Clean Water Trust

Sponsor: Rep. Garballey, Sean (D)

Summary: Amends GL 29C:4, the statute governing monies held in trust relative to the water pollution abatement revolving loan program, to add a provision to authorize the fund to handle amounts collected pursuant to a transaction surcharge of 10 cents per thousand dollars on all real estate sales. Adds new section 119 to GL Chapter 36 to institute the transaction surcharge previously referenced, to be deposited in the Massachusetts Clean Water Trust.

Status: Joint Committee on Revenue (JRV)

HB2721 - An Act to create the transportation technology advisory commission

Sponsor: Rep. Cahill, Daniel (D)

Summary: Establishes a 20-member advisory commission to study the impact of emerging technologies in transportation. Further specifies the qualifications for-membership on the commission and the participation of ex officio-members; directs the commission to meet at least 4 times a year; specifies the topics for the commission to study; authorizes the commission to form subcommittees; directs all state agencies to provide information and assistance; authorizes the commission to accept gifts, donations, grants, and federal funds and directs the Treasurer to administer a separate account to receive such funds; directs the commission to report its findings, recommendations, and proposed legislation, regulations or pilot programs to the Legislature every two years, beginning September 30, 2018 and continuing until September 20,

2026.
Status: Joint Committee on Transportation (JTR)

HB2728 - An Act to promote safety, efficiency and accountability in transportation projects through public inspections

Sponsor: Rep. Donahue, Daniel (D)
Summary: No Summary
Status: Joint Committee on Transportation (JTR)

HB3243 - An Act to amend the lead law to include water piping

Sponsor: Rep. Holmes, Russell (D)
Summary: Amends GL 111:197A (Notification to Prospective Purchasers of Premises) to include plumbing and water piping in the disclosure of the presence of lead in the premises.
Status: Joint Committee on Public Health (JPH)

HB3366 - An Act restoring the Taxpayer Protection Act

Sponsor: Rep. DuBois, Michelle (D)
Summary: Strikes out a provision of the 2016 General Appropriation Act, which amended the procurement procedures for the MBTA to exempt the agency from the 'Pacheco' anti-privatization provisions for a period of three years, from July 1, 2015 to July 1, 2018, to afford the MBTA greater flexibility and discretion in procuring goods and services. The section also required the Inspector General to perform a review and analysis of all contracts so exempted.

(Please note that the title of the bill is somewhat misleading, since it has to do with the Pacheco law as applied to the MBTA, and does not restore a 'Taxpayer Protection' Act.)

Status: Joint Committee on State Administration and Regulatory Oversight (JSA)

HB3408 - An Act creating the Massachusetts Transportation and Environment Equity Fund

Sponsor: Rep. Cabral, Antonio (D)
Summary: Adds new Chapter 161E to the General Laws, entitled Transportation and Environment Equity Fund, to fund capital investment projects; credits the fund with the proceeds of certain fees and commercial truck tolls; establishes procedures and criteria for determining which projects will be funded.
Status: Joint Committee on Transportation (JTR)

HB3454 - An Act regulating and insuring short-term rentals

Sponsor: Rep. Michlewitz, Aaron (D)
Summary: Enacts a new Chapter 64N into the General Laws entitled 'Short Term Residential Rental Excise' that is intended to regulate AirBNB's short-term rentals, as well as those of some of AirBNB's lesser competitors, such as FlipKey, HomeAway, VRBO, HouseTrip, VayStays, VacayHero, and Roomorama.

To begin with, the chapter requires the creation of a Short-Term Residential Rental Registry that is to be maintained by the Department of Revenue. The Chapter imposes an excise on room rentals as follows: 4% on residential hosts; 8% on commercial hosts; and 5.7% on residential hosts that are 'professionally managed.' In addition, individual municipalities are authorized an additional tax to be imposed at local option, up to 6% on residential hosts; 10% on commercial hosts; and 6.5% on residential hosts that are 'professionally managed.' Any city or town which imposes a local option tax must promulgate rules and regulations requiring all short-term residential rentals within the city or town to undergo an annual safety inspection before said unit may be offered for tourist or transient use.

Cities and town will have the option to restrict short-term residential rentals of residential units to permanent residents of the residential unit. Likewise, cities or town may restrict the number of days a host may rent out a short-term residential unit, or to require professionally managed and commercial hosts to obtain a business license with the relevant local authority.

