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*For Immediate Release*

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**Representative Kane reflects on legislative  
accomplishments, shortcomings at mid-session**

**BOSTON** – At the midway point of the 2019-2020 legislative session, State Representative Hannah Kane, R-Shrewsbury, took time to reflect on some of the major legislative initiatives undertaken by the House of Representatives this year.

Since the 191<sup>st</sup> General Court convened on January 2, the House has taken decisive steps to overhaul the state’s education funding formula, expand access to behavioral and mental health services for children, crack down on distracted driving, and protect students attending colleges that are facing closure. The House has also given preliminary approval to legislation authorizing over \$1.3 billion in municipal grants for climate change adaptation and infrastructure improvements, as well as a continuing education program to help higher education counselors address deployment-related health conditions among Massachusetts veterans.

Despite these accomplishments, Representative Kane said the Legislature came up short in several areas, the most glaring example being the failure of House and Senate leadership to reach a timely agreement on a supplemental budget to officially close the books on Fiscal Year 2019, which ended on June 30. Although the state Comptroller is required to file a Statutory Basis Financial Report each year by October 31, the Legislature did not finalize this year’s closeout budget until well past the deadline, on December 12.

Between 1994 and 2005, the Legislature routinely completed closeout budgets in August or September, but from 2006 to 2018, the majority of spending plans were not finalized until October. Prior to this year, the latest date on which the House and Senate had enacted a closeout budget was on November 2, which occurred in both 2015 and 2017.

Due to the weeks-long delay in finalizing a budget, Representative Kane said the state lost out on more than \$1 million in interest while hundreds of millions of dollars in financial obligations went unpaid, including \$296 million in MassHealth fee-for-service payments and \$6.9 million for snow and ice removal. The delay also held up several critical funding initiatives, including money set aside to help expedite ongoing repairs and infrastructure improvements at the MBTA, as well as \$30 million to assist underperforming school districts and \$8.4 million for the testing and treatment of water supplies contaminated with per- and polyfluoroalkyl substances (PFAS).

Representative Kane also expressed disappointment with the Legislature's decision to advance a "Millionaires Tax" proposal, ostensibly to raise money for education and transportation, without including sufficient safeguards to ensure the new revenues will, in fact, be used to increase funding in these two areas.

Under the proposed Constitutional amendment – which requires a second vote of the Legislature during the 2021-2022 session before it can advance to the November 2022 ballot – the state would assess an additional surtax of 4% on income in excess of \$1 million, beginning January 1, 2023. Meeting in a joint Constitutional Convention on June 12, the House and Senate rejected an amendment supported by Representative Kane stipulating that any revenues generated by the surtax must be used "in addition to and not in lieu of funds" that are already being appropriated for education and transportation.

Representative Kane said the "Millionaires Tax" proposal amounts to a graduated income tax that would create a two-tiered tax system in the Commonwealth. She noted that the voters of Massachusetts rejected five previous graduated income tax ballot initiatives between 1962 and 1994, defeating the most recent proposal by a margin of more than 2-1.

The following is a brief overview of some of the major legislative initiatives taken up by the House this year:

**EDUCATION REFORM (Chapter 132 of the Acts of 2019)** – On November 20, the House finalized a comprehensive education reform bill to increase Chapter 70 education aid to cities and towns by \$1.5 billion over the next seven years. The bill also establishes strong accountability standards by requiring school districts to develop 3-year plans to close student achievement gaps and to file annual progress reports beginning in 2020 with the Commissioner of Education, who will have the power to review these plans and to require amendments if needed.

Representative Kane said the Student Opportunity Act, which was signed into law on November 26, will help to ensure that all Massachusetts students have access to a quality education, regardless of where they live. The new law represents the first major overhaul of the state's education funding formula since the passage of the landmark 1993 Education Reform Act.

In addition to raising the annual cap for school building assistance projects to \$800 million, with future caps adjusted for inflation, the Student Opportunity Act expands funding for out-of-district special education transportation costs and establishes a timeline for fully funding charter school reimbursements by Fiscal Year 2023. It also increases special education enrollment and cost assumptions to more accurately reflect district enrollment and costs, and creates a Data Advisory Commission to ensure that resources are being allocated effectively at the district and school levels.

The new law incorporates the 2015 recommendations of the Foundation Budget Review Commission by revising the education funding formula to take into account the needs of English language learners, low-income students, special education programming, and the municipal costs associated with providing employee and retiree health care benefits. It also requires the

Legislature to convene the Commission at least once every 10 years to review how the foundation budget is calculated and to recommend any changes as needed.

The Student Opportunity Act also requires the Secretary of Education to establish statewide and regional targets for student preparedness for workforce and postsecondary education, and sets financial literacy standards so all public elementary and secondary school students have an understanding of personal finances.

