

**State Representative Alice Hanlon Peisch
14th Norfolk District
Wellesley Weston Natick**

THE PEISCH POST

WESTON EDITION

Volume 11, Issue 11

Fall 2004

A Message From Your Representative



Dear Friends,

I would like to take this opportunity to bring you up-to-date on what has been happening in the Legislature since I last published a newsletter in the early spring. The following pages contain brief summaries of the highlights of the legislative session which has just ended.

I am very pleased to report that we passed three significant bills of particular interest to the residents of this district. Legislation which addresses the concerns raised with the school building assistance program, public construction laws and the state's transportation system were all signed into law during the recent session. Details of these bills can be found on page two of this newsletter.

Additionally, local aid remained level funded and reimbursement to cities and towns for special education was dramatically increased for this fiscal year, as opposed to the decrease experienced last year. The Legislature also insured that the state's prescription drug program for senior citizens and day programs for the mentally retarded adults remain adequately funded.

As a member of the Early Education Task Force, I am especially pleased that the Commonwealth has started the process of insuring that all children, regardless of their socio-economic circumstances, will be eligible for high quality pre-school in the coming years.

Although formal sessions of the legislature have ended for this year, much work remains to be done. I hope to see additional legislation benefiting this district pass during informal sessions in the coming months and look forward to tackling the many complex issues, such as court and pension reform, that we were not able to address comprehensively during this term.

I continue to feel honored to represent the 14th Norfolk District in the General Court, and look forward to many more years of service. Please do not hesitate to contact me, if I can be of any assistance to you, at the numbers and e-mail address listed on this page.

Sincerely,

Alice Hanlon Peisch

CONTACT INFORMATION

Alice Hanlon Peisch
State House, Room 26
Boston, MA 02133

BOSTON

617-722-2080

DISTRICT

781-237-4719

FAX

617-722-2339

EMAIL ADDRESS

Rep.AlicePeisch@
hou.state.ma.us

The Road to Reform

The year 2004 could easily be called "The Year of Reform", given the number of significant reform measures that Rep. Peisch and her colleagues approved this year.

While similar reform measures which had been attempted in prior years had been unsuccessful, but the current Legislature made reforming the state's transportation system, public construction laws, and school building assistance a priority. These measures illustrate the real reform that can happen by working together and putting the public's interest first.

School Building Assistance

Earlier this summer, the School Building Assistance Reform (SBA) was signed into law. The SBA reform will allow for the creation of a School Modernization and Reconstruction Trust, which will fund all projects currently on the SBA wait list. This reform plan will dedicate one cent from the sales tax to the Modernization and Reconstruction Trust.

Representative Alice Peisch, who joined fellow legislators in voting for the Trust, applauded the law. "My support for this legislation was not difficult," she said. "This plan fully meets existing obligations and provides a dedicated funding stream far into the future."

The SBA backlog has grown to 420 projects and represents \$5.7 billion of capital construction. At present funding levels, it would take at least ten to twelve years before all proposed projects could be funded.

The Trust will provide communities with funds for the state's share of reimbursable school construction costs, eliminating the need for an entire project to be financed at the local level. The Trust also provides for payments on existing SBA obligations.

"This plan represents a multibillion-dollar reform and is the most sweeping change made to the SBA since its inception in 1948," Peisch said. "I am proud to have worked with my colleagues in the Legislature and with the Treasurer on this reform package.

It is the only solution guaranteeing funds now and in the future for my district's schools and, in turn, for the children who attend these schools."

Construction

The Commonwealth's most significant public construction reform package in nearly 25 years became law this summer, with Rep. Peisch's support. This legislation will save taxpayer dollars, prevent unnecessary delays in construction projects, and improve the quality of work.

Under the new law, all large public construction projects costing at least



\$5 million are eligible to utilize the "construction manager at risk" approach. This method directs the construction manager to guarantee a maximum price for the project and assures that contractors, *not* taxpayers, bear the brunt of any cost overrun. Massachusetts would see a reduction in construction costs statewide and a continuation of projects that have been stalled. Moreover, with annual public construction spending at more than \$3 billion in Massachusetts, reform would save as much as 10% on building costs across the state.

The House and Senate have worked hard for the last seven months to advance this legislation which is supported by both parties. While attempts to produce new construction laws have failed for decades, this

team's efforts resulted in a law that was agreeable on all sides.