The amount of the excise collected by the host or hosting platform from the renter is to be

charged separately from the rent and shown separately on the bill.

It will be illegal to engage in the business of short-term rentals without complying with the provisions related to the registry and to collecting taxes, and criminal penalties will attach for doing so. Separately and in addition, insurers writing homeowners and renters insurance may exclude coverage for short term rentals. Finally, the bill also establishes a Short-Term Residential Rental Insurance Task Force.

Status: Joint Committee on Financial Services (JFS)

HB3543 - An Act relative to infrastructure finance

Sponsor: Rep. Rushing, Byron (D)

Summary: Proposes a new Chapter 40Y, entitled, 'Massachusetts Infrastructure Bank', to increase the available sources of infrastructure bond and loan financing; defines said bank and infrastructure; establishes a nine member board of directors and an eleven member advisory board; articulates the qualifications of the boards; directs the Commonwealth to provide an investment of capital in the \$50,000,000 range from the pension fund or legislative appropriation; further requires the Commonwealth to deposit an amount of current cash, cash equivalents or short term deposits to aggregate from \$350,000,000.

Status: Joint Committee on Community Development and Small Businesses (JCD)

HB3637 - An Act relative to conservation and natural gas infrastructure

Sponsor: Rep. Meschino, Joan (D)

Summary: Adds new provisions to GL c.164 (Manufacture and Sale of Gas and Electricity) that require that prior to adding new capacity for natural gas to a system, a gas company must recapture an equivalent volume of natural gas lost from the system by repairing identified gas leaks within the same municipality. If all identified leaks in a municipality have been repaired, the gas company must pursue alternative conservation measures within the municipality or repair identified gas leaks within the region.

Status: Joint Committee on Telecommunications, Utilities and Energy (JTU)

HB3902 - An Act establishing the Cape Cod Water Protection Trust

Sponsor: Rep. Peake, Sarah (D)

Summary: No Summary

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

HB3912 - An Act establishing a local option gasoline and diesel fuel excise

Sponsor: Joint Committee on Revenue

Summary: No Summary

Status: House Committee on Ways and Means (HWM)

SB81 - An Act promoting housing and sustainable development

Sponsor: Sen. Chandler, Harriette (D)

Summary: This very substantial legislation makes global changes in the zoning and municipal planning process with the intent of updating antiquated zoning laws that have not be updated in over thirty years. Among other things, the bill establishes that no zoning ordinance or by-law may prohibit or require a special permit for the use of land or structures for an accessory dwelling unit or its rental in a single-family residential zoning district on a lot with 5,000 square feet or more or on a lot of sufficient area to meet the requirements of Title V, among other things; requires the Secretary of Housing and Economic Development, in Consultation with the Secretary of Energy and Environmental Affairs, the Secretary of Transportation and the Attorney General to develop a municipal opt-in program to advance the state's economic, environmental and social well-being through enhanced planning for economic growth, land conservation, workforce housing creation and mobility.

Establishes that zoning ordinances and by-laws must provide at least one district of reasonable size in every municipality in which multi-family housing is a permitted use as of right. a city or town may satisfy the requirement of this subsection by obtaining a determination from the Department of Housing and Community Development, acting directly or through a regional

planning agency as its designee, that the multi-family provisions of its zoning ordinance or by-law are consistent with the Department's regulations; and establishes that any change in the voting majority required to adopt a zoning ordinance, by-law or amendment be made by the voting majority then in effect and will not become effective until 6 months have elapsed after the vote, and it must be between a simple majority and a 2/3 majority vote.

Inserts new provisions for site plan review; establishes regulations for any zoning ordinance or by-law that requires site plan review for uses allowed by right; replaces the current section dealing with a municipality's master plan by making substantial changes in the section. These include, among other things, a much greater emphasis on the identification of the significant natural and energy resources of the municipality, of growth and development areas that support the revitalization of city and town centers, and of areas for economic development and job creation; authorizes the establishment of a master plan in every city or town by the planning board of the municipality.

(Although not technically a redraft, this is essentially the same bill (SB2311) as reported out of Senate Ways & Means in the 2015-16 Session. That version was eventually printed as amended (SB2327) and received in the House, but died in the Joint Committee on Rules.)

