ATTACHMENT F

July 31, 2019

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 89 of House Bill No. 4000, “An Act Making Appropriations for the Fiscal Year 2020 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 89 establishes a special commission, known as the Restaurant Promotion Commission that will review and develop recommendations and best practices for the promotion and continued growth and vitality of the restaurant industry in the Commonwealth. I support the efforts of this Commission. However, there is an immediate issue that relates to the restaurant industry in the Commonwealth that needs correction ahead of the 2019 annual sales tax holiday that is set for August 17th and 18th. The statute that established the annual sales tax holiday in the “Grand Bargain” legislation of 2018, Chapter 121 of the Acts of 2018, did not explicitly state that meals were not included in the sales tax holiday as had been done in prior versions of the sales tax holiday legislation. As a result, and to ensure that there is consistent application of the law for all retailers, the amendment below proposes to explicitly exclude meals from the sales tax holiday, which would mean that meals would continue to be subject to the sales tax as has been the case for previous sales tax holidays.

For these reasons, I recommend striking out section 89 and inserting in place thereof the following 2 sections:-

SECTION 89. There shall be a special commission, known as the Restaurant Promotion Commission to review and develop recommendations and best practices for the promotion and continued growth and vitality of the restaurant industry in the commonwealth. The commission shall consist of the following 11 members: the house and senate chairs of the joint committee on tourism, arts and cultural development; 3 persons to be appointed by the speaker of the house of representatives; 3 persons to be appointed by the president of the senate; 1 person to be appointed by the minority leader of the house of representatives; 1 person to be appointed by the minority leader of the senate; and the executive director of the Massachusetts office of travel and tourism, or their designee, who shall serve as chair of the commission.

The commission shall examine ways to increase promotion of and visitation to restaurants operating in the commonwealth, including but not limited to: challenges to maintaining and operating restaurants, including issues related to the training, development and retention of the industry’s workforce; barriers to establishing new restaurants; licensing and permitting issues impacting emerging business models; strategies for increased marketing to attract visitors to the commonwealth’s restaurants; and strategies for cross-promotional partnerships, including but not limited to partnerships with the hospitality, agriculture and seafood industries. The commission shall consider successful programs and national and local best practices.

The commission shall recommend programs for the use of the funds available in item 7008-1024. The commission shall hold its first meeting not later than 30 days after the effective date of this act and shall meet not less frequently than monthly thereafter. The commission shall hold meetings in various geographic regions of the commonwealth. The chair of the commission shall work to facilitate information and data requests of the commission members, ensure that the work of the commission incorporates feedback from the industry statewide and coordinate interagency cooperation. The commission shall submit a report of its review and its recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect by filing the same with the clerks of the house of representatives and the senate not later than January 31, 2020.

SECTION 89A. Subsection (a) of section 6A of chapter 64H of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting, in line 9, after the word “motorboats” the words:- , meals.

Respectfully submitted,

Charles D. Baker

Governor