Transportation

Massachusetts now has a more coordinated transportation system, which will save taxpayers money.

A bipartisan success, the new law requires turnpike officials to create a plan by December to reduce traffic congestion, enroll more residents in the FastLane toll collection program, and reduce operating costs.

"We are making great strides in heeding what the people of Massachusetts are asking for," noted Rep. Peisch. "Consolidating the Commonwealth's transportation entities in this manner streamlines services, eliminates duplication, and makes the management of transportation services more effective and efficient."

The reforms were created based on a study by the non-partisan Massachusetts Business Roundtable which found that the state had the most disjointed transit system in the nation. To produce more coordination statewide, the law creates an Office of Transportation Planning headed by the Deputy Secretary of Transportation. Additionally, the Transportation Secretary will become the Chairman of the Massachusetts Turnpike Authority, a voting member of the Massachusetts Port Authority board, and continue to chair the board of the MBTA.

Under the new plan, the Massachusetts Turnpike Authority is not merged with the Highway Department. Rep Peisch explained, "This protects the fiscal integrity of the Commonwealth by not allowing the Turnpike's \$2.5 billion debt to be assumed by the taxpayers."

This legislation also transfers the Registry of Motor Vehicles from the Department of Public Safety to the Office of Transportation, thereby expanding the reorganization and creating greater efficiencies.

PEISCH LEADS PENSION REFORM CHARGE!

*Works to Protect Taxpayers
by Closing Loophole for
Elected Officials*

Representative Peisch worked to eliminate a loophole in the state pension law that allows elected officials to receive a full year's pension credit for only one day's work.

Currently, elected officials receive a full year's pension credit for any amount of time served during a calendar year. Peisch filed an amendment to the FY05 Budget Recommendations to close this loophole.

"This is common sense reform," said Peisch. "Elected officials should not be getting a year's credit for working only one day. The reform I proposed puts elected officials under the same pension regulations as other public employees."

Peisch's reform amendment was approved by the House and attracted bipartisan support, having been co-sponsored by legislators on both sides of the aisle. Although a similar provision existed in the Senate budget, the reform was not included in the final FY05 budget.

"I am pleased that my colleagues in both parties joined me in the effort to protect Massachusetts taxpayers from paying for extra benefits for legislators," commented Peisch. "I am disappointed that this was eliminated from the final budget, however. I look forward to working with the other reformers during the next legislative session on this issue."

Peisch Fights for Mentally Handicapped

Alice Peisch led the fight to restore \$23.6 million cut from programs for mentally retarded adults in the FY05 budget. Peisch organized her colleagues whose districts are also serviced by the Charles River Arc to advocate for full restoration of funding.

Although much of the funding cut in the Governor's proposed budget was returned in the House budget recommendations, the initial House proposal contained some DMR reductions. To prevent those reductions, Peisch successfully authored a bi-partisan budget amendment, endorsed by over forty of her colleagues, that fully restored the funding for these programs.

"We owe it to the state's most vulnerable residents to restore some of the harshest cuts made during the past few years," said Peisch. "Although there are still economic difficulties ahead, I believe it is important to be a voice for those who are not always represented."

Thanks to Peisch's efforts, the \$23.6 million was fully restored.

PEISCH SUPPORTS "RAINY DAY" FUND

By a landslide vote of 181-12, Rep. Peisch joined her colleagues in advancing a constitutional amendment establishing a permanent "Rainy Day" Fund. The amendment, which received bi-partisan support, requires the Commonwealth to pay one percent of state tax revenues, roughly \$160 million, into a reserve fund on an annual basis.

"A permanent 'Rainy Day' Fund is the best way to prepare the Commonwealth for the inevitability of future recessions," said Peisch. "As evidenced by the most recent downturn, when we relied on nearly \$2 billion in reserves to keep taxes low and continue core services uninterrupted, saving for a 'rainy day' makes sense."

Statewide, non-partisan, business leaders such as the Massachusetts Business Roundtable, the Greater Boston Chamber of Commerce, Associated Industries of Massachusetts and the Massachusetts Taxpayers Foundation offered their support to secure the amendment's passage.

"The business community's resounding endorsement of the 'Rainy Day' Fund speaks volumes about the amendment's merit," said Rep. Peisch. "These leaders recognize that given the past decade of economic upswings and downswings it is prudent and pragmatic to establish this fund to protect the progress we have made in education, health care, public safety and economic development."

