

MEMORANDUM

To: AIA MA GAC
From: John Nunnari
Date: 02/12/24
Re: Legislative and Regulatory Update

Legislative Update:**Since the last Update**

Gov. Maura Healey's prompt submission of the annual state budget coincided with a sudden crisis stemming from Steward Health Care's fiscal instability, prompting urgent attention from Beacon Hill to safeguard essential healthcare services across its nine community hospitals in Massachusetts. As lawmakers grappled with potential state intervention behind closed doors, Steward emphasized its role as a vital local employer and taxpayer while striving to address its financial woes internally. Meanwhile, the Governor navigated intricate fiscal decisions amidst reduced tax revenue and existing commitments, prioritizing allocations for education, transportation, and housing amidst emerging costs and high-dollar commitments. Concurrently, Senate Democrats passed a divergent gun control proposal, sparking negotiations amid differing stakeholder opinions, with support from the Massachusetts Chiefs of Police Association lending significance to law enforcement endorsement in shaping legislative outcomes. The Administration's governance amid crises, including the emergency shelter crisis and the now concluded Newton teachers' strike, highlights a hands-on approach, although uncertainties persist regarding the efficacy of legislative efforts amidst multifaceted challenges.

Looking Forward

Governor Healey's absence from the state, leaving Secretary of State William Galvin as acting governor, coincides with concerning news about weakening tax revenues, casting a shadow over the state budget. Despite attempts to downplay the significance of the trend, the reality of dwindling collections prompts a shift in messaging from Democratic leaders who previously emphasized continued growth. As the Governor faces scrutiny over budget decisions and confronts challenges such as the migrant crisis and judicial nominations, including the contentious appointment of former domestic partner Judge Gabrielle Wolohojian to the Supreme Judicial Court, political tensions rise. Meanwhile, internal conflicts within the Democratic Party, exemplified by Senators Ed Markey and Elizabeth Warren's divergence from the Governor's endorsed immigration reform bill, add to the complexity of the political landscape. Amidst these challenges, criticism mounts over perceived conflicts of interest and partisan maneuvering, indicating a turbulent period ahead for Massachusetts politics.

Thirteen months into the legislative session, the Legislature has made limited progress in passing new laws, with significant bills still awaiting development. The recent biennial bill-reporting deadline could have catalyzed action, but the Legislature's pace remains deliberate. Sponsors of promising bills lack guarantees of advancement, as the legislative agenda is controlled by House Speaker Ron Mariano and Senate President Karen Spilka, who prefer extended negotiations. Key initiatives, such as gun law reforms and wage transparency measures, linger in committees, signaling a deliberate approach to lawmaking with major bills expected to emerge later in the session following customary negotiations and committee processes.

AIA MA Bills

During the biennial legislative deadline known as Joint Rule 10 day, Feb., 7th, legislative committees effectively halted proposals to legalize teacher strikes, revive happy hour drink promotions, and grant cities and towns more authority over liquor licenses, while bills advocating for medical aid in dying and legal drug consumption sites advanced in the legislative process.

Despite the deadline's intent to provide clarity on the fate of bills, it often serves more as a suggestion due to the Legislature's tendency to procrastinate, with many bills remaining in limbo pending extension orders.

Such orders may not necessarily indicate lack of support, as evidenced by previous sessions where bills delayed past Joint Rule 10 day eventually gained traction and became significant legislative achievements, such as the bill allowing Bay Staters without legal immigration status to obtain driver's licenses.

To view the current status of all AIA MA tracked legislation, please click [here](#)

Regulatory Update:

A schedule of all construction board regulatory meetings can be found on the [Regulatory Events Calendar](#) of AIA MA's website.

New Regulations/ Notices of Public Review of Prospective Regulations (11/08/23 – 02/12/24)**Notice of Public Review for 528 CMR 2.00, 3.00 & 11.00**

The [public hearing](#) will be held on **January 23, 2024 at 9:30AM.**

- A copy of the proposed amendments to the Bureau's regulations may be obtained at the [Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters website](#) or by contacting Mr. Martin Edwards at (617) 701-8752.
- Written or oral comments may be submitted at the time and place of the hearing.
- Written comments may be emailed to martin.edwards@mass.gov or mailed to the Bureau of Pipefitters, Refrigeration Technicians and Sprinkler Fitters
1000 Washington Street, Suite 710,
Boston, Massachusetts 02118-6100
Attention: Martin Edwards
- The Bureau will also accept written comments regarding the regulations until **5:00 p.m. on Tuesday, January 23, 2024.**

Notice of Public Review for 310 CMR 9.00 The Massachusetts Waterways Regulation

The [public hearings](#) will be held on **January 25, 2024 at 1:00 and 6:00PM.**

- The proposed regulatory text and a background document are available with a copy of this Public Hearing Notice on MassDEP's website at: <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>
- Testimony may be presented orally at the public hearing
- In lieu of electronic submittal, paper comments may be mailed to
Daniel Padien
Attn: Waterways Resilience Comments

MassDEP BWR
100 Cambridge Street
Suite 900
Boston, MA 02114.

