

The Rosenberg Report



December Focus

Hello,

And happy holidays!

We have reached the half-way point of the 187th session of the Legislature and we have produced a number of significant reforms and have invested the peoples' tax dollars wisely.



Notably, we have increased the state's Stabilization Fund to approximately \$1.45 billion, as of the end of October, thanks to improved tax collections, disciplined budgeting and statutory changes that have mandated increased deposits into the fund.

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In addition, the Special Committee on Redistricting, which I co-chaired with State Representative Michael Moran, completed the re-drawing of the Commonwealth's Congressional districts, as well as the districts for state representative and senate seats.

Also, two major pieces of human rights legislation that I co-sponsored were signed into law:

- [The Transgender Equal Rights Bill](#), signed into law on Nov. 23rd, modifies language in current state law to protect all individuals from discrimination, regardless of gender identity. This new law will increase the state's ability to prosecute criminal conduct in the form of hate crimes against transgender people; and,
- The Anti-Human Trafficking Bill (see below), signed into law on Nov. 21st, which is being recognized as one of the toughest laws of its kind in the nation.

We accomplished a lot in 2011, but all of us who are privileged to serve on Beacon Hill are mindful of the challenges that await us in 2012.

I, for one, am looking forward to getting back to work.

Wishing everyone the happiest of holidays
and joy in the New Year,



Trivia

Parting thought . . .

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Redistricting Wrap-Up

On paper, and to those without any decision-making responsibilities, redrawing our state's Congressional districts looks like a relatively straightforward math problem: all that needs to be done is create a map of nine districts, each with 727,514 people.

Straightforward enough, right? But this time the process, which is actually quite complex and sensitive because of standards long established by the federal courts, was further complicated by the fact that Massachusetts' population did not grow as quickly as other parts of the nation. Consequently, we were forced to eliminate one of our 10 Congressional seats.

Suddenly, redistricting wasn't such a straightforward process anymore.

As Senate Chair of the Special Joint Committee on Redistricting, a job I also held in 2000, the last time Congressional districts were redrawn, I can say that my committee colleagues and I, knowing that going from 10 to nine was not going to be easy, or universally popular, were determined to have the most open, most transparent, most publicly accessible process in the Commonwealth's history.

Toward that end, we held an unprecedented 13 public hearings across the state, three in western Massachusetts, heard 31 hours of testimony from more than 400 groups and individuals, and utilized a website, which received more than 45,000 hits, to facilitate public participation.

Was it the most open, transparent redistricting process in the state's history? A lot of disparate people and organizations think it was, praising both the process and the outcome.

For example, *The Boston Herald*, in a November 9th news article by Chris Cassidy, said: "Astonished Bay State Republicans say they've emerged from the latest redistricting process with a better chance of breaking the Democrats' iron grip on the commonwealth's congressional delegation in 2012 - instead of being gerrymandered deeper into exile."

Even political pundits of all stripes also praised the process and the final map, signed by Governor Patrick on November 21st:

Nate Little, executive director of the Massachusetts Republican Party, said: ". . . Republicans are enthusiastic about the new lines. It's obvious that more districts are competitive."

And Mark G. Evans, a freelance writer and former professor at the University of Toronto, had this to say in a December 1st column published in the *MetroWest Daily News*: "This year, with Massachusetts having lost a Congressional seat, it was impossible to create districts that were substantially similar to those designed a decade ago. In the process, legislators and common people alike had the chance to argue for their preferred district boundaries. This year the committee did a good

job of meeting the formal criteria. . . Gerrymandering is dead in Massachusetts."

And referring to both the Congressional map and the state legislative maps, Yvonne Abraham, in a December 1st Boston Globe column, said: "The committee led by Representative Michael Moran, of Boston, and Senator Stanley Rosenberg of Amherst, put forth a gutsy plan. It reunited some towns that had been divided, upped the number of majority-minority legislative districts, and gave more clout to the southeastern part of the state. It's a map even a Republican could love."

