

RESOURCES AND INFORMATION 2014 STATEWIDE BALLOT QUESTIONS

Four ballot questions will be on the statewide ballot Nov. 4. LWVMA has taken positions on three of them:

Question 1: Eliminate Gas Tax Indexing –LWVMA urges a NO vote

Question 2: Expanding the Beverage Container Deposit Law—LWVMA urges a YES vote

Question 3: Expanding Prohibitions on Gaming—LWVMA urges a YES vote

Question 4: Earned Sick Time for Employees—LWVMA has no position

Please note that, because LWVMA has positions on some, but not all, of the questions, Leagues should be careful how they present information to voters. Please review the guidelines for ballot question forums at <http://lwmvma.org/2014-ballot-question-resources/>. This document is also available at that webpage.

Below is a summary of each question, the reasons for LWVMA’s position on it, a list of organizations which can provide additional information and speakers on the question, and the complete text of the question.



Question 1: Eliminating Gas Tax Indexing

This proposed law would repeal a law passed in 2013 and eliminate the requirement that the state’s gasoline tax be adjusted annually based on the Consumer Price Index.

LWVMA opposes this question and urges a NO vote.

We believe indexing the gasoline tax to the Consumer Price Index provides funding needed to maintain and improve the state’s transportation infrastructure. Our opposition to this question is based on this position in [Where We Stand](#), the

LWVMA positions document:

“Fiscal policy: Goal: A state and local tax structure that will have an equitable impact on taxpayers and adequately support state services with consideration of the effect on the state and local economies; distribution of state aid in a manner that will equalize municipal resources; a comprehensive state budget system that will provide a basis for the evaluation of the cost and effectiveness of current state programs and long-range capital expenditures; up-to-date, uniform and accurate property valuation; and efficient management of the revenue collection systems. (1969-1979, 1992-93) *Where We Stand*, p. 18

“The League has taken action in support of new state taxes because members recognize their responsibilities to provide adequate revenues to pay for the service programs they urge the Legislature to provide.” p. 20

If the ballot question passes, the state could lose millions in dedicated transportation revenue over the next 10 years. Our transportation system has been underfunded for many years, with an inability to safely maintain our roads and bridges. If the initiative passes and the indexing is repealed, it will be difficult to keep pace with rising transportation costs. The legislature is reluctant to pass a gasoline tax

increase every session as evidenced by the lack of an increase for years. Further, if the question passes, it sends a strong message to the legislature on the risk of votes to raise necessary tax revenue.

Resources:

The Committee for Safer Roads and Bridges—the umbrella coalition opposing this ballot question Transportation for Massachusetts—a general transportation coalition of which LWVMA is a member www.t4ma.org 617-233-1655

Here is the full text of ballot Question 1: Eliminating Gas Tax Indexing

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would eliminate the requirement that the state’s gasoline tax, which was 24 cents per gallon as of September 2013, (1) be adjusted every year by the percentage change in the Consumer Price Index over the preceding year, but (2) not be adjusted below 21.5 cents per gallon.

A YES VOTE would eliminate the requirement that the state’s gas tax be adjusted annually based on the Consumer Price Index.

A NO VOTE would make no change in the laws regarding the gas tax.



Question 2: Expanding the Beverage Container Deposit Law

This question would update the state’s current deposit law, the Bottle Bill, to include most non-carbonated beverages. It would also increase the handling fee and make other changes to the existing law.

LWVMA supports this question and urges a YES vote.

We believe an expansion of the Bottle Bill will greatly increase the rates of recycling and reduce litter. Our members have worked hard to collect the signatures necessary to put this question on the ballot. Our support of this question is based on these positions in *Where We Stand*:

“Source reduction: LWVMA played an active role in the statewide coalition promoting the Bottle Bill and was especially successful in the areas of fundraising and local group endorsements. With the implementation of the Bottle Bill in 1983, the League reached one of its goals—a 7 percent reduction in the solid waste stream. To date there have been few new refillable bottles; instead there has been an increase in the number of plastic soft drink containers. The current non-reusable beer and soft drink containers are able to be recycled, whether plastic, aluminum or glass. Since 1988, the League has worked in support of legislation that would promote environmentally acceptable product packaging. Packaging would be reusable or made of recycled materials.

“Recycling programs: Concern and enthusiasm are strong at the local level. Many suburban communities have initiated recycling programs. The League has provided technical assistance to local recycling programs. Continuing problems are marketing low-value materials (such as glass and paper), high collection costs for curbside pickup and the need for additional markets.” *Where We Stand*, p. 33

An update to the bottle bill has been pending in the state legislature for over 12 years; the original version passed in 1983, before the popularity of bottled water and tea. Although enough legislators support the update to make it law, it has never been brought to a vote in the House, despite passing the Senate during the last two legislative sessions. Opponents to the bill have largely been big business interests, including bottlers and supermarkets. Polls show widespread public support for an expansion of the Bottle Bill. About 80% of the containers with a deposit are redeemed and/or recycled, compared to only 23% of containers without a deposit.