Status: Joint Committee on Community Development and Small Businesses (JCD)

SB92 - An Act to promote livable communities and zoning reform act

Sponsor: Sen. Pacheco, Marc (D)

Summary: This bill is intended to encourage growth in appropriate and identified places, to support development in areas where infrastructure is already in place, to discourage sprawl, and to discourage growth in environmentally sensitive areas in order to protect the Commonwealth's most valuable remaining natural resources before they are lost. The bill establishes and regulates the Council for a Sustainable Commonwealth; articulates the powers and duties of the council, which includes encouraging cooperation among levels of government in protecting and coordinating the uses of the Commonwealth's land and resources, encouraging sustainable growth, discouraging wasteful use of natural resources, supporting transportation and creating affordable housing; requires each regional planning commission to develop a regional sustainable development plan for use by the council; establishes the Sustainable Development Grant Fund, funded through the Commonwealth and administered by said council, to provide grants to municipalities and regional planning commissions for activities relating to the established goals of the act.

Status: Joint Committee on Community Development and Small Businesses (JCD)

SB413 - An Act relative to sustainable water conservation practices

Sponsor: Sen. deMacedo, Viriato (Vinny) (R)

Summary: Establishes within the Department of Environmental Protection an Irrigation Contractor Board of Registration; regulates composition of said board; regulates registration of irrigation contractors, applications for licenses, continuing education requirements, exemptions, business permits, qualifications and permit fees, suspensions or revocations or reissuing of licenses, and unlawful conduct and penalties.

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

SB423 - An Act improving municipal water infrastructure

Sponsor: Sen. Eldridge, James (D)

Summary: Adds new Section 19 to GL 29C (Massachusetts Clean Water Trust) entitled, "Municipal Water Infrastructure Trust Fund"; authorizes the Board of the Trust to expend money from the Fund for municipal or regional water infrastructure projects; establishes revenues to the Fund, including an assessment on municipal water usage; establishes a formula for distributing money from the Fund.

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

SB425 - An Act relative to drought management

Sponsor: Sen. Eldridge, James (D)

Summary: Adds new Section 2B to GL 21A (Executive Office of Environmental Affairs) to establish a

drought management task force; directs the task force to adopt a revised drought management plan; gives the EOEA Secretary the authority to order water conservation measures; requires cities and towns to enforce water conservation restrictions issued by the Secretary to the fullest extent permitted by law.

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

SB468 - An Act relative to community preservation funds for seawall repairs

Sponsor: Sen. O'Connor, Patrick (R)

Summary: Amends GL 44B:6 to require that not less than 10% of that spent or dedicated annually by coastal municipalities from their Community Preservation Funds be used for the preservation of public infrastructure through beach nourishment, dune restoration, and seawall maintenance and reconstruction.

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

SB1126 - An Act mitigating water resource impacts

Sponsor: Sen. Eldridge, James (D)

Summary: Establishes a new GL 40:39N, allowing cities, towns, water or wastewater districts, stormwater utilities or other authority to collect reasonable fee for the exclusive use for remedying and offsetting the impacts of new or increased water withdrawals, sewerage, wastewater discharges, stormwater discharges or impairment of recharge of groundwater through depletion of ground or surface waters; requires cities and towns imposing such fees to designate a board, commission or official responsible for the collection; requires the deposit of the fees in separate accounts classified as "Sustainable Water Resource Funds" for drinking water, wastewater or stormwater.

Status: Joint Committee on Municipalities and Regional Government (JMR)

SB1170 - An Act to promote healthy communities and the environment

Sponsor: Sen. Chang-Diaz, Sonia (D)

Summary: Inserts a new and unnamed Chapter 111O into the General Laws. The bill provides for an expedited and enhanced Massachusetts Environmental Policy Act Review for projects located within 1 mile of a designated 'most vulnerable' community, or in the case of projects exceeding certain thresholds, within 5 miles of a most vulnerable community; it exempts site assessment grants and loans granted under the Brownfields Redevelopment Fund from triggering the Massachusetts Environmental Policy Act review; and it establishes a community environmental health and economic disparities program; it requires the creation and maintenance of a Communities Health Index, among other things.