- Written comments will be accepted through **5:00pm on March 1, 2024.**

Notice of Public Review for 314 CMR 9.00: 401 Water Quality Certification for Discharges of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States Within the Commonwealth.

The [public hearings](#) will be held on **January 31, 2024 at 1:00 and 6:00PM** and **February 1, 2024 at 1:00PM**

- The proposed regulatory text and a notice to reviewers are available with a copy of this [Public Hearing Notice](#) on MassDEP's website
- Testimony may be presented orally at the public hearing
- In lieu of electronic submittal, paper comments may be mailed to Lisa Rhodes
Attn: Wetlands 401 Resilience Comments
MassDEP BWR
100 Cambridge Street
Suite 900
Boston, MA 02114.
- Written comments will be accepted through **5:00pm on March 1, 2024.**

Notice of Public Review for 522 CMR 1.00, 2.00, 4.00, 7.00 & 18.00

The [public hearing](#) will be held on **February 1, 2024 at 10AM.**

- A copy of the proposed amendments can be found at the DFS web page: <https://www.mass.gov/doc/522-cmr-red-line-draft-2023-proposed-changes-7112023-with-redlineedits/download>
- Written or oral comments may be submitted at the time and place of the hearing.
- Written comments can be mailed or e-mailed to Holly Bartlett, Executive Administrator, Board of Boiler Rules, (Holly.Bartlett@mass.gov) P.O. Box 1025, State Rd, Stow, MA. 01775 (Tel. 978-567-3782).
- To be considered by the Board, mailed or emailed comments must be received no later than **4:00 p.m., January 31, 2024.**

Notice of Public Review for 310 CMR 7.71: Reporting of Greenhouse Gas Emissions.

The [public hearings](#) will be held on **February 6, 2024 at 10:00 and 6:00PM**

- The proposed regulatory text and a notice to reviewers are available with a copy of this [Public Hearing Notice](#) on MassDEP's website
- Testimony may be presented orally at the public hearing
- In lieu of electronic submittal, paper comments may be mailed to Climate Strategies
100 Cambridge Street
Suite 900
Boston, MA 02114.
- Written comments will be accepted through **5:00pm on February 23, 2024.**

Notice of Public Review for 780 CMR 1.00 through 115.00

The [public hearing](#) will be held on **February 14th, 21st, and 28th, 2024 at 10AM.**

- A copy of the [proposed regulations](#) may be obtained at the Board's web site or by contacting the Board office directly at the above address or by phone: (617) 727-3200.
- Written or oral comments may be submitted at the time and place of the hearing.
- The Board will also accept written comments regarding the regulations sent via email at bbrs-ma@mass.gov or by mail at this address:
Board of Building Regulations and Standards
Division of Occupational Licensure
Office of Public Safety and Inspections
1000 Washington Street, 7th Floor
Boston, MA 02118
- Written comments must be received by **5:00 P.M. on Wednesday, March 6, 2024.**

248 CMR 10.00 – Board of State Examiners of Plumbers and Gas Fitters

- Dec., 8 2023 – [CMR 248 10.00](#) – **Uniform State Plumbing Code** - This extensive regulation sets out basic principles, specifies important plumbing definitions, lists minimum numbers of plumbing fixtures which must be installed in subject installations, and provides a host of other provisions necessary to ensure plumbing installations are made in a manner that protects the public's health, safety, and welfare. – **Permanent Regulations – Effective Date 12/08/2023**

310 CMR 07.00 – Department of Environmental Protection

- Dec., 22 2023 – [CMR 310 07.00](#) – **Air Pollution Control** - Corrects filing to replace pages 250.102.10.5 & 250.102.10.6 to electronic version only. – **Notice of Correction– Effective Date 12/30/2023**

310 CMR 09.00 – Department of Environmental Protection

- Jan. 05, 2024 – [CMR 310 09.00](#) – **Waterways** - The purpose of MassDEP's Waterways Regulations, 310 CMR 9.00, is to protect and promote the public's interest in filled and flowed tidelands, Great Ponds, and non-tidal rivers and streams in accordance with the Public Trust Doctrine. These amendments ratify and confirm MassDEP approval of the previously approved Chelsea Municipal Harbor Plan and Designated Port Area Master Plan. – **Permanent Regulations – Effective Date 01/05/2024**