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For Immediate Release

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Representative Kane looks back on the legislative accomplishments of the 2017-2018 session

BOSTON – With formal sessions now completed for the year, State Representative Hannah Kane, R-Shrewsbury, took time to review some of the major legislative initiatives undertaken by the House of Representatives over the last two years, and to reflect on several missed opportunities to enact meaningful reforms.

Meeting in formal sessions between January 4, 2017 and July 31, 2018, the House of Representatives took action on hundreds of bills covering a wide range of policy issues, including criminal justice reform, opioid addiction prevention and treatment, consumer protection, marijuana policy and public safety.

Although the Legislature recorded many positive accomplishments, Representative Kane expressed disappointment at its failure to act on several other key pieces of legislation, including proposals to reform MassHealth, address rising health care costs, expand the state's wiretap law, strengthen penalties against drug traffickers, and develop a more equitable foundation budget education formula.

Representative Kane cited the lack of an agreement on revising the state formula for education aid as one of the biggest shortcomings of the 2017-2018 session. The House had proposed helping communities address fixed costs related to special education services and health care benefits for school employees and retirees through a five-year phase-in of approximately \$500 million in additional school aid, beginning in 2019. House Bill 4730 also called for potential adjustments to the formula to account for the number of English-language learners and low-income students in each school district, and the creation of a data advisory commission to streamline school reporting so that resources can be more effectively allocated at the local level.

Although the education funding proposal had unanimous support in the House, an attempt to reconcile the differences with the Senate's version of the bill proved unsuccessful before session ended. Despite this setback, Representative Kane said she will continue to advocate for reforms to eliminate the inequities that exist in the current funding formula.

Health care reform was another area where the Legislature came up short. Representative Kane opposed the health care proposal put forth by House leadership (House Bill 4617) because it did not include any

provisions to actually reduce health care costs. It also completely ignored Governor Charlie Baker's suggested reforms to rein in MassHealth costs, despite leadership's promise to consider these reforms. Instead, the bill called for a series of fee increases targeting professional license holders, and hundreds of millions of dollars in new assessments on the state's largest hospitals, specialty clinics, and insurers over the next three years. While these assessments were to be used to help stabilize community hospitals, the bill did nothing to address the long-term financial stability of these essential health care facilities.

Representative Kane also criticized Democrats' efforts to undermine a Republican leadership amendment filed during the November 2017 debate over criminal justice reform. The original amendment would have held drug dealers accountable for selling drugs that result in death by imposing a mandatory prison term of 5 years up to life. The proposal was later amended – over Republican objections – to call for a study.

In addition, Representative Kane cited the Legislature's failure to revise the state's wiretap law as another significant shortcoming. The law was passed in 1968 to help target organized crime, but Governor Baker had proposed expanding the law to allow for wiretaps to be used for prosecuting other crimes, including murder, human trafficking, terrorism and gang-related activity. The lack of action on this proposal means law enforcement will continue to be restricted from utilizing what has proven to be a highly effective tool when investigating many serious crimes.

Representative Kane also expressed concerns about the Legislature's inability to act quickly on a capital bond bill Governor Baker filed in May of 2017 (House Bill 3730), which included funding authorizations to cover critical repair and maintenance work at the Commonwealth's public colleges and universities, courthouses, public safety buildings, and other state-owned facilities. Although the \$3.9 billion bond bill was eventually signed into law more than a year after it was filed (as Chapter 113 of Acts of 2018), the lack of urgency by House and Senate leadership to take up the bill in a timely fashion resulted in the loss of an entire construction season.

Listed below are several of the key initiatives championed by Representative Kane that were passed by the House during the 2017-2018 legislative session, many of which were signed into law.

