SENATE DOCKET, NO. 1727 FILED ON: 1/16/2015

SENATE . . . . . No. 210

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act creating construction relevance in the economic development incentive program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sal N. DiDomenico	*Middlesex and Suffolk*
Jose F. Tosado	*9th Hampden*
Mary S. Keefe	*15th Worcester*
Michael O. Moore	*Second Worcester*
Anne M. Gobi	*Worcester, Hampden, Hampshire and Middlesex*
Barbara A. L'Italien	*Second Essex and Middlesex*
Stephen L. DiNatale	*3rd Worcester*
Daniel M. Donahue	*16th Worcester*
Marc R. Pacheco	*First Plymouth and Bristol*

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SENATE . . . . . No. 210

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 210) of Sal N. DiDomenico, Jose F. Tosado, Mary S. Keefe, Michael O. Moore and other members of the General Court for legislation to create construction relevance in the economic development incentive program. Economic Development and Emerging Technologies.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act creating construction relevance in the economic development incentive program.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 23A of the General Laws, as appearing in the 2014 official edition, is hereby amended by striking section 3F(1)(b)(iii), and inserting in place thereof the following section:-

3F(1)(b)(iii) the project proposal includes a workable plan, with precise goals and objectives, by which the controlling business proposes to realize the increased employment objectives for the project and the business' plan to employ aggressive affirmative action goals, objectives and identification and recruitment techniques and, in the case of an expansion project, the plan for increased employment regarding both the permanent and construction jobs from residents of the expansion project ETA;

SECTION 2. Said chapter 23A as so appearing, is hereby further amended by striking out Section 3F(1)(b)(v), and inserting in place thereof the following section:-

12 3F(1)(b)(v) the expansion, enhanced expansion or manufacturing retention and job
13 growth project as described in the proposal, together with the municipal resources committed
14 thereto, will, if certified, have a reasonable chance of increasing or retaining employment
15 opportunities regarding both the permanent jobs and construction jobs for residents of the
16 expansion project area, ETA or municipality as applicable, as advanced in said proposal;

17 SECTION 3. Said chapter 23A as so appearing, is hereby further amended by striking
18 out Section 3F(2)(b), and inserting in place thereof the following sections:-

19 3F(2)(b) the independent investigation and determination of the EACC that
20 representations made by the controlling business in its project proposal are materially at variance
21 with the conduct of the controlling business subsequent to the certification and such variance is
22 found to frustrate the public purposes that such certification was intended to advance; provided,
23 that the EACC shall review the controlling business's and its contractor's compliance to the
24 labor affirmation section of the preliminary EDIP application; provided, that the EACC shall
25 review such certified project at least once every two years; provided, however, that for an
26 expansion project where the actual number of permanent full-time employees employed by the
27 controlling business at the project is less than 50 per cent of the number of such permanent full-
28 time employees projected in the project proposal, then this shall be deemed a material variance
29 for the purposes of a revocation determination. Upon such a revocation, the commonwealth, and
30 the municipality, in the case of a certified expansion project, shall have causes of action against
31 the controlling business for the value of any economic benefit received by the controlling
32 business prior or subsequent to such revocation; and

33 3F(2)(c) During construction on EDIP and TIF funded projects, recipients of tax relief are
34 responsible for notifying the EACC when they or one of their contractors or third parties violates
35 one of the tenets in the labor affirmation section, including failing to provide workers
36 compensation coverage as required by chapter 152, or serious wage and hour violations which
37 may result in debarment from public works projects. Contractors that violate the labor
38 affirmation section on a TIF project that results in a state ordered stop-work-order shall be barred
39 further participation on said project and shall be barred participation in EDIP projects for the
40 duration of any state ordered public works debarment. Recipient of the TIF is responsible to
41 cease all contracts with contractors that violate the labor affirmation section or risk
42 decertification. The failure to report a violation of the labor affirmation section or the continued
43 use of a debarred contractor will result in a EACC decertification hearing for both TIF and EDIP
44 Investment Tax Credits for the project.

45 SECTION 4. Said chapter 23A as so appearing, is hereby further amended by striking
46 out Section 3F(5)(a)(ii), and inserting in place thereof the following section:-

47 3F(5)(a)(ii) the degree to which the project is expected to increase employment
48 opportunities for residents regarding the permanent and construction jobs of the project ETA and
49 of the commonwealth;

50 SECTION 5. Said chapter 23A as so appearing, is hereby further amended by striking
51 out Section 3F(5)(b)(ii), and inserting in place thereof the following section:-

52 3F(5)(b)(ii) the degree to which the project is expected to increase employment
53 opportunities for residents regarding both the permanent and construction jobs of the project
54 ETA and of the commonwealth;

55 SECTION 6. Said chapter 23A as so appearing, is hereby further amended by striking

56 out Section 3F(5)(c)(ii), and inserting in place thereof the following section:-

57 3F(5)(c)(ii) the degree to which the project is expected to increase employment

58 opportunities for residents regarding both the permanent and construction jobs.