Status: Joint Committee on Public Health (JPH)

SB1551 - An Act relative to regional transportation ballot initiatives

Sponsor: Sen. Lesser, Eric (D)

Summary: Enacts a new Chapter 64N into the General Laws, entitled 'An Act Relative to Regional Transportation Ballot Initiatives.' In particular, the bill authorizes a municipality, or a district formed from two or more municipalities, to impose a tax surcharge on one of four taxes from a list including payroll, sales, property, or vehicle excise tax, to be used for transportation-related purposes only. It then establishes the process for acceptance of the surcharge in a municipality or district; establishes the regulations governing the collection of the surcharge; directs that a municipality or district which accepts this section must establish a local or regional transportation committee; establishes the regulations for governing the committee; and establishes the powers and duties of the committee.

In addition, the establishes a Massachusetts Local and Regional Transportation Trust Fund, for the exclusive benefit of municipalities or districts accepting this act; requires the Commonwealth to annually disburse from this fund an amount not to exceed the total surcharge collected in each municipality or district that has accepted this act; authorizes the municipality to reduce or make changes in the amount of the surcharge or the amount of exemptions in the same manner as it were accepted; authorizes a municipality to revoke the surcharge after 5 years in the same manner as it were accepted; and directs the Commissioner of Revenue to promulgate rules and regulations relating to this chapter.

Status: Senate Committee on Ways and Means (SWM)

SB1553 - An Act relative to the regulation and taxation of transient accommodations in the Commonwealth

Sponsor: Sen. Lesser, Eric (D)

Summary: Amends substantial amounts of GL 64G on the room occupancy excise by striking and replacing the chapter in entirety; collapses the definition of a bed-and-breakfast home into an establishment and defines hosting platforms, operator's agents, and transient accommodation; removes the exemption for bed-and-breakfasts under 4 rooms; clarifies the exemption for institutional accommodations and removes the exemption for non-institutionally owned accommodations at institutions that are otherwise open to the public; extends the exemption off-season summer camp occupancy by seniors from 30 to 31 days; exempts at-will and month-to-month tenancies and seasonal employee accommodations; includes transient accommodations in both the state, and where adopted, municipal room occupancy excises; prohibits municipalities without municipal occupancy excises from prohibiting transient accommodations; authorizes the Commissioner of Revenue to enter into an agreement with a hosting platform or operator's agent to remit the excise; holds the operator solely liable for unremitted or over collected excises as a result of misrepresentations of the accommodation; requires a certificate of registration to be obtained by operators of transient accommodations; requires the commissioner to provide records of the registration and any occupancies to the municipality; directs the commissioner to promulgate rules and regulations for records to be kept by operators; excludes such records from the public records as well as from disclosure; removes the specification that liability for an unpaid excise is to the commonwealth; establishes that the misrepresentation of an accommodation as exempt from the excise as an unfair trade practice; includes transient accommodations in the exemption from the excise for stays by active military; directs the commissioner to establish a toll-free line for complaints and directs any hosting platform to display the number and hours of the line; clarifies that hosting platforms may collect rent for accommodation; requires hosting platforms to register in the same manner as operators; requires a hosting platform to notify the operator of the transmission of the excise to the commissioner; requires that hosting platforms notify operators of any local regulations set forth under GL 140:32E½, as established;

Further amends the General Laws by inserting a new section to chapter 140, 32E½; directs each municipality to create a process for licensing operators; directs municipalities to promulgate ordinances for the promotion of public health, avoidance of nuisances, and to prevent the use or operation of transient accommodations by registered sex offenders or persons convicted of robbery or fraud; prohibits municipalities from granting licenses to persons under 21; prohibits municipalities from prohibiting transient accommodations; specifies the informations contained in municipal registrations for providing transient accommodations; allows for municipalities to levy a \$500 fine for operation of a transient accommodation without license; prohibits municipal discrimination in licensure; goes into effect July 1, 2017, with the excise going into effect January 1, 2018.

(Unlike HB2642 and as in SB1616, SB1553 applies the excise to operators in the commonwealth potentially operating accommodations outside the commonwealth, rather than specifically accommodations in the commonwealth. The bill does not specifies whether an accommodation outside the commonwealth operated by a person in the commonwealth would be subject to the excise. Only this bill, of the three, blocks municipal restrictions on transient accommodations in municipalities without occupancy excises. Only this bill, of the three, assigns sole liability for incorrectly collected excises to the collector. Only this bill, of the three, does not restrict the agreement between the commissioner and the hosting platform or operator's agent to collection of the excise from operators represented by such an entity. This bill, like SB1616 and unlike HB2642, does not specify that the liability for an unpaid excise is a liability to the commonwealth. Only this bill of the three directs the Commissioner of Revenue to establish a complaint line. This bill, like SB1616 and unlike HB2642, goes into effect July 1, with the excise not beginning until January 2018. The bill does not specify when GL140:32E½ goes into effect.)