Weston Happenings



Weston Named Tree City USA

Weston was named a *Tree City USA* by the National Arbor Day Foundation last April for the first time. *Tree City USA* is a national award administered here in Massachusetts by the Department of Conservation and Recreation's Urban and Community Forestry Program.

The award is given to towns with a central authority for the community's trees, an ordinance outlining who cares for the trees, a minimum budget of \$2 per capita, and an observance of Arbor Day. By meeting these criteria, Weston received the award.

"I am proud of Weston's forestry and trees. I hope this award strengthens the efforts to keep the town green," said Rep. Peisch.

Weston Affordable Housing Bill Approved! ***Brook School Apartments will be offered at affordable rates***

Representative Peisch is pleased to announce that legislation authorizing the town of Weston to use Community Preservation Act funds to cover the construction costs for the Brook School Apartments project has been signed into law.

This bill ensures that 80% of the 24 newly constructed units at the Brook School Apartments will be rented at affordable rates. The town will now place an affordable housing deed restriction on the units and the apartments will be rented to income qualified individuals.

"By approving this legislation, Weston is able to rent these apartments at affordable rates as the project was originally intended, and is provided with a source of revenue to cover the construction costs of the new addition to the Brook School Apartments," said Peisch.

The Brook School Apartments project was originally planned as a Section 8 project, approved at the November 2002 Special Town Meeting. Unfortunately, the Federal Section 8 program is currently over subscribed and Weston was informed in December 2003 that it would not receive the funding as scheduled.

In the absence of Section 8 vouchers, the town of Weston sought the CPA funds as an alternative to cover the construction costs and allow the units to be rented at affordable rates. Weston accepted the provisions of the CPA in 2001. The CPA provides that a town may collect a surcharge on real property in an amount of up to 3 percent. The monies derived from the surcharge can then be appropriated for any community preservation purpose including affordable housing.

Special legislation was required as Weston Town Meeting had already voted to authorized the bonds for this project. Moreover, the CPA states that "community preservation funds shall not replace existing operating funds, only augment them."

If the town was not authorized to utilize the Community Preservation Funds to pay the construction debt, than the town would not be able to offer the apartments at an affordable rate.

Cash flow from the tenants rents and the Section 8 voucher was necessary in the project's planning in order to service the \$6 million debt for this project and the operating and maintenance costs.

Weston Water Rate Relief Secured

Peisch works to restore \$10M for MWRA communities

Representative Alice Peisch joined her colleagues in restoring \$10 million in water and sewer rate relief to 61 MWRA municipalities in Massachusetts including Weston which receives MWRA water services.

The rate relief was in jeopardy after it was vetoed in the FY05 budget. The legislature successfully overrode the veto in July.

The money is specifically earmarked to be passed onto MWRA ratepayers. "By overriding this veto, Weston residents will be able to receive long overdue sewer rate relief," said Peisch. "I am pleased that so many of my colleagues recognized the need to provide this relief to MWRA communities."



Lawmakers In Training

Peisch Welcomes Weston High Students to State House

Representative Alice Peisch recently opened her office to another set of interns from Weston High School, seniors Kate Ambash and Anna Harrison.

Kate and Anna spent the month of May working in Rep. Peisch's State House office as part of Weston High's Senior Internship program. Throughout the course of their internship, the two attended formal legislative sessions and press conferences, researched legislation, communicated with constituents, and worked with Rep. Peisch to cover her local office hours.

"The internship program is an integral part of my office," Peisch said. "Student interns allow me to respond more efficiently and expeditiously to constituent concerns. The students participate in all facets of office life and learn about the legislative process while gaining invaluable professional experience."

Every year the Massachusetts House of Representatives welcomes students from across the state as participants in the State House internship program. Kate and Anna are among many high school students completing similar projects prior to graduation.

This fall, Anna will begin her freshman year at Connecticut College and Kate will head to Chicago to study at Northwestern University.

Senior Tax Relief Bill Still Pending

Representative Alice Peisch has been working hard to help pass a sweeping tax relief package for Weston seniors. The legislation will expand the number of seniors who can qualify for the Property Tax Deferral Program.

Currently, to be eligible for property tax deferral, single residents over the age of 65 must have an annual income of \$40,000 or less, and have an assessed property value of less than \$432,000. This bill will allow Weston to make its property tax deferral program available to persons aged 60 and older, in addition to raising the income eligibility to between \$60,000 to \$100,000.