Resources:

LWVMA website: <http://lwvma.org/the-environment/> and <http://lwvma.org/member-resources/updated-bottle-bill-resources/>

Updated Bottle Bill Coalition: <http://www.massbottlebill.org/ubb>

Includes fact sheets, information, contacts for speakers

[Massachusetts Sierra Club](#)

[MASSPIRG](#)

[Environmental League of Massachusetts](#)

Container Recycling Institute: <http://www.bottlebill.org/about/mythfact.htm>

Background information on deposit laws

Here is the full text of Question 2: Expanding the Beverage Container Deposit Law

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would expand the state's beverage container deposit law, also known as the Bottle Bill, to require deposits on containers for all non-alcoholic non-carbonated drinks in liquid form intended for human consumption, except beverages primarily derived from dairy products, infant formula, and FDA approved medicines. The proposed law would not cover containers made of paper-based biodegradable material and aseptic multi-material packages such as juice boxes or pouches.

The proposed law would require the state Secretary of Energy and Environmental Affairs (EEA) to adjust the container deposit amount every five years to reflect (to the nearest whole cent) changes in the consumer price index, but the value could not be set below five cents.

The proposed law would increase the minimum handling fee that beverage distributors must pay dealers for each properly returned empty beverage container, which was 2¼ cents as of September 2013, to 3½ cents. It would also increase the minimum handling fee that bottlers must pay distributors and dealers for each properly returned empty reusable beverage container, which was 1 cent as of September 2013, to 3½ cents. The Secretary of EEA would review the fee amounts every five years and make appropriate adjustments to reflect changes in the consumer price index as well as changes in the costs incurred by redemption centers. The proposed law defines a redemption center as any business whose primary purpose is the redemption of beverage containers and that is not ancillary to any other business.

The proposed law would direct the Secretary of EEA to issue regulations allowing small dealers to seek exemptions from accepting empty deposit containers. The proposed law would define small dealer as

any person or business, including the operator of a vending machine, who sells beverages in beverage containers to consumers, with a contiguous retail space of 3,000 square feet or less, excluding office and stock room space; and fewer than four locations under the same ownership in the Commonwealth. The proposed law would require that the regulations consider at least the health, safety, and convenience of the public, including the distribution of dealers and redemption centers by population or by distance or both.

The proposed law would set up a state Clean Environment Fund to receive certain unclaimed container deposits. The Fund would be used, subject to appropriation by the state Legislature, to support programs such as the proper management of solid waste, water resource protection, parkland, urban forestry, air quality and climate protection.

The proposed law would allow a dealer, distributor, redemption center or bottler to refuse to accept any beverage container that is not marked as being refundable in Massachusetts.

The proposed law would take effect on April 22, 2015.

A YES VOTE would expand the state’s beverage container deposit law to require deposits on containers for all non-alcoholic, non-carbonated drinks with certain exceptions, increase the associated handling fees, and make other changes to the law.

A NO VOTE would make no change in the laws regarding beverage container deposits.



Question 3: Expanding Prohibitions on Gaming

This question would prohibit casinos, any gaming establishment with slot machines, and wagering on simulcast greyhound races, even if licenses have already been granted.

LWVMA supports this question and urges a YES vote.

We have long opposed casinos and other gambling in Massachusetts, arguing the costs in services needed and social impact outweigh projected gains in tax revenue and employment. Our support of this question is based on this

position in *Where We Stand*:

“Legalized casino gambling: Opposition to establishment of legalized casino gambling in Massachusetts. (1982)... Members opposed the legalization of casino gambling, weighing the stimulus to increased employment, tourism and tax revenue against the demands for social and municipal services, police protection and the establishment of a state regulating body. ” p. 46

Massachusetts adopted, after long debate, legislation which allows for three “resort style casinos” and one slot parlor to be located in different parts of the state. At least one casino should go to a Native American tribe. The legislation came about after vigorous opposition in which the LWVMA took part but it also had great support among those who saw it as an economic boost. Massachusetts adopted a very tight licensing process with rigorous standards for license applicants and the requirement that the consent of the host community be obtained. To oversee the process it set up a gaming commission. Several communities have voted against having casinos in their towns and some have embraced the idea. The Supreme Judicial Court ruled in June that the ballot question was not an unconstitutional taking of property and could be allowed to go forward.