Status: Attached to favorable report by Joint Committee

SB1560 - An Act for revenue-neutral carbon surcharge via shift from sales tax to

transportation fuel tax

Sponsor: Sen. Lewis, Jason (D)

Summary: Amends GL 64A:1, the statute governing Taxation of Sales of Gasoline, by replacing the current 21 cents per gallon gas tax with a tax of 7.5% of the average price per gallon; the rate increases to 9% on 1/1/16, 11% on 1/1/17 and 13.5% on 1/1/18; prohibits the tax from falling below 23 cents per gallon. Further attempts to reduce the sales tax by 0.25% over the same three-year period.

Status: Joint Committee on Revenue (JRV)

SB1567 - An Act clarifying occupancy excise and internet hotel room resellers

Sponsor: Sen. Montigny, Mark (D)

Summary: Amends GL 64G:5 (Separate statement and charge of amount of room occupancy excise) to establish that the excise will apply to whatever dollar amount is held out to the occupant as the cost of the rent, including any included charges or fees, except those that are separately itemized from the rent.

Status: Ordered to a third reading in the House (ORD3R/H)

SB1616 - An Act updating and modernizing the room occupancy excise

Sponsor: Sen. Rodrigues, Michael (D)

Summary: Amends substantial portions of GL c.64G (Room Occupancy Excise) by striking and replacing the chapter in entirety.

In doing so, the bill collapses the definition of a bed-and-breakfast home into an establishment and defines hosting platforms, operator's agents, and transient accommodation; removes the exemption for bed-and-breakfasts under 4 rooms; clarifies the exemption for institutional accommodations and removes the exemption for non-institutionally owned accommodations at institutions that are otherwise open to the public; extends the exemption off-season summer camp occupancy by seniors from 30 to 31 days; exempts at-will and month-to-month tenancies and seasonal employee accommodations; includes transient accommodations in both the state, and where adopted, municipal room occupancy excises; authorizes the Commissioner of Revenue to enter into an agreement with a hosting platform or an operator's agent to remit the excise; holds the operator liable for unremitted excises as a result of misrepresentations of the accommodation; removes the specification that liability for an unpaid excise is to the commonwealth; establishes that the misrepresentation of an accommodation as exempt from the excise as an unfair trade practice; clarifies that hosting platforms may collect rent for accommodation; requires hosting platforms to register in the same manner as operators; requires a hosting platform to notify the operator of the transmission of the excise to the commissioner; clarifies that hosting platforms may collect rent for accommodation; requires hosting platforms to register in the same manner as operators; requires a hosting platform to notify the operator of the transmission of the excise to the commissioner; goes into effect July 1, 2017, with the excise going into effect January 1, 2018.

(Please note that unlike the similar bills HB2642 and as in SB1553, SB1616 applies the excise to operators in the commonwealth potentially operating accommodations outside the commonwealth, rather than specifically accommodations in the Commonwealth. The bill does not specify whether an accommodation outside the Commonwealth operated by a person in the commonwealth would be subject to the excise. This bill, like SB1553 and unlike HB2642, does not specify that the liability for an unpaid excise is a liability to the Commonwealth.)

Status: Attached to favorable report by Joint Committee

SB1741 - An Act to promote safety, efficiency and accountability in transportation projects through public inspections

Sponsor: Sen. Moore, Michael (D)

Summary: Requires public employees to carry out the construction inspection functions for all surface transportation projects receiving state or federal funding; provides definitions for the following terms: construction inspection function and public employee.

Status: Joint Committee on State Administration and Regulatory Oversight (JSA)

SB1749 - An Act establishing a special commission to study the feasibility of incorporating conductive concrete in future public works projects

Sponsor: Sen. O'Connor, Patrick (R)

Summary: Amends SL2014:286 (An Act Providing for the Preservation and Improvement of Land, Parks and Clean Energy in the Commonwealth) by striking item 6720-1350 (Improvements to Coastal Facilities in Designated and Nondesignated Port Areas) from Section 2A, the Office of the Secretary of Transportation; inserts the stricken item in a new section, 2H, the Office of the Secretary of Housing and Economic Development, with the addition that the described improvements benefit commercial fishing; authorizes the Treasurer to issue bonds for the new section.