The Weston Tax Relief Bill has been approved by the Senate and is now being considered by the House.

Peisch Supports Home Care

Bipartisan Effort Expands Community Care For Elders

Happily, seniors today are living longer, more productive and healthier lives than prior generations. However, there does come a time in life when many elders need assistance to do basic daily activities. When that time comes, more and more seniors prefer staying at home rather than moving to a skilled-care facility or an assisted-living facility. The choice to stay at home is made in part because home care emphasizes privacy, dignity, autonomy and individuality.

The Massachusetts Legislature has recognized this growing preference to stay at home and has approved reform in Medicaid rules that will help seniors who wish to remain in their communities stay out of nursing homes. Implementation of the change in Medicaid eligibility is expected to save the state at least \$12 million annually by expanding the home and community based waiver program to include elders currently receiving services without any federal matching funds.

The change in waiver rules will allow the state to receive a 50% federal reimbursement under Medicaid for the 3,200 elders who are now being served entirely at state expense. The plan calls for raising the income eligibility level from \$769 per month, to \$1,656 per month.



“This is a win-win for both seniors and taxpayers – this will allow more seniors to choose to receive services in their home, while at the same time splitting the costs of these services between the state and federal governments,” stated Representative Peisch.

Massachusetts currently ranks 6th in the nation for Medicaid members over the age of 65 who are in nursing homes. This measure would shift the focus of care from the current over-reliance on institutions to the community.

“It is a good day for the people of Massachusetts when we can move forward in terms of addressing the needs of our elder population while at the same time securing much needed funds to serve this population,” Peisch added. “This reform will allow many seniors to receive care in the comfort of their own homes, rather than be forced into a nursing home prematurely.”

Additionally, home care services also cost far less than nursing home care. This change provides a less expensive alternative to institutionalized care to seniors unable to care for themselves. Now elders will be given access to a monthly home care benefit averaging half the cost of nursing home stay, with the added dignity and comfort of remaining at home.

Budget Highlights

Education

Rep. Peisch is pleased to announce several critical components of this year’s education section of the House budget. Some of the highpoints include a \$200 million increase for the special education circuit breaker, as well as level funding of our public schools. As the State Legislature works to balance the budget in a tough fiscal climate, it also recognizes the importance of funding our local school systems.

“Providing support for our local schools has been one of my top priorities since taking office” Rep. Peisch stated. “As a former School Committee member, I understand the vital role our schools play in preparing our children for success in and out of the classroom.”

The FY05 Budget also includes increased funding for Full Day Kindergarten Grants and the Legislature maintained its longstanding support for school-wide literacy initiatives by dedicating \$3.8 million for full time literacy coordinators and teacher training.

Expanded Estate Recovery Repealed

Rep. Peisch worked to repeal the expanded estate recovery provision of the FY04 budget as part of an amendment to the FY05 budget. Peisch was a sponsor of the amendment and has been advocating for its repeal since last July.

The expanded estate recovery provision would require the Department of Medical Assistance to recover assets above and beyond the current probate estate of a Medicaid recipient, in the time of his or her death.

There was concern that this would place an undue burden on surviving family members, spouses in particular, who could face displacement.

“The repeal of expanded estate recovery is a victory for the senior citizens of Massachusetts,” Peisch stated.

Veterans' Benefits Expanded

On Memorial Day weekend, the definition of a "veteran" was expanded to incorporate everyone commonly understood to have performed military service.

The new law, which boosted the number of Bay State veterans by nine percent, expands the definition to include full time National Guard service personnel with at least 90 days of active service and at least one day of wartime experience. It also encompasses all persons who served in the army, navy, marines, coast guard or air force for at least 180 days, regardless of wartime experience.

"These benefits are long overdue for all of the brave men and women who have served our country," said Representative Peisch.

The law brings the Commonwealth's eligibility standards for veteran's benefits into closer alignment with federal standards.

The Legislature also expanded parking access for disabled veterans. For years, many of the state's veterans traveling outside of Massachusetts have received tickets for parking in disabled spots because local law enforcement did not recognize their plates. The new law solves this problem by requiring the International Handicap symbol on all special license plates given to disabled veterans. Massachusetts had been the only state that did not include the symbol on their disabled veterans license plate.

