

The Boston Society of Architects

**Legislative Affairs Committee 14 October 2008**

Date: 16 October 2008

In attendance were: George Bachrach Esq., Michael Davis, (Co-Chair) Ernest O. Edwards, Russel Feldman, Maura Green, Esq., Michael Hicks, David Johnson, Ron MacNulty, Paul Pezzella, J. Christopher Walsh, Laura Wernick, Eric White.

1. Legislative Update: - Mr. Paul Pezzella and Mr. George Bachrach, Esq.

a. Mr. Pezzella believes, unlike the '08 session, there will be close attention of the legislature on the '09 budget and less attention on general legislation.

b. The Governor has the authority to make cuts in the '09 budget without legislative approval. The remaining informal session, prior to the November election will be concerned with legislative advise concerning '09 budget cuts.

- These actions are prompted by an assumed income tax shortfall due to a rising unemployment rate.

c. **All the Bond Bills** passed and await the Governor's signature. Implementation may be delayed.

- SB 2749 – Public Higher Education Capital Improvement needs of the Commonwealth.
- Transportation Bond Bill
- HB 4561 – Environmental Bond Bill

d. **Emeritus Category Bill**: This bill passed with legislative approval. Bill still requires enactment votes in both chambers. This bill originated in the LAC and was monitored by the BSA for approval.

- Mr. Pezzella will work to move the bill to the Governor's desk before the adjournment of Informal Sessions in December.

e. **School Building Assistance Commission**: The LAC is preparing for a second meeting with State Treasurer Cahill regarding the prototypical school pilot program. The intent is to continue the conversation regarding where and when prototypical designs can work. Three circumstances are required; large tracts of flat available land, a state mandated educational system that all cities and towns do not vary from, and finally bulk purchasing power. (1 contractor building 10-15 schools all at once)

2. **Mechanics Lien Law 254**: Michael Hicks, Maura Green, Esq., Russel Feldman.

a. The existing law permits Contractors and Subcontractors to place liens against the assets of private business owners for work performed under a construction agreement, i.e.: labor and materials. Design Professionals are not included in the law to recover unpaid design fees performed under an Owner/Architect agreement.

b. The language to include Design Professionals has been studied by a BSA LAC sub-committee. Contacts have been made with Ms. Monica Lawton of the Associated Subcontractors of Massachusetts (ASM). ASM is not opposed to modifications proposed. They however are preparing a wider scope of

the law in the nature of reform, especially applicable to an update of technical language. The BSA language does not meet the ASM objective.

c. **Resource data:** 35 states have included Design Professionals in their lien law legislation, which is available as legal resource data.

d. **Opposition** is expected from Contractors and Developers.

e. **Support** may be expected from small business entities. Can we expect support from the Massachusetts Bar Association? We should be careful to word the text to avoid a slow-down of normal business procedures.

f. **The Process for filing:**

- Complete the text of the proposed bill with the assistance of legal counsel.
- Return current versions of the bill to Ms. Monica Lawton of ACA.
- Assign legislator as sponsors in each house. In each case legal training is important. Do not select freshman legislators.
- Prepare discussion primarily with members of the Ways and Means Committees, and the possibility of the Judiciary Committees of both Houses.

3. **Creative Economy Council – HB4309:** The Creative Economic Council was created within the Executive Office of Housing and Economic Development. In September 2008, Ms. Tina Brooks, Undersecretary of the Department of Housing and Community Development, (DHCD) made a presentation to the BSA Housing Committee 19 September 2008, reporting that a state wide survey of cities and towns had been completed to address the economic needs and condition for each community in the state. For DHCD, Ms. Brooks regards this report as a valuable resource for site specific recommendations.

There was no substantive discussion on this subject by the LAC in the subject meeting.

4. **DeLeo Event:** Each year for the past several years, the LAC recognizes one legislator who has exhibited leadership and interest in legislation, which is of special concern to the BSA. The award traditionally is made at the time of the Boston-Build program.

This year the award shall be given to Legislator De Leo, Nov. 20, 2008. Mr. DeLeo is important as an advocate for legislation, which is of special interest to the BSA.

5. **Next Meeting:** The next meeting of LAC is scheduled for Tuesday, 11 November 2008, beginning at 8:30 a.m. in the BSA 5<sup>th</sup> floor Conference Room, 52 Broad Street – Boston, MA.

**End of Meeting Minutes**