(Please note that the treasurer was not authorized to issue bonds for the item stricken from Section 2A.)

Status: Joint Committee on State Administration and Regulatory Oversight (JSA)

SB1750 - An Act relative to protecting the taxpayers of the Commonwealth

Sponsor: Sen. Pacheco, Marc (D)

Summary: Subjects the Massachusetts water resources authority to provisions regulating the hiring of private contractors by public and governmental entities.

Status: Joint Committee on State Administration and Regulatory Oversight (JSA)

SB1762 - An Act establishing a commission on government accountability, economy, and efficiency

Sponsor: Sen. Rush, Michael (D)

Summary: Establishes an 18 member Special Commission on Government Accountability, Economy and Efficiency to study ways to improve these aspects of state government; specifies several particular areas of investigation for the Commission, including the feasibility of developing one or more pilot projects using the Baldrige National Quality Program criteria as set forth by the National Institute of Standards and Technology.

Status: Joint Committee on State Administration and Regulatory Oversight (JSA)

SB1768 - An Act justifying the use of project labor agreements

Sponsor: Sen. Tarr, Bruce (R)

Summary: Establishes that an awarding authority electing to require a project labor agreement must, within 60 days, submit a report to the Inspector General stating that the project is of such size, duration, timing and complexity that a project labor agreement is required; and providing a comparative analysis of any benefits of the project labor agreement that led the awarding authority to conclude that such an agreement was required, and any increased costs or adverse impacts caused by the agreement.

Status: Joint Committee on State Administration and Regulatory Oversight (JSA)

SB1821 - An Act combating climate change

Sponsor: Sen. Barrett, Michael (D)

Summary: Adds a number of provisions relative to GL c.25A (Division of Energy Resources), that are designed to combat climate change in the Commonwealth. In particular, the bill establishes carbon dioxide emissions charges, which are to be \$10 per ton of CO₂e. These charges are to increase by \$5 every year until the rate is \$40 per ton of CO₂e. In the sixth year of implementation, and every two years thereafter, the Commissioner of Energy Resources, in consultation with the Commissioner of Environmental Protection, is to report to the Legislature on global warming and climate change, including consideration of whether any increases or decreases in carbon dioxide emissions charges are recommended to account for inflation, to ensure progress towards reaching emissions limits for 2030, 2040, and 2050 included in the Climate Protection & Green Economy Act, to mitigate serious negative impacts on economic sectors, economic sub-sectors or individual employers of the Commonwealth caused by collection of carbon dioxide emissions charges. Separately, the bill establishes a Carbon Dioxide Emissions Charges Rebate Fund on the books of the Commonwealth, financed by the proposed charges. The commissioner of Energy Resources is then to return all carbon dioxide emissions charge proceeds to residents and employers in the Commonwealth in the form of

rebates, in coordination with the Commissioner of Revenue and other agencies.
Status: Joint Committee on Telecommunications, Utilities and Energy (JTU)

SB1870 - An Act to protect our environment and update our climate action plan

Sponsor: Sen. Pacheco, Marc (D)

Summary: This ambitious bill establishes that no power generating facility in operation on and after January 1, 2017 will be allowed to utilize or gasify coal, and no utility may purchase and seek to sell electricity, in or out of state, from coal-fired power plant facilities. Further requires the Secretary of Energy and Environmental Affairs to publish a plan detailing how the Commonwealth will provide support for all communities that hosted operational coal plants as of 2010, to enable a full site transition toward something that meets the needs of the towns as laid out by their elected municipal representatives; and how the Commonwealth will provide re-training and employment placement support for all currently unemployed workers who worked in a coal-burning power plant. Separately, the bill enacts a ban on hydraulic fracturing in the Commonwealth; require the identification of all the fossil fuel companies in which the Massachusetts Pension Reserves Investment Trust owns holdings, with a requirement to divest all publicly-traded holdings of each company identified within 5 years; requires the establishment of an economy-wide price on carbon; requires that the Department of Environmental Protection identify all Massachusetts public, private and agricultural enterprises providing methane emissions, and requires the promulgation of DEP regulations to encourage and provide incentives for increased use of anaerobic digesters; requires the Commonwealth as a whole to establish a goal of generating 20% of our total electricity use from solar energy by 2025; requires the promulgation of DER regulations to provide incentives to encourage increased use of smart meters; requires updating and strengthening the Stretch Energy Code; and requires the promulgation of regulations to develop and implement a clean fuel standard.