CRIMINAL JUSTICE REFORM – In April, the House and Senate finalized a comprehensive criminal justice reform bill (Chapter 69 of the Acts of 2018) that contains multiple Republican-sponsored initiatives, including language making it a felony to assault a police officer. Individuals who commit such crimes now face a mandatory prison sentence of 1-10 years, along with a potential fine of between \$500 and \$10,000. A bi-partisan supported bill co-filed by Representative Kane and her colleague Representative Claire Cronin (D-Easton), and endorsed by the Massachusetts Sheriffs Association, which would allow for the creation of a procedure for terminally ill and extraordinarily incapacitated inmates to petition for supervised medical parole, was also included in the legislation. The criminal justice reform bill also:

- directs the Executive Office of Public Safety and Security (EOPSS) to establish a statewide sexual assault evidence kit tracking system, which will allow victims of sexual assault to anonymously track their kits;

- requires a finding of “not guilty by reason of insanity” be disclosed on a Criminal Offender Record Information (CORI) report;
- allows judges to hold individuals facing a third OUI charge if it occurs within 10 years of a prior OUI conviction, a change that was made after a recent SJC case declared the wording of the existing law to be ambiguous;
- expands witness intimidation protections to include victim witness advocates, correction officers, court reporters and court interpreters; and
- establishes a special commission to develop recommendations for preventing suicides among the state’s corrections officers and providing mental health services to these individuals, with a report due by December 31, 2018.

OPIOIDS – Following the passage of a landmark opioid law in 2016, the House turned its attention to identifying additional measures to help stem the state’s opioid crisis. According to the Department of Public Health (DPH), the number of opioid-related overdose deaths in Massachusetts jumped from 379 in 2000 to 2,016 last year. Toxicology reports showed that fentanyl was present in 85% of these cases.

The criminal justice reform bill (Chapter 69 of the Acts of 2018) reclassifies fentanyl as a Class A substance, along with carfentanil and U-47700, which is 4 to 8 times more potent than heroin. The new law creates a fentanyl trafficking penalty for possessing 10 grams or more of fentanyl or any of its derivatives, punishable by a mandatory 3 ½ to 20 years imprisonment, with the same penalties applied to trafficking carfentanil in any amount. In addition, the bill provides for the automatic adoption of the federal schedule for opioid drugs so Massachusetts’ laws remain current as law enforcement identifies new drugs that are being trafficked.

The Legislature also enacted legislation near the end of formal sessions (Chapter 208 of the Acts of 2018) requiring the use of electronic prescriptions by 2020 to help curb abuse; expanding the use of non-opioid pain management options; and establishing standards for recovery coaches, who work with individuals suffering from drug addiction and are often recovering addicts themselves. Although Representative Kane supported efforts to include an involuntary 72-hour hold in the bill to steer addicts to drug treatment facilities, the final bill calls for a study of this proposal.

EARLY VOTING REIMBURSEMENT – Representative Kane supported efforts to reimburse cities and towns for the costs associated with implementing the state’s new early voting law during the 2016 election cycle. State Auditor Suzanne Bump determined that some of the expenses incurred by municipalities constituted an unfunded mandate and should be paid by the Commonwealth. A supplemental budget signed into law in February (Chapter 24 of the Acts of 2018) provided over \$1 million in reimbursements, which was delivered to cities and towns in March.

WORKFORCE PROTECTIONS – Two important workplace protection laws went into effect in 2018: the Pregnant Workers Fairness Act (Chapter 54 of the Acts of 2017) on April 1 and the Massachusetts Pay Equity Law (Chapter 177 of the Acts of 2016) on July 1.

Under the Pregnant Workers Fairness Act, Massachusetts employers must offer reasonable accommodations to workers who are pregnant or nursing. Employers cannot discriminate against

pregnant workers when hiring or promoting, and are prohibited from retaliating against an employee who requests an accommodation.

The Massachusetts Pay Equity Law requires employers to compensate men and women with equal pay, regardless of gender, when performing comparable work that is substantially similar in skill, effort and responsibility. A special commission tasked with studying the causes and impact of pay disparity based on race, color, religious creed, gender identity, and other factors is due to file a report on its findings by January 1, 2019.