"It is important for Massachusetts to recognize the sacrifices of these men and women, and to ensure access for our disabled veterans throughout the country," commented Peisch.

Looking Out for Bay State Safety New Public Safety Policies Approved

Rep. Peisch joined with her colleagues to take several important steps to further ensure the public safety of the Commonwealth.

"Updating our fire prevention laws, equipping local law enforcement with the most effective tools, and keeping assault weapons off the street are essential to keeping our communities safe," commented Peisch.

Fire Safety

The state's fire safety laws have been expanded in the wake of the Rhode Island nightclub blaze. The legislation includes over \$11 million for firefighting equipment grants and also proposes training and education programs for firefighters, build-

ing inspectors, and local officials. Moreover, as passed by the House the new law calls for bars and nightclubs holding more than 50 patrons to install sprinklers within three years and



provide a tax deduction program to help defray the cost.

Stun Guns

As of July 15, the Commonwealth has signed into law a measure that allows law enforcement officials to purchase and use electronic weapons, commonly known

as stun or TASER guns.

Massachusetts is the 49th state to allow electronic weapon usage. This bill ensures that law enforcement officers are equipped with the most effective tools available to protect them on the field and maintain public safety.

Assault Weapons

Rep. Peisch voted to ban the sale of 19 assault weapons in Massachusetts. There is currently a federal ban on these weapons, but Congress has not renewed the ban, and it is set to expire this fall.

As one of six states with its own ban, this law prohibits the sale of semiautomatic, military-style assault weapons in the Bay State.

Sagamore Rotary Fix

In an effort to ease traffic onto the Cape, with Rep. Peisch's help, the Sagamore Rotary Improvement Project has been approved. This fifty-eight million dollar project will eliminate the existing rotary, connect the Sagamore Bridge directly to Route 3 and reroute the Scenic Highway and other local roadways.

These changes will improve access to Cape Cod and eliminate one of the state's most dangerous intersections, originally designed to handle half

of its current traffic levels. The Rotary has an accident rate five times higher than the state average. The improvements will reduce idling time and create a seventeen percent reduction in emissions. Construction is expected to begin this fall with substantial completion by 2006.

"I think most people familiar with this rotary would agree that the work needs to be done," said Representative Peisch.

Only Ashes Remain for Bay State Smokers

As people throughout the Bay State participated in festive parades and witnessed fireworks light up the sky in celebration of our country's freedom and independence, their legislators were reminded of yet another reason for celebration – this July 4th marked the final day that smokers were allowed to light up in their workplaces. Beginning July 5th, the landmark measure to ban smoking in the workplace took effect.

History was made because of consistent efforts from the American Heart Association, the American Cancer Society and other groups who requested that the state protect workers from the dangers of secondhand smoke. The bill gained momentum when the House passed its version of the legislation by a 127-25 margin this past fall. The Governor signed the final version into law on June 18th. The new law does al-



low smoked the equivalent of a pack of cigarettes. Rep. Peisch is hopeful that this law will contribute to both cleaner air and healthier working conditions.

smoking in select workplaces including private membership organizations such as Veterans of Foreign War Posts, hotel rooms, cigar bars, and portions of nursing homes.

According to a 1998 report in the Journal of the American Medical Association, secondhand smoke exposure is to blame for over 50,000 deaths in the United States each year, about 1,300 of which are in Massachusetts. On any given day, a bartender who works in a smoke-filled bar for an eight hour shift has

low smoked the equivalent of a pack of cigarettes. Rep. Peisch is hopeful that this law will contribute to both cleaner air and healthier working conditions.

"I am proud that the Massachusetts Legislature finally passed this bill," said Rep. Peisch. "The health risks that tobacco poses to smokers and those in close contact with smokers are frightening. This bill should improve the atmosphere in many public places, including restaurants and bars, throughout the Commonwealth."

Prior to the law's enactment, more than 90 communities in the state, including Weston, Wellesley, and Natick, were already enforcing similar bans.

Massachusetts has become the country's sixth state to implement the statewide ban joining New York, Connecticut, Maine, Delaware, and California.

THE PEISCH POST WESTON EDITION

IN THIS ISSUE

The Road to Reform... 2

Weston News... 4-5

Home Care Expansion... 6

Alice Hanlon Peisch
State Representative
State House, Room 26
Boston, MA 02133