**DISTRACTED DRIVING (Chapter 122 of the Acts of 2019)** – Beginning in February of 2020, Massachusetts drivers will no longer be able to use a cell phone while operating a motor vehicle unless it is being used in hands-free mode.

Twenty other states – including Maine, Vermont, New Hampshire, Connecticut and Rhode Island – already ban the use of cell phones while driving. Representative Kane said the new restrictions will help improve public safety and reduce traffic fatalities on the state’s roadways.

The hands-free driving law establishes fines of \$100 for a first offense, \$250 for a second offense, and \$500 for a third and all subsequent offenses, but allows police to issue a warning instead of a fine for first-time offenses until March 31, 2020. Second and subsequent offenders will be required to complete a distracted driving program approved by the Registry of Motor Vehicles (RMV) that encourages changes in driver behavior, while three-time offenders will face an insurance surcharge in addition to the fine.

Under the new law, the RMV, the Executive Office of Public Safety and Security’s Highway Safety Division, the Department of Elementary and Secondary Education, the Department of Higher Education, and municipal law enforcement will implement an annual public awareness campaign regarding the dangers of distracted driving. To address concerns about potential racial profiling, the RMV will also be required to collect data from traffic stops that result in a citation, including the age, race and gender of the driver; the traffic infraction; the date, time and location of the offense; whether a search was initiated as a result of the stop; and whether the stop resulted in a warning, citation or arrest.

**CHILDREN’S HEALTH AND WELLNESS (Chapter 124 of the Acts of 2019)** – In July, the House took steps to expand health care access for children and prevent disruptions in coverage by passing House Bill 4210, An Act relative to children’s health and wellness.

Representative Kane said the bill, which was signed into law on November 26, will ensure that foster children and children in the custody of the Department of Children and Families will continue to receive uninterrupted MassHealth coverage until they turn 26. The new law also requires insurance carriers to establish electronic health care provider directories and to update them on a monthly basis so consumers can more easily access information on providers and plans. All health insurance carriers must be in compliance by October 1, 2020.

A provision included in the new law requires the Executive Office of Health and Human Services (EOHHS) to work with DCF, the Massachusetts Child Advocate, the Department of Mental Health, the Department of Early Education and Care and the Department of Elementary

and Secondary Education to develop a pilot program of three regional childhood behavioral health centers of excellence. These health centers will provide comprehensive information on behavioral health resources to families, clinicians, early education providers, and school districts.

Under the new law, the Health Policy Commission, EOHHS, the Department of Public Health, and the Center for Health Information Analysis will conduct an analysis focusing on children with medically complex health issues that will look at coverage, access to services, medical resources utilized, and costs. The law also calls for the creation of:

- a commission to review existing mandated reporter laws and regulations, which will file a report containing its recommendations by July 31, 2020;
- a task force on pediatric behavioral health screening, which will issue its findings and recommendations by April 1, 2020;
- a legislative commission to examine ways to increase the pediatric workforce and expand access to these providers, with a reporting deadline of July 1, 2020; and
- a legislative commission to consider best practices for expanding access to school-based health centers, with a reporting deadline of July 1, 2020.

**BAN ON FLAVORED TOBACCO PRODUCTS (Chapter 133 of the Acts of 2019)** – House Bill 4183, An Act modernizing tobacco control, calls for regulating e-cigarettes and vaping products in a manner similar to tobacco.

Representative Kane, a strong supporter of the bill, spoke on the House floor and said that the restrictions on flavored tobacco products are designed to protect minors, who are often drawn to smoking and vaping by these flavor options. The bill was engrossed by the House of Representatives on a vote of 127-31 on November 13 and signed into law by Governor Baker on November 27. Representative Kane attended the bill signing.

House Bill 4183 imposes a 75% excise tax on the wholesale price of electronic cigarettes, vaping pens, and other similar devices, effective June 1, 2020. In addition to creating a formal licensing process for the manufacturers, distributors, and retailers of electronic nicotine delivery systems, the bill sets financial penalties for the sale, purchase and possession of these products by or from anyone other than a licensed vendor.

House Bill 4183 also restricts the sale and distribution of flavored tobacco products, including mint and menthol, by limiting their use to smoking bars for customers who are 21 or older, beginning June 1, 2020. The bill also requires all private and public health insurance carriers in Massachusetts to cover the cost of tobacco cessation devices or services, without cost sharing, when recommended by a physician.

**COLLEGE CLOSURES (Chapter 113 of the Acts of 2019)** – Following a series of high-profile college closures and mergers, the House took steps to protect students attending financially struggling colleges.