Status: Joint Committee on Telecommunications, Utilities and Energy (JTU)

SB1875 - An Act relative to local energy investment and infrastructure modernization

Sponsor: Sen. Pacheco, Marc (D)

Summary: No Summary

Status: Joint Committee on Telecommunications, Utilities and Energy (JTU)

SB1880 - An Act creating 21st century Massachusetts clean energy jobs

Sponsor: Sen. Pacheco, Marc (D)

Summary: This ambitious bill, comprising 80 pages and 66 sections, provides a comprehensive template for the state government's promotion of clean energy jobs. Initially, the bill enacts two new chapters into the General Laws: Chapter 21N½, the 'Global Warming Solutions Implementation Act,' and Chapter 21P, the 'Comprehensive Adaptation Management Action Planning in Response to Climate Change.' Chapter 21N½ would require the adoption of interim 2030 and 2040 emissions limits, and establish that for 2030 these limits be between 35% and 45% below the 1990 level, and for 2040 55% and 65%. The Commonwealth is to employ a 'back-casting methodology,' comparable to that conducted by the European Union in support of its Roadmap 2050 effort. Chapter 21P would require the Commonwealth to develop a Comprehensive Adaptation Management Action Plan, to be revised annually. The plan is to provide a process for local and regional climate vulnerability assessment and adaptation strategy development and implementation, among other things. The Commonwealth is also to create a Comprehensive Adaptation Management Action Plan Advisory Commission. Other provisions in this act include a 'systems benefit assessment' or tax of \$.025 per gallon on each gallon of oil heat fuel sold for residential or commercial use to establish oil heat energy efficiency programs; an 'Alternative Compliance Payment' to tax retail electricity suppliers in order to discharge their Renewable Portfolio Standard obligation; and a requirement that every distribution company must jointly and competitively solicit proposals for offshore wind energy generation, among many other provisions.

Status: Joint Committee on Telecommunications, Utilities and Energy (JTU)

SB1935 - An Act to study the feasibility of high-speed rail access between Springfield and Boston

Sponsor: Sen. Lesser, Eric (D)

Summary: Directs MassDOT to conduct a feasibility study relative to high-speed rail access between the city of Springfield and the city of Boston; articulates several areas of investigation for the study; requires the Department to file its report with the legislature not later than August 1, 2016.

Status: Joint Committee on Transportation (JTR)

SB1940 - An Act to explore alternative funding sources to ensure safe and reliable transportation

Sponsor: Sen. Lewis, Jason (D)

Summary: Establishes a pilot program to assess owners of motor vehicles a user fee that is based on the number of miles traveled on roads in this state by those motor vehicles (as an alternative to the 'diminishing' fuel tax revenues). The pilot program is to include at least 1,000 volunteers across the Commonwealth who are representative of drivers of trucks, passenger and commercial vehicles, who will have on-board vehicle-mileage-counting equipment added to their vehicles; the program is to test the reliability, ease of use, cost, and public acceptance of a user fee program; MassDOT 'may' refund motor vehicle fuel taxes paid by participants in the pilot program or may 'otherwise' compensate participants.

Status: Joint Committee on Transportation (JTR)

SB1944 - An Act to establish a Massachusetts Transportation Endowment Fund (MTEF)

Sponsor: Sen. Lewis, Jason (D)

Summary: Adds a new chapter to the General Laws establishing a trust fund for capital construction on mass transit assets. Further specifies a yearly contribution by the legislature and the amount that may be expended each year; establishes a 5-member board to approve projects and specifies the qualifications for-membership.

Status: Joint Committee on Transportation (JTR)

SB1952 - An Act directing the Massachusetts Department of Transportation to assess the current status of the Commonwealth's transportation system

Sponsor: Sen. McGee, Thomas (D)

Summary: Requires the Board of Directors of the Massachusetts Department of Transportation to develop and publish a comprehensive assessment of the current capacity, safety conditions and the state of good repair of the Commonwealth's transportation system, including all modes of surface transportation. The assessment is to analyze the current planned operating and capital expenditures of the Department, including the MBTA and the regional transit authorities, and is to determine the 'baseline' of the surface transportation revenues currently available and projected to be available from all sources in all modes of surface transportation, regardless of the fund in which they are kept, from fiscal year 2016 through fiscal year 2026. The Board is to recommend both operational and governance reforms, cost savings and potential new revenue sources pertaining to both operating and capital funds in fiscal year 2016 through fiscal year 2026 to fully address any deficiencies in capacity, safety or state of good repair identified in its assessment.