VETERANS ASSISTANCE – A longtime advocate for our nation’s veterans, Representative Kane supported a series of initiatives during the 2017-2018 session honoring those who have served, including An Act relative to veterans’ benefits, rights, appreciation, validation and enforcement, also known as the BRAVE Act (Chapter 218 of the Acts of 2018).

In addition to doubling state funding assistance for indigent veterans’ burial costs from \$2,000 to \$4,000, the BRAVE Act increases the property tax exemption for veterans who perform volunteer work for their home community from \$1,000 to \$1,500. The bill also reduces the residency requirement for veterans and surviving spouses living in Massachusetts to qualify for real estate tax exemptions from five consecutive years of residency to two years.

An additional provision contained in the BRAVE Act gives cities and towns the option to adjust veterans’ property tax abatements on an annual basis to mirror the cost of living increase for that year, based on the Consumer Price Index. It also allows surviving parents or guardians of veterans who died in service to their country to receive a real estate credit on their property beginning on January 1, 2019.

The BRAVE Act also:

- updates the current military campaign eligibility for the Welcome Home Bonus, and authorizes the family of a deceased service member to receive the \$1,000 stipend;
- adds Prisoners of War (POWs) to the list of veterans eligible for a property tax abatement;
- establishes a special commission to study the cost and feasibility of exempting veterans from tuition and fees when attending a public university, with a report due by July 1, 2019;
- requires the Commissioner of Veterans Services to maintain and publish a list of law firms and organizations that provide pro bono legal representation for veterans; and
- grants diversion-eligible veterans a 30-day continuance on charges for first-time offenses, including first-time OUI offenses, if the offense was related to post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), or substance abuse disorder suffered as a result of their military service.

Other veterans-related bills supported by Representative Kane this session include:

- a \$199 million bond authorization to pay for the design and construction of a new 154-bed Soldiers Home in Chelsea, which allowed the state to qualify for \$129 million in federal matching funds under the US Veterans Administration’s State Home Construction Grant

Program, bringing the Commonwealth's net cost to just \$70 million (Chapter 133 of the Acts of 2017);

- a study of the long-term capital and deferred maintenance needs of the Soldiers' Home in Holyoke, which was conducted by the Division of Capital Asset Management and Maintenance (DCAMM), in consultation with the Department of Veterans' Services, and was completed in April with the release of a report containing specific recommendations for improvements (Chapter 136 of the Acts of 2017); and
- legislation, which passed the House and is still pending in the Senate, authorizing cities and towns to include a check-off box on their municipal property tax or motor vehicle excise tax bills for residents to make a voluntary donation, over and above the amount owed on their tax bills, to support local activities honoring the contributions and sacrifices of the community's veterans (House Bill 4019).

FIRST RESPONDERS – The House recently approved legislation to protect the confidentiality of crisis intervention services for first responders. House Bill 4850 would encourage police, firefighters and paramedics to access these services without fear of being stigmatized. Twenty-two other states already have similar confidentiality protections in place to ensure that first responders can receive the help they need following exposure to a work-related trauma. The bill is now before the Senate.

The Criminal Justice Reform Law signed in April (Chapter 69 of the Acts of 2018) established a new Municipal Police Training Fund to help pay for basic training for new police recruits, as well as mandatory in-service training and specialized training for veteran police officers. In July, the Legislature approved a new dedicated revenue stream for the fund by creating a \$2 car rental surcharge (Chapter 153 of the Acts of 2018). Scheduled to take effect January 1, 2019, the surcharge is expected to generate \$8-\$10 million annually for the Municipal Police Training Fund while protecting cities and towns from having to shoulder these costs.

Also in July, Governor Baker signed into law legislation providing paid leave to firefighters who are diagnosed with cancer sustained in the line of duty (Chapter 148 of the Acts of 2018). This new law will allow firefighters to continue to provide for their families while seeking the medical treatment they need.

Representative Kane also backed efforts to expand the one-time, tax-free benefit provided to the families of first responders killed in the line of duty, doubling it from \$150,000 to \$300,000. This change was included in a supplemental budget bill that was signed into law last year (Chapter 5 of the Acts of 2017).

