



2019-2020 summary of the final status of many of the issues

AGC MA advocated on behalf of AGC MA Members and the industry

Governor Signs AGC MA Correction to Paid Family and Medical Leave Law

On January 14, Governor Baker signed into law the Economic Development Bill which contained the technical correction to the Paid Family and Medical Leave Law (PFML), sponsored by AGC MA, allied signatory construction employer groups and the building trades. PFML took effect on January 1, and now requires employers to maintain health insurance benefits for employees while they are collecting state PFML benefits.

Prior to passing AGC's amended language, PFML would have forced employers that are signatory to federally governed collective bargaining agreements to violate the federal law which prohibits contributions towards health benefits while the employees covered under collective bargaining agreements are not working or being paid by the employer. The language approved by the Governor will now allow the multiemployer health plans to maintain the health insurance benefits when the union employee goes out on leave.

Building trade unions may now amend their health plans, summary plan descriptions, trust documents and collective bargaining agreements, if necessary, if they want to ensure that their union members' health insurance benefits are maintained while the members are on leave.

Governor Rejects Special Commission on MBE/WBE Contracts

Governor Baker has rejected the language included in the Economic Development Bill that would have created a special commission to review the laws, regulations, and executive orders relative to the participation of minority and women owned enterprises on public construction projects. In his veto message, the Governor noted that DCAMM issued a MWBE Participation Diversity Report in 2017 which details the many inequities in the current system. He believes further study of those issues is not necessary.

He urged the Legislature to pass his bill, modeled on similar AGC MA legislation, that will require subcontractors to participate in meeting the hiring goals on DCAMM managed projects. AGC MA will continue to work with the Governor and the Legislature to support the passage of both those bills during the new legislative session.

Governor Approves Changes to Housing Zoning Laws

The Economic Development Bill signed by Governor Baker also includes changes to the statewide zoning laws that are designed to help stimulate the construction of multi-family housing units. The current law requires a two-thirds super majority vote of a community to implement zoning changes. The new law authorizes cities and towns to enact and amend certain zoning ordinances by a simple majority vote to provide for the construction of multi-family and high-density housing units as well as mixed-use and smart-growth developments.

Governor Baker made these changes to the zoning laws a priority of his administration in order to increase the construction of new housing. Many communities that sought construction of additional high-density housing complained that proposed zoning changes often had majority support of the community but failed to obtain the two-thirds vote required under the law. The Economic Development bill also allocated \$155 million in additional funding to support housing rehabilitation program and to support the construction of new housing units across the Commonwealth.

Wage Theft Legislation Dies

The Joint Committee on Labor and Workforce Development once again voted in favor of legislation to help prevent the wage theft in the construction industry and in the general economy. The Wage Theft Bill sought to impose strict liability on GC's and Subs who hire sub-subcontractors. The bill was next referred to the House and Senate Ways and Means Committee where no further action was taken and the bill died at the end of the Session on January 6.

The Senate had previously passed this bill during the past two legislative sessions, but in both instances these bills died in the House of Representatives. Wage Theft is expected to be refiled for the 2021-2022 Session and AGC MA will continue to hold discussions with bill sponsors about how best to address the issue of wage theft in the construction industry.

Governor Vetoes Greenhouse Gas Emissions Bill

This past week, Governor Baker vetoed legislation which sought to limit greenhouse gas emissions over the next thirty years from numerous sectors including transportation, construction, industrial sectors, energy distribution, waste management and agricultural activities. The bill sought to achieve zero-net emissions productions from all sources by the year 2050. Emission goals would have been established by regulation for each sector every 5 years up through to 2050. The climate bill also sought to increase the membership of the Board of Building Regulations and Standards from 11 to 15 members by adding the Commissioner of Energy Resources and 3 experts in building energy efficiency and advanced building technologies.

The Governor opposed this legislation because of his concern that the strict enforcement of these emission goals would adversely impact the construction of new housing and the development of commercial and industrial properties. The Legislature was unable to override the Governor's veto at the conclusion of the session and the legislative leaders have promised to refile and approve this bill early this year. The Governor has urged the Legislature to address his concerns before this bill is reenacted.