What seems to rankle some residents of the Pioneer Valley is that Northampton and Amherst, communities that were at or near the geographic/power centers of their respective districts for the previous decade, have somehow been neutered because they now reside, together, at the western edge of a district, the 2nd Congressional District in this case, whose geographic heart is the city of Worcester.

I accept any criticism of this new configuration because, well, I knew it was coming -- eliminating a Congressional seat was bound to make some people unhappy; there was no avoiding that - and because the majority of critics are people who only criticize, who never offered an alternative of their own. After all, one is easy, the other hard.

But what must be said about the final map, and the process itself, is this: Once the state's population figures and trends were revealed, the viable, Constitutionally-defensible options for the Redistricting Committee were severely limited.

During the hours of testimony it became abundantly clear that Berkshire County should not be divided between two Congressional districts, a position I ultimately fought for. Furthermore, it became obvious that the further east the new districts moved, into Bristol and Middlesex counties, the weaker the western communities in such districts would become.

Also, simple math made the argument that western Massachusetts should have two districts centered in this area of the state untenable. According to the 2010 Census figures, Berkshire, Franklin, Hampden and Hampshire counties have a combined population of 824,161 or enough population for one congressional district. Combining that population with Worcester County produces a total population of 1,622,713 people, or enough population for two Congressional districts. Trying to squeeze three Congressional districts west of Worcester County became unsustainable from the point of view of the redistricting committee members who represented every corner of the Commonwealth.

The compromise plan, the one now in place for the 2012 election, gives western Massachusetts the possibility of being represented by two senior members of Congress: Representative Richard Neal (D-Springfield) in the 1st Congressional District, and Representative James McGovern (D-Worcester) in the 2nd Congressional District. If these two are re-elected in November, and if the House of Representatives returns to Democratic Party control, then Neal and McGovern are both well positioned to become chairman of powerful committees, a scenario that can only be good for western Massachusetts residents.

Finally, the map my colleagues on the Redistricting Committee and I put forward is fair and Constitutionally defensible. I am proud of that fact. I am also proud that from the very beginning of this process the committee members asked the citizens of the Commonwealth to join us in a spirit of partnership. They did, and the final product was the result of an open and transparent process. In every way, this new Congressional map is the people's map.

And that is how it should be.

New District Maps

2011 Initiatives and Accomplishments

Legislative Initiatives and Accomplishments 2011 Legislative Session

Enacted by Both Branches of the Legislature

Unemployment Insurance Rate Freeze ([Ch. 2 of Acts 2011](#))

Article 87 Reorganizing Labor and Workforce Development ([Ch. 3 of Acts 2011](#))

Unemployment Benefits Extension ([Ch. 6 of Acts 2011](#))

Supplemental Appropriations for FY11 ([Ch. 9 and 27 of Acts 2011](#))

Chapter 90 Road and Bridge Repairs ([Ch. 10 of Acts 2011](#))

Local Aid and Chapter 70 Resolution (4-14-11, approved)

Tornado Relief Supplemental Appropriations Bill ([Ch. 52 of Acts 2011](#))

Senate 2012 Budget (Ch. 67 and 68 of Acts 2011)

Municipal Health Insurance (Ch. 69 of Acts 2011)

Simulcasting Extension (Ch. 77 of Acts 2011)

2011 Sales Tax Holiday (Ch. 86 of Acts 2011)

Court Reform (Ch. 93 of Acts 2011)

Alimony Reform (Ch. 124 of Acts 2011)

FY11 Closeout Supplemental Budget (Ch. 142 of Acts 2011)

FY12 Supplemental Budget (enacted 11-3-11)

Redistricting in the General Court (signed 11.3.11)

Congressional Redistricting (signed 11.23.11)

Transgendered Persons' Rights (signed 11.23.11)

Engrossed by the Senate, Awaiting Approval by the House

State Finance Reform (6-9-11, engrossed Senate)

CHINS (7-14-11, engrossed Senate)

Supportive Housing (7-21-11, engrossed Senate)

Dam Safety (7-28-11, engrossed Senate)

DNA Testing (7-28-11, engrossed Senate)

Non-profit retirement plans (11-16-11, engrossed Senate)

Revised Uniform Anatomical Gift Act (11-16-11, engrossed Senate)

Uniform Identification Cards (11-16-11, engrossed Senate)

Secondary metals (11-16-11, engrossed Senate)

Expanded Gaming Bill Signed into Law

On November 21st, Governor Patrick signed into law a House-Senate [expanded gaming bill](#) that will allow three resort casinos in separate regions of the state and one openly-bid slot facility. Expanded gaming could provide 10,000 to 15,000 long-term jobs in the Commonwealth and generate hundreds-of-millions of dollars a year for the state.

