

SENATE No. 2366

Senate, July 19, 2011² -- Text of the Senate amendment, printed as amended as a new text for the House bill relative to infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth (House, No. 4119)

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Twelve
—————

1 SECTION 1. To provide for a program to support technology and economic development
2 that helps to enhance the economy and job growth and to promote the well-being of those living
3 in the commonwealth, the sum set forth in section 2, for the several purposes and subject to the
4 conditions specified in this act, is hereby made available, subject to the laws regulating the
5 disbursement of public funds, which sum shall be in addition to any amounts previously
6 appropriated for these purposes.

7 SECTION 2.

8 7066-0099 For the Scientific and Technology Research and Development Matching
9 Grant Fund established in 4G of chapter 40J of the General Laws..... \$25,000,000

10 SECTION 3. To provide for supplementing certain items in the general appropriation act
11 and other appropriation acts for fiscal year 2012, the sums set forth in section 4 are hereby
12 appropriated from the General Fund for the several purposes and subject to the conditions
13 specified in said section 4 and subject to laws regulating the disbursement of public funds;
14 provided, however, that notwithstanding any general or special law to the contrary appropriations
15 made herein shall not revert.

16 SECTION 4.

17 7003-1641 For a grant for the Small Business Association of New England for the
18 layoff aversion through management assistance program for consultant and technical assistance
19 to manufacturing companies to prevent business closure and employee displacement; provided,
20 that the expenditure of the layoff aversion through management program in this item shall
21 leverage at least \$1 in matching funds for every \$1 granted pursuant to this item; provided
22 further, that the president of the Small Business Association of New England shall file a
23 quarterly report with the house and senate committees on ways and means, the joint committee
24 on economic development and emerging technologies and the joint committee on labor and
25 workforce development on the number of employees and manufacturing-based companies that
26 have received financial assistance through this item, a detailed description of the services
27 provided to manufacturing companies through the layoff aversion through management program
28 and a detailed account of the expenditures of the layoff aversion through management program,
29 including administrative costs \$250,000

30 7004-2027 For the community investment grant program established in section 78D
31\$1,500,000

32 7007-1200 For the Massachusetts Technology Park Corporation, doing business as the
33 Massachusetts Technology Collaborative, established in section 3 of chapter 40J of the General
34 Laws, to establish a talent pipeline program that provides paid internships to technology startups
35 and innovation companies; provided, that the Massachusetts Technology Collaborative shall seek
36 private funds necessary to match contributions equal to \$1 for every \$1 contributed by the
37 Massachusetts Technology Collaborative through a matching internship program; provided

38 further, that \$1,000,000 shall be expended to establish an entrepreneur and startup venture capital
39 mentoring program, in consultation with the Massachusetts Technology Development
40 Corporation established under section 2 of chapter 40G of the General Laws that would provide
41 assistance, mentoring and advice to startups and innovation companies by connecting early-stage
42 entrepreneurs, technology startups and small businesses with venture capital financing; provided
43 further, that in the design and implementation of these programs, the Massachusetts Technology
44 Collaborative shall consult with and review the talent pipeline and mentoring programs that are
45 administered by the Venture Development Center at the University of Massachusetts at Boston
46 established in chapter 123 of the acts of 2006 in order to model and bring to scale successful
47 talent pipeline programs and practices; provided further, that as a condition of such grants being
48 awarded, the Massachusetts Technology Park Corporation shall reach agreement with the grant
49 recipient on performance measures and indicators that will be used to evaluate the performance
50 of the grant recipient in carrying out the activities described in the recipient’s application;
51 provided further, that the Massachusetts Technology Collaborative shall file annual reports for
52 the duration of the programs with the chairs of the house and senate committee on ways and
53 means and the house and senate chairs of the joint committee on economic development and
54 emerging technologies on or before January 1; provided further, the report shall include an
55 overview of the activities of the programs, the number of participants in the programs and an
56 analysis of the impact of the programs on the innovation economy and
57 workforce.....\$2,000,000

58 SECTION 4A. Section 16G of chapter 6A of the General Laws, as amended by section
59 11 of chapter 3 of the acts of 2011, is hereby further amended by adding the following
60 subsection:-

61 (m) The economic development planning council shall organize a yearly economic
62 development summit. The summit shall be a forum for discussion of the following:- (i) major
63 economic development initiatives of the administration; (ii) updates from regional workforce
64 development councils; and (iii) any industry-specific policy concerns or initiatives.

65 SECTION 5. Sections 47 and 48 of chapter 6C of the General Laws are hereby repealed.

66 SECTION 5A. Subsection (b) of section 38A½ of chapter 7, as appearing in the 2010
67 Official Edition, is hereby amended by inserting after the definition of “Designer” the following
68 definition:-

69 “Interior Designer”, a person who may serve as the prime consultant for projects that
70 primarily involve construction or other work relating to the nonstructural interior elements of a
71 building or structure and provides services that do not require the services of a registered
72 architect, landscape architect or engineer; provided, however, that eligible candidates shall
73 demonstrate competence by completion of a nationally-recognized certification.

74 SECTION 5B. Said section