Resources:

Repeal the Casino coalition—information and statistics, contacts for speakers

www.repealthe casinodeal.org 617-869-0601

Here is the full text of Question 3: Expanding Prohibitions on Gaming

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would (1) prohibit the Massachusetts Gaming Commission from issuing any license for a casino or other gaming establishment with table games and slot machines, or any license for a gaming establishment with slot machines; (2) prohibit any such casino or slots gaming under any such licenses that the Commission might have issued before the proposed law took effect; and (3) prohibit wagering on the simulcasting of live greyhound races.

The proposed law would change the definition of “illegal gaming” under Massachusetts law to include wagering on the simulcasting of live greyhound races, as well as table games and slot machines at Commission-licensed casinos, and slot machines at other Commission-licensed gaming establishments. This would make those types of gaming subject to existing state laws providing criminal penalties for, or otherwise regulating or prohibiting, activities involving illegal gaming.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit casinos, any gaming establishment with slot machines, and wagering on simulcast greyhound races.

A NO VOTE would make no change in the current laws regarding gaming.

**Question 4: Earned Sick Time for Employees**

This question would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

The League has no state or national positions that would let LWVMA take a stand on this question and so we neither support nor oppose this question.

This ballot question, along with another ballot question to raise the minimum wage, was proposed by Raise Up Massachusetts, a coalition of labor, community and faith organizations. The minimum wage ballot question was withdrawn after the legislature enacted an increase in the minimum wage. The coalition says that the earned sick time question “would guarantee every worker in Massachusetts access to the benefit of earned sick time. For companies with 11 or more employees, workers would earn up to 40 hours of paid sick time. At companies with 10 or fewer employees, workers would earn up to 40 hours of unpaid sick time.”

Resources:

Raise Up Massachusetts—the coalition promoting the ballot question
www.raiseupma.org 617-877-1816

Retailers Association of Massachusetts—opposes the question
www.retailersma.org 617-523-1900

Associated Industries of Massachusetts—opposes the question
www.aimnet.org 617-262-1180

National Federation of Independent Businesses—opposes the question
www.nfib.com/massachusetts 617-482-1327

Here is the full text of Question 4: Earned Sick Time for Employees

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

Employees who work for employers having eleven or more employees could earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers could earn and use up to 40 hours of unpaid sick time per calendar year.

An employee could use earned sick time if required to miss work in order (1) to care for a physical or mental illness, injury or medical condition affecting the employee or the employee's child, spouse, parent, or parent of a spouse; (2) to attend routine medical appointments of the employee or the employee's child, spouse, parent, or parent of a spouse; or (3) to address the effects of domestic violence on the employee or the employee's dependent child. Employees would earn one hour of sick time for every 30 hours worked, and would begin accruing those hours on the date of hire or on July 1, 2015, whichever is later. Employees could begin to use earned sick time on the 90th day after hire.

The proposed law would cover both private and public employers, except that employees of a particular city or town would be covered only if, as required by the state constitution, the proposed law were made applicable by local or state legislative vote or by appropriation of sufficient funds to pay for the benefit. Earned paid sick time would be compensated at the same hourly rate paid to the employee when the sick time is used.

Employees could carry over up to 40 hours of unused sick time to the next calendar year, but could not use more than 40 hours in a calendar year. Employers would not have to pay employees for unused sick time at the end of their employment. If an employee missed work for a reason eligible for earned sick time, but agreed with the employer to work the same number of hours or shifts in the same or next pay period, the employee would not have to use earned sick time for the missed time, and the employer would not have to pay for that missed time. Employers would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee.

Employers could require certification of the need for sick time if an employee used sick time for more than 24 consecutively scheduled work hours. Employers could not delay the taking of or payment for earned sick time because they have not received the certification. Employees would have to make a good faith effort to notify the employer in advance if the need for earned sick time is foreseeable.

Employers would be prohibited from interfering with or retaliating based on an employee's exercise of earned sick time rights, and from retaliating based on an employee's support of another employee's exercise of such rights.

The proposed law would not override employers' obligations under any contract or benefit plan with more generous provisions than those in the proposed law. Employers that have their own policies providing as much paid time off, usable for the same purposes and under the same conditions, as the proposed law would not be required to provide additional paid sick time.

The Attorney General would enforce the proposed law, using the same enforcement procedures applicable to other state wage laws, and employees could file suits in court to enforce their earned sick time rights. The Attorney General would have to prepare a multilingual notice regarding the right to earned sick time, and employers would be required to post the notice in a conspicuous location and to provide a copy to employees. The state Executive Office of Health and Human Services, in consultation with the Attorney General, would develop a multilingual outreach program to inform the public of the availability of earned sick time.

The proposed law would take effect on July 1, 2015, and states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

A NO VOTE would make no change in the laws regarding earned sick time.