We worked to craft a bill with the strongest regulatory protections possible to ensure industry integrity. We have included broad provisions to mitigate negative impacts to communities and the residents of the Commonwealth. This bill will help strengthen the Massachusetts economy to create new full-time jobs and revenues for funding education and health care.

Under the new law, the state receives revenue from a 25 percent tax on casino revenues and a 40 percent tax on the slots facility revenues. The collected revenues would be used to fund essential state and local services, including public safety, education, transportation, public health, debt reduction, local aid and the stabilization fund.

Licensing fees collected by the state - at least \$85 million for each casino and \$25 million for the slot facility license - would be used for community mitigation, local capital projects, community colleges, tourism and other municipal needs.

The law contains strong community aid and mitigation provisions requiring the Gaming Commission to work with municipalities on reducing potential negative effects brought on by a gaming establishment. Most importantly, no gaming facility would be built in a community without the residents of that community approving a project in a referendum vote.

The law also provides protections for local business, requiring gaming facilities to negotiate agreements to level the playing field in terms of live entertainment and other cultural-related events.

Under the law, casinos would be able to offer free drinks on the gaming floor only. It also calls for the Massachusetts Alcoholic Beverages Control Commission (ABCC) to conduct a study on what the impact would be on the gaming industry if all bars and restaurants, like casinos, were allowed to offer free and discounted drinks.

Individual protections in the legislation allow for voluntary betting limits and exclusions from gaming establishments. Additionally, casinos are required to provide mandatory monthly win/loss statements to anyone who is a rewards card holder. Family members can also petition to have a relative banned from a facility if there are signs of addiction.

The law establishes a strict law enforcement and regulatory structure, with the enforcement of gaming laws falling upon dedicated state police and attorney general units which will collaborate with local police from any host community. The independent Gaming Commission will oversee and regulate casino and slot gaming in the Commonwealth. It will consist of governor, attorney general and treasurer appointees who must have experience in legal and gaming policy, law enforcement and finance.

Another safety provision in the law requires all potential employees to provide any criminal history to the Gaming Commission. The law prevents all public employees - whether state, local or elected - who worked on expanded gaming legislation or are involved in any negotiations for the licensing of gaming establishments from seeking a job at a casino for at least one year after leaving their job.

Under the law, the Gaming Commission can offer up to three casino licenses, divided by region, and one slot facility license with up to 1,250 slot machines bid competitively statewide. The three casino regions are:

- Eastern Region - consisting of Suffolk, Middlesex, Essex, Norfolk and Worcester counties;
- Southeastern Region - consisting of Bristol, Plymouth, Barnstable, Dukes and Nantucket counties; and
- Western Region - consisting of Berkshire, Hampden, Hampshire and Franklin counties.

Additionally, the law recognizes federal tribal rights and therefore authorizes the governor to contract with Native American tribes before casino license applications are submitted. There are currently two federally recognized tribes in Massachusetts: the Mashpee Wampanoag and the Aquinnah.

Any applicant approved for a license must agree to minimum investments of \$500 million for a casino and \$125 million for the slot facility license, with an upfront 10 percent deposit.

Pension Reform Signed into Law

On November 18th, Governor Patrick signed into law an overhaul of the state's [pension system](#) that is projected to save the Commonwealth more than \$5 billion over 30 years.

The law prevents inappropriate salary spiking first by increasing the career "look back" period from 3 years to 5 years to more accurately reflect an employee's career earnings and provide a more equitable calculation of retirement benefits. Second, in calculating the average annual rate for retirement compensation, regular earnings in any year cannot include pay that exceeds average earnings from the previous two years by more than 10 percent.