Signed into law on November 14, An Act to support improved financial stability in higher education gives the Board of Higher Education a greater oversight role in monitoring the financial well-being of the state's colleges and universities. It also requires schools at risk of

imminent closure to prepare contingency plans to notify students and pending applicants of their options. Representative Kane said these changes will ensure that students have advance notification if the school they are attending or applying to is facing potential closure so they can make informed decisions to complete their degree.

Under the new law, all public and private colleges and universities must immediately notify the Board of Higher Education of any known financially liabilities or risks that could result in the imminent closure of the institution. Schools are also required to prepare contingency plans which must include: arrangements for students to complete their program of study in the event the school closes; the furnishing of a bond with surety or a letter of credit to refund any deposits made by new or returning students; and information about the rights and responsibilities of student loan borrowers. Schools that fail to comply will be subject to fines and other penalties.

**CLIMATE CHANGE** – On July 24, Representative Kane supported legislation that would provide over \$1.3 billion in state grants for cities and towns to invest in climate change adaptation and infrastructure improvements.

An Act relative to GreenWorks establishes a GreenWorks Infrastructure Program in the Executive Office of Energy and Environmental Affairs, while authorizing \$1 billion in bond funding to assist communities with climate change resiliency issues. Beginning in 2020, grants will be made available to cities and towns for projects located on public lands or a public right-of-way that improve climate adaption and resiliency, mitigate climate change impacts, reduce carbon emissions, and promote energy efficiency.

Ten percent of the available grant funding each year will be set aside for towns with populations of 7,000 or fewer residents. These towns will be eligible to receive one grant every three fiscal years, capped at \$1 million. Two or more eligible towns can submit a joint application for funding to cover a single regional project, subject to the same limitations.

The GreenWorks bill also provides an additional \$325 million in targeted investments, including:

- a \$100 million matching grant program to help cities and towns deploy municipal microgrid energy systems;
- a \$125 million grant program to encourage municipalities and regional transit authorities to convert their fleets to electric vehicles;
- a \$20 million grant program for municipalities to hire sustainability coordinators to implement and monitor projects awarded funding under the GreenWorks Infrastructure Program;
- \$50 million to establish a Green Resiliency Fund to provide matching funds for GreenWorks projects, resiliency improvements and resiliency investments; and
- \$30 million for the Massachusetts Department of Energy Resources' MOR-EV electric vehicle rebate program

The GreenWorks bill is currently under review by the Senate Committee on Bonding, Capital Expenditures and State Assets.

**VETERANS' HEALTH ISSUES** – The House has proposed a continuing education program at the University of Massachusetts Medical School to help train higher education counselors to address deployment-related health conditions among Massachusetts veterans, including post-traumatic stress disorder (PTSD).

Engrossed by the House on November 6, House Bill 4177 would require clinical and non-clinical counselors at Massachusetts' public colleges and universities to complete the continuing education program, including staff and faculty in admissions offices, counseling centers, health services and academic advising centers. In addition to receiving training to help recognize the symptoms of depression, suicidal thoughts, substance use disorders, PTSD and other deployment-related health conditions, counselors will also receive information on the resources available for veterans and service members and how to provide referrals for treatment.

Representative Kane said the continuing education requirement will benefit both active-duty service members and returning veterans who are pursuing a college degree.

The bill is currently pending before the Senate Committee on Ways and Means.

**WOMEN'S RIGHTS HISTORY TRAIL** – On September 18, the House went on record in support of establishing a Women's Rights History Trail to promote education and awareness of the struggle for women's rights in Massachusetts.

The bill was co-filed by Representative Kane and passed unanimously in the House. House Bill 4076 envisions a history trail that includes "properties and sites that are historically and thematically associated with the struggle for women's rights and women's suffrage." The bill calls for a 13-member task force to solicit public input and provide recommendations for specific sites to include on the history trail and other ways to "commemorate individuals who reflect racial, ethnic, cultural and economic diversity."

To promote the trail program, the bill calls for the distribution of educational materials, including handbooks, maps and interpretive guides. The Office of Travel and Tourism will also develop vacation itineraries for the trail program that will include surrounding attractions, restaurants and exhibits tied in to the historical theme of the trail.

House Bill 4076 is currently under review by the Senate Committee on Ways and Means.

**DEBORAH SAMPSON MEMORIAL COMMISSION** – On November 6, the House approved the creation of a special commission to recommend a suitable memorial at the State House to honor Deborah Sampson, a Plympton resident who served in the Continental Army during the American Revolutionary War. Sampson enlisted in the 4th Massachusetts Regiment in 1782 under the name of "Robert Shurtleff," and holds the distinction of being the only woman to earn a full military pension for participation in the Continental Army.

Representative Kane said establishing a permanent memorial for Sampson will help to highlight the important role women have played in our nation's founding and their contributions throughout our country's history.