Status: Joint Committee on Transportation (JTR)

SB1958 - An Act establishing a Massachusetts Infrastructure Bank

Sponsor: Sen. McGee, Thomas (D)

Summary: Adds new Section 77 to GL 6C (Department of Transportation) to require the department to establish a Massachusetts Infrastructure Bank (MIB) to finance a loan program for eligible transportation projects including, but not limited to, highways and bridges, railroads, transit, waterways, ports and airports; authorizes the MIB to receive funds made available through the annual appropriation act, to be leveraged with private debt capital through the issuance of bonds or other financing arrangements.

Status: Joint Committee on Transportation (JTR)

SB1959 - An Act establishing the Metropolitan Transportation Network

Sponsor: Sen. McGee, Thomas (D)

Summary: Amends GL 6C (Massachusetts Department of Transportation) to add portions of state highway route 2, Interstate 93, Interstate 95 and State highway route 1 to the statutory definition of

Metropolitan Highway System; provides that the assets of said System, as well as those of the Massachusetts Waterways System and the MBTA, as certified by the MassDOT secretary, shall be known as the Metropolitan Transportation Network; defines Massachusetts Waterways System; directs the Department to develop and file with the legislature a plan to implement a comprehensive system of tolling and travel on said highway system; lists criteria said plan should meet.

Status: Joint Committee on Transportation (JTR)

SB1977 - An Act enhancing local road construction

Sponsor: Sen. Ross, Richard (R)

Summary: Amends GL 6C:3, the statute governing powers of the Department of Transportation, to prohibit MassDOT from requiring any city or town to construct or reconstruct any public way with a design speed that exceeds the posted speed that will be assigned upon completion.

Status: Joint Committee on Transportation (JTR)

SB1981 - An Act relative to the composition of the MassDOT board of directors

Sponsor: Sen. Rush, Michael (D)

Summary: Amends GL 6C:2 (MBTA Board of Directors) to reduce the number of Board members from 11 to 8; gives the Mayor of Boston the authority to appoint one member; caps annual travel reimbursements to members at \$3,000; requires that not more than five directors be members of the same political party.

Status: Joint Committee on Transportation (JTR)

SB1987 - An Act relative to tolls on the roadways of the Commonwealth

Sponsor: Sen. Spilka, Karen (D)

Summary: No Summary

Status: Joint Committee on Transportation (JTR)

SB2163 - An Act establishing the Cape Cod Water Protection Trust

Sponsor: Sen. Cyr, Julian (D)

Summary: No Summary

Status: Joint Committee on Environment, Natural Resources and Agriculture (JEN)

SB2196 - An Act providing for the establishment of a comprehensive adaptation management plan in response to climate change

Sponsor: Senate Ways and Means

Summary: Enacts a new Chapter 21P (Comprehensive Adaptation Management Planning in Response to Climate Change) in the General Laws. The new chapter would require the adoption a Comprehensive Adaptation Management Action Plan. Upon the adoption of the plan, all certificates, licenses, permits, authorizations, grants, financial obligations, projects, plans, actions, and approvals for any proposed projects, uses, or activities in and by the Commonwealth must be consistent, to the maximum extent practicable, with the adopted plan.

Among other things, the Plan must demonstrate how the commonwealth will increase alternative local renewable power sources that reduce dependence on centralized power plants; improve resiliency by protecting and restoring natural green infrastructure; incentivize development in low-risk locations away from coastal and inland flood plains and discouraging new development in high-risk locations; and improve resiliency of structures through an update of the state Building Code. In addition, the plan is to encourage and provide guidance to regional planning agencies to proactively address the unavoidable consequences of climate change and provide a process for local and regional climate vulnerability assessment and adaptation strategy development; regional grants are to be designed to reduce community risks and hazards as a result of climate change; the Commonwealth may acquire from willing sellers land abutting or adjacent to areas subject to the ebb and flow of the tide or on barrier beaches or in velocity zones of flood plain areas.

(New draft of SB472. The new draft makes largely grammatical and technical changes to the

Status: previous text.)
House Committee on Ways and Means (HWM)