The law also expands on a reform passed by the legislature two years ago which eliminated the so-called "Section 10" loophole that allowed elected officials to claim a "termination allowance" based on the failure to be nominated or re-elected. That option is eliminated entirely for all new employees. Additionally, a retirement benefit cannot be received until the individual has reached the minimum retirement age.

The legislation also increases the retirement age for all new employees:

- Group 1 (elected officials and most general employees): Increases the retirement age to 60-67 from the current 55-65;
- Group 2 (employees with titles reflecting hazardous duties): Increases the retirement age to 55-62 from the current 55-60;
- Group 4 (firefighters, police officers, some corrections officers): Increases the retirement age to 50-57 from the current 45-55; and
- For state police employees to maximize their benefits, the bill raises the required minimum time of service to 30 years from the current 25 years.

The law also establishes a mandatory retirement age of 65 for state police, which is consistent with the current mandatory retirement age for municipal police officers, firefighters and correctional officers.

For long-term Group 1 employees and teachers who have worked for at least 30 years, the law moderates the impact of reforms by easing early retirement penalties and lowering the salary contribution rate by 3 percent.

Additionally, the law increases the cost-of-living allowance base for state retirees and teachers from \$12,000 to \$13,000. Current law provides an annual COLA increase up to 3 percent on a base of the first \$12,000 of benefit. The current \$12,000 base became effective in 1998.

The law also requires that any member seeking to retire from Group 2 or Group 4 must be in active service in that Group for at least 12 months before retirement. Currently, benefits are determined based on the Group classification of the position held on the last day of active service.

Another significant piece of the law states that anyone who does not report federal wages that supplement a salary cannot count those wages as regular compensation for the calculation of benefits.

The law also does the following:

- Pro-rates benefits based on entire employment history of employees who have worked in more than one service Group rather than calculating benefits only by the Group from which the employee retires;
- Increases the minimum retirement benefit from \$10,000 to \$15,000;
- Requires retired employees who are elected to a new office or become a judge and reenter the system to repay received benefits with buyback interest;
- Clarifies that retirement boards must require retirees convicted of a criminal offense to repay all benefits received since the date of the offense, not just the date of conviction;
- Provides an option for retirees who married a person of the same sex, within the first year after it became legal, to change their retirement option in order to provide a benefit to their spouse; and
- Establishes a special commission to study the Massachusetts public employees' group classification system and make recommendations for changing it.

Changes in the legislation would take effect for new employees beginning April 2, 2012.

Anti-Human Trafficking Bill Signed into Law

On November 21st, Governor Patrick signed into law a House-Senate [anti-human trafficking bill](#) that is being hailed as one of the toughest laws of its kind in the nation.

The new law includes criminal sentences up to five years in prison for attempted human trafficking, up to 20 years for trafficking adults, and up to life imprisonment for the trafficking of minors. Businesses involved in trafficking would face up to a \$1 million fine for the first offense, with a mandatory minimum of 10 years to a maximum of life for a second offense. These offenses also carry a 5-year mandatory minimum sentence.

The law also removes any statute of limitations for trafficking crimes and creates a 15-year criminal penalty for trafficking human organs, and it updates sex offender registration laws to include human trafficking and the enticement of a minor into prostitution through the use of electronic devices. Anyone convicted of these crimes would be required to register in Massachusetts as a sex offender.

To further protect and help victims, the law creates the "Victims of Human Trafficking Trust Fund" which will be funded from fines and convicted human traffickers' forfeited assets. Additionally, items used in the commission of the crime (buildings, cars, boats, etc.) are subject to asset forfeiture with all of the proceeds going to the victims fund.