The 15-member commission, which will be co-chaired by the House and Senate chairs of the Joint Committee on Veterans and Federal Affairs, will consist of six legislators, Secretary of Veterans' Services Francisco Ureña and Massachusetts Adjutant General Gary W. Keefe, as well as seven gubernatorial appointees. These appointees will include a woman veteran and representatives from the Women Veterans' Network in the Department of Veterans' Services; the Advisory Committee on Women Veterans; the Department of Massachusetts Veterans of Foreign Wars of The United States, Inc.; The American Legion, Department of Massachusetts, Inc.; the AMVETS Department of Massachusetts Service Foundation, Inc.; and the Disabled American Veterans, Department of Massachusetts, Inc.

On November 12, the Senate referred House Bill 4179 to the Joint Committee on Rules.

**BREAKFAST AFTER THE BELL** – To help ensure students are coming to school prepared to learn, Representative Kane supported legislation expanding access to school breakfast in low-income communities.

According to the Ending Hunger in Our Classrooms 2019 Annual Report, nearly 159,000 low-income students in Massachusetts are not eating a morning meal at school each day. House Bill 4218, An Act regarding breakfast after the bell, would require public schools to offer all students a school breakfast after the beginning of the instructional day if at least 60% of the students are eligible for free or reduced-price meals under the federal National School Lunch Program.

Engrossed by the House of Representatives on November 20, the Breakfast After the Bell bill allows schools to determine the breakfast service model that best suits its students' needs, and to consult with non-profit organizations with experience addressing hunger and food security issues and identifying best practices for improving student access to school breakfast.

The bill requires the Department of Elementary and Secondary Education (DESE) to conduct an initial assessment of all schools that are eligible for the school breakfast program by December 31, 2021 so that schools are prepared to offer school breakfast programs by the beginning of the 2022-2023 academic year. The bill contains provisions allowing the school breakfast requirement to be waived for 1 year if a school shows it has a breakfast participation rate of 80% or higher using its current delivery model, or if the school demonstrates an extreme hardship related to implementation.

House Bill 4218 is currently pending before the Senate Ways and Means Committee.

**CAMPAIGN FINANCE REFORM (Chapter 123 of the Acts of 2019)** – On November 20, Representative Kane supported a major campaign finance reform bill requiring legislative and mayoral candidates to file more frequent reports on their fundraising and spending activities, using third-party verification to ensure accuracy and transparency.

Signed by Governor Baker on November 26, the new law requires House, Senate and mayoral candidates in communities with a population of less than 65,000 to utilize a depository bank

reporting system. Candidates for statewide and county offices, as well as mayors and city council candidates in cities with a population of 65,000 or more, already use a depository system.

Under this system, legislative candidates will designate a bank as a depository for their campaign finance funds, and the bank will be required to file monthly disclosure reports, which the Office of Campaign and Political Finance (OCPF) will use to reconcile any discrepancies. OCPF will also make this information publically available by posting on its website.

The new law also establishes a special commission to study the feasibility of allowing campaign funds to be used for family and child care services, which could encourage more young mothers to run for elected office. The commission is due to submit its findings and recommendations by June 1, 2020.

Representative Kane had opposed an earlier version of the bill, passed by the House on September 25, which would have altered the make-up of the commission responsible for selecting the director of OCPF, citing concerns the proposed changes would unfairly limit or exclude minority party participation.

Current law requires the OCPF director to be nominated by a unanimous vote of a four-member commission comprised of the state chairpersons of the two leading political parties, the Secretary of State, and the dean of a Massachusetts law school appointed by the Governor. The initial bill released by the House Committee on Ways and Means in September would have expanded the commission to five members, required a four-fifths vote to approve a director, and dropped the requirement that the Democratic and Republican parties' state chairs serve as members.

During the House floor debate in September, Representative Kane backed a series of amendments designed to ensure that neither of the state's major political parties would be excluded from the process. Although these amendments failed to pass, the proposed language changing the nomination process was not included in the final version of the bill sent to Governor Baker.

**FY19 SUPPLEMENTAL BUDGET (Chapter 5 of the Acts of 2019)** – On February 27, the House approved a \$135 million supplemental budget that provides \$30 million in funding for home heating assistance for low-income elders and working families. This money will help to offset federal cutbacks in the Low Income Home Energy Assistance Program (LIHEAP), and will be available through June 30, 2020, allowing the state to continue to assist individuals and families this winter.

The supplemental budget, which was signed into law on March 29, also includes:

- \$1.4 million for the Department of Public Utilities to conduct an independent statewide examination of the safety of the Commonwealth's gas distribution infrastructure;
- \$8 million for the State Police Crime Laboratory to address the backlog of untested sexual assault evidence kits; and
- \$494,662 for the operation of the Sex Offender Registry Board

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