MARIJUANA LEGALIZATION – Following the legalization of recreational marijuana by Massachusetts voters in November of 2016, the Legislature took steps last year to amend the ballot question in an attempt to provide sufficient oversight of the cannabis industry and ensure that adequate protections are in place to keep marijuana out of the hands of minors.

Representative Kane served as the Ranking Minority Member on the Joint Committee on Marijuana Policy and was also an appointee to the Legislature's six-member Conference Committee, which produced the final legislation signed into law by Governor Baker. An Act to ensure safe access to marijuana (Chapter 55 of the Acts of 2017) gives cities and towns more flexibility to control the number

of local marijuana dispensaries, providing communities with the option of implementing reasonable safeguards through local bylaws and ordinances or banning retail marijuana facilities outright. It also contains strict guidelines for the advertising, marketing, branding and packaging of marijuana and marijuana-infused products to help keep them out of the hands of minors.

GUN ISSUES – On February 1, 2018 Massachusetts became the first state in the nation to ban bump stocks, which are attached to semi-automatic rifles to increase the weapon’s rate of fire to mimic an automatic weapon. The ban on bump stocks was included as part of a supplemental budget that was signed into law in November of 2017 (Chapter 110 of the Acts of 2017), following a shooting in Las Vegas that killed 58 people and injured another 422.

During the 2017-2018 session, the Legislature also passed the “Red Flag Bill” (Chapter 123 of the Acts of 2018), which allows for the filing of an “extreme risk protection order” (ERPO) to temporarily remove firearms from an individual who is determined to be a risk to themselves or others. Several amendments adopted prior to the bill’s passage, including a provision adding strong penalties for anyone who files a fraudulent ERPO request, will protect the rights of lawful and responsible gun owners.

ENGLISH IMMERSION – Legislators approved changes to the state’s sheltered English immersion law this session to give cities and towns more flexibility in helping children successfully develop their English language skills. An Act Relative to Language Opportunity for Our Kids (LOOK), signed into law as Chapter 138 of the Acts of 2017, directs the Department of Elementary and Secondary Education to establish “seals of bi-literacy” for high school graduates who are proficient in English and another language. It also allows for the establishment of parent advisory committees in schools with a high concentration of English language learners.

PAWS II – The House and Senate recently approved An Act to protect animal welfare and safety in cities and towns, also known as the PAWS Act II (Chapter 219 of the Acts of 2018). The bill expands the 2014 PAWS law by adding new requirements for reporting animal abuse, creating enhanced penalties for committing crimes against animals, and prohibiting the drowning of animals.

SENIOR PROPERTY TAX EXEMPTION OPTION – Passed by the House on July 30, this bill (House Bill 4001) would allow cities and towns to establish a means-tested property tax exemption program for senior citizens to help older residents living on fixed incomes remain in their homes. The bill – which is modeled after similar tax relief programs already offered in Reading, Sudbury and Wayland – is now before the Senate Ways and Means Committee.

CONSUMER CREDIT PROTECTIONS – In July, the Legislature finalized a consumer credit reporting bill giving Massachusetts residents more control over the use of their personal credit information, and providing enhanced protections following a data breach (House Bill 4806). The bill eliminates the \$5 fee consumers must currently pay to each of the three major credit reporting agencies – Equifax, Experian, and TransUnion – every time they want to freeze their credit report or lift a freeze. It also requires businesses to provide a minimum of 18 months of free credit monitoring services to consumers following a breach, and requires credit reporting agencies to provide these services free of charge for at least 3 ½ years. Governor Baker recently returned the bill to the Legislature with some proposed amendments designed to ensure that state agencies will not be prohibited from accessing an individual’s credit history in certain instances, including cases involving child support payments.