The legislation also:

- Establishes an Anti-Human Trafficking Task Force, comprised of state officials, law enforcement, victims' services organizations and trafficking victims to investigate and study rates of human trafficking, prevention, and the treatment of victims;
- Increases the penalty for soliciting a prostitute, and increases the penalty for soliciting sex from a person under 18;
- Allows defendants who are victims of human trafficking and charged with prostitution to establish a defense of duress or coercion;
- Establishes a "safe harbor provision" that allows the Commonwealth, defendant or court to request a hearing for a child arrested for prostitution to instead receive protection services;
- Requires the Department of Children and Families (DCF) to provide services to sexually exploited children and to immediately report to the

district attorneys and the police any child the department believes to be a sexually exploited child;

- Amends the mandated reporting law so that mandated reporters, such as doctors, social workers, teachers and probation officers, must report to DCF when they have reasonable cause to believe that a child is sexually exploited;
- Establishes a process for victims of trafficking to bring civil actions; and
- Increases potential sentences for "Johns" to 2 ½ years in a house of correction and creates a mandatory \$1,000 fine.

Senate Cracks Down on Habitual Offenders

On November 10th, the Senate unanimously passed a tough and balanced sentencing bill that cracks down on habitual offenders and provides new tools for law enforcement to make the streets and citizens of the Commonwealth safer.

The bill requires the habitual offender tag to be placed on anyone convicted of two crimes from a list of the most serious offenses, including murder, rape and kidnapping. It also closes a loophole in current law so that sentences served for federal crimes would count toward habitual offender status.

Habitual offenders would have to serve two-thirds of any sentence before becoming parole eligible. Currently, they must complete half of their sentence. Additionally, the bill mandates that any habitual offender found guilty of a third offense from the list of most serious crimes would be ineligible for parole.

For anyone serving a life sentence, the bill raises the parole eligibility threshold to a two-thirds vote of the parole board from the current majority vote. Judges must set a parole-eligible date 15 to 20 years into a life sentence. Inmates serving multiple life sentences would not be eligible for parole.

The bill mandates post-release supervision of anyone committed of a felony after the law's effective date. The bill also does the following:

- Reduces mandatory minimum sentences for certain drug crimes under the Controlled Substances Act;
- Offenders currently serving mandatory minimum sentences in state prison for drug crimes would be parole eligible upon completion of the new

mandatory minimum sentences contained in the bill;

- Reduces the area considered to be a school zone from 1,000 feet to 500 feet for purposes of enhanced sentences for selling drugs;
- Makes a technical change to the 2008 domestic violence law, ensuring a penalty for a first offense, and creating a stiffer penalty for second/subsequent offenses;
- Establishes the crimes of assault and battery by discharging a firearm, assault with a firearm, murder for hire and strangulation;
- Establishes a "felon in possession" law prohibiting persons convicted of crimes punishable by 2½ years or more in state prison from possessing firearms;
- Increases the amount of good credit that inmates can accrue per program per month from 2½ days to 5 days; Increases the total amount of good credit that inmates can accrue in a month from 7½ days to 10 days; Allows an additional 10 days of credit where an inmate successfully completes a 6-month program; and
- Requires the Department of Correction, sheriffs and the Department of Mental Health to share medical and mental health information when transferring inmates.

To further assist law enforcement efforts, the bill also provides for a limited expansion of the state wiretapping law to include homicide, illegal possession and distribution of drugs, and illegal possession of firearms. It also updates the law to capture text messages and other electronic communications.

One addition to the bill approved on the floor during debate requires level 2 and 3 sex offenders to register in person at a local police department within two days of release.

The bill awaits further action in the House of Representatives.

Highlights for Veterans in Fiscal '12 Budget

The state's fiscal year 2012 budget included a number of Senate initiatives that enhance existing services for veterans and create new programs to assist men and women returning from overseas.

Notable veteran's provision in the FY 2012 budget:

- 10 percent increases to Veteran's Outreach Centers - increased Outreach Center funding was first proposed in the Senate budget;
- 10 percent increases Veteran's Homeless Shelters - also first proposed in the Senate budget;
- Provides funding that will allow the Holyoke Soldiers Home to open up a new 12 bed wing for veterans in need of long term care.
 - These beds will be in addition to the approximately 255 pre-existing long term care beds. There are currently approximately 30 dorm beds in Holyoke as well.
 - Creates a new program, Train Vets to Treat Vets, which trains former service members to provide counseling to veterans as they return home

In addition to these provisions included in the FY 2012 budget, the most recent supplemental budget includes an additional \$700,000 for the state's Welcome Home Bonus benefit to prepare for the influx of returning veterans and ensure that they are receiving benefits upon arrival.