CIVICS EDUCATION – In the closing days of the session, the House and Senate approved a bill to expand civics education requirements for Massachusetts students (Senate Bill 2631). The bill requires schools to add several new civics-related topics to the curriculum, including instruction on the function and composition of local, state and federal government, and the roles and responsibilities of a citizen in a democracy. It also creates a new Commonwealth Civics Challenge to be made available to all eighth grade students; requires all public middle and high school students be given the opportunity to participate in an individual, small group or class civics project; and establishes an annual high school voter challenge to assist students registering or pre-registering to vote. Governor Baker has returned the bill with an amendment requiring students who don't participate in a civics project to be given an alternative civics-related option, and ensuring that the voter registration and civics education programs are non-partisan.

RAISING TOBACCO PURCHASING AGE TO 21 – In July, Governor Baker signed legislation that will set the legal age for purchasing tobacco products at 21 statewide, effective December 31, 2018 (Chapter 157 of the Acts of 2018). California, New Jersey, Oregon, Hawaii and Maine all have similar age restrictions. The new law prohibits the sale of e-cigarettes and other vapor products to anyone under the age of 21, and bans tobacco sales at health care institutions and pharmacies. A bill filed by Representative Kane establishing fines for sales of e-cigarettes to minors was included in this adopted legislation. The law also establishes a 15-member legislative commission to study the vaping industry and to offer recommendations by January 1, 2020 for educating students about the dangers of e-cigarettes and restricting the use of these devices in and around schools.

HOUSE SEXUAL HARASSMENT POLICIES – On March 15, Representative Kane joined with her colleagues to approve a series of rules clearly defining the House of Representatives' policies on sexual harassment in order to create a safer workplace (House Bill 4311). The new rules set uniform standards and procedures for reporting, investigating, and punishing incidents of harassment at the State House, while providing a guarantee of confidentiality for those who report violations and implementing safeguards so they will not be subject to retaliation by their accusers. The rules changes apply to all of the House's elected members, appointed officers, employees and interns.

SALES TAX HOLIDAY – Massachusetts residents have not been able to enjoy a sales tax holiday since 2015, but the Legislature took steps this session to ensure that the sales tax holiday will become an annual event, beginning in 2019 (Chapter 121 of the Acts of 2018). The new law requires the Legislature to adopt a joint resolution every year by June 15 designating a 2-day weekend in August of that year as a sales tax holiday. If the Legislature fails to adopt the joint resolution, the Commissioner of Revenue will be responsible for designating the 2-day weekend by July 1. The Legislature also approved a 2018 sales tax holiday for the weekend of August 11 and 12 as part of a larger economic development bill (Chapter 228 of the Acts of 2018).

OTHER BILLS – Other bills approved by the Legislature and signed into law this session include:

- a \$2.4 billion environmental bond bill (Chapter 209 of the Acts of 2018) containing funding for a variety of local and statewide initiatives related to wetlands protection, climate change, coastal resiliency efforts, dam improvements, and the preservation of state-owned forests, parks, campgrounds and reservations across the Commonwealth;

- a \$1.15 billion economic development bond bill (Chapter 228 of the Acts of 2018) designed to promote job creation and retention in the Commonwealth while authorizing \$250 million for the MassWorks Infrastructure program, \$75 million in technical education and workforce training grants, and more than half a billion dollars in grants to support local infrastructure projects;
- a life sciences bill (Chapter 112 of Acts of 2018) providing \$623 million in bond authorizations and tax credits over the next five years to support the life sciences industry in Massachusetts, including education, research and development, and workforce training initiatives;
- an affordable housing bond bill (Chapter 99 of the Acts of 2018) providing for \$1.8 billion in capital spending for affordable housing for low-income and moderate-income households, including \$650 million in bond authorizations for capital improvements to rehabilitate and modernize state-assisted public housing units;
- changes to the state's handicapped parking laws, including increased penalties for the fraudulent use of handicapped placards and license plates (Chapter 137 of the Acts of 2017);
- the establishment of a Home Care Worker Registry in the Department of Elder Affairs (Chapter 139 of the Acts of 2017); and
- the ACCESS Law (Advancing Contraceptive Coverage and Economic Security in our State), which requires health insurers to cover FDA-approved birth control without a co-payment, but exempts churches and church-controlled non-profits (Chapter 120 of the Acts of 2017).

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