Through this program, armed service members returning from tours in Iraq and Afghanistan receive bonuses of between \$500 and \$1,000.

Roundup

Find Stan on Facebook

I'm always looking for more Facebook friends. If you're interested, please check out my page and sign up!

[Stan on Facebook](#)

State Grants - MassDEP Sustainable Materials Recovery Program

Here are the communities in my district that recently received municipal/regional grants under the DEP's Sustainable Materials Recovery Program:

Amherst - \$7,500

Bernardston - \$500

Buckland - \$500	Colrain - \$500
Deerfield - \$7,500	Erving - \$500
Gill - \$500	Greenfield - \$1,250
Leverett - \$500	Leyden - \$500
Montague - \$750	New Salem - \$500
Northampton - \$10,000	Northfield - \$7,500
Shelburne - \$500	Shutesbury - \$500
South Hadley - \$1,250	Wendell - \$500
Whately - \$500	

State Grants - Department of Agricultural Resources

The State Department of Agricultural Resources made the following Environmental Enhancement Program and Agricultural Energy Program grants:

Red Fire Farm in Montague - \$22,500
Czajkowski Farm in Hadley - \$16,750
Buscuit Hill Farm in Shelburne - \$10,000
McCray's Farm in South Hadley - \$25,000
Patterson Farm, LLC, in Sunderland - \$20,000
West Branch Farm in Colrain - \$6,000
Valley Malt, LLC, in Hadley - \$14,500
North Hadley sugar Shack in Hadley - \$10,000

State Grants - MassWorks Infrastructure Program

The Town of Bernardston has received two grants from the [MassWorks](#) Infrastructure Program. Through these grants, the state and municipalities work together to support housing developments, infrastructure investments, road safety and downtown revitalization projects. Bernardston has received:

\$399,993 for School Road improvements to repair an existing public safety hazard around the Bernardston Elementary School. This project is identified as a regional priority by the Franklin Regional Council of Governments and the town has provided a \$45,000 local match for this grant; and,

\$275,000 for improvements to the intersection of South Street, Bernardston Road and West Mountain Road to improve access to two new businesses located at the Kringle Candle complex that are expected to generate 75 new full- and part-time jobs, and will facilitate additional job creation opportunities at other local companies in the area. This project is also identified as a regional priority by the Franklin Regional Council of Governments.

State Grants - Student Awareness of Fire Education (SAFE) Program

The Executive Office of Public Safety and Security recently announced the following SAFE grants to the following communities in my district:

- Amherst, Pelham, Leverett, Shutesbury -- \$17,660
- Belchertown -- \$4,665
- Gill -- \$3,765
- Hadley -- \$4,665
- New Salem -- \$3,765
- Northampton -- \$5,265
- Turners Falls -- \$3,790
- Whately -- \$3,765

Massachusetts Clean Energy Center Solarize Pilot Program Update

The MassCEC has announced that the Town of Hatfield, among the four communities participating in the Solarize Massachusetts pilot program launched in May 2011, has installed 22 solar photovoltaic systems for a total of 147 kilowatts. Congratulations to Hatfield for helping lead our state toward a clean energy future.

Trivia

Now for the answer to our previous question:

Who is the only African-American
to have represented Massachusetts in Congress?

The answer is: Senator Edward Brooke III

And our winner is: Barry F. of Amherst

Now for another chance to win:

The Religious Society of Friends, informally known as Quakers,
has a long history in Massachusetts and throughout New England.

What does the word *Quaker* mean in this context?

Submit your answer to our
[TriviaMaster](#)

who will select our winner at random.

Thanks for playing!

Parting thought . . .

"When I pray, coincidences happen,
and when I don't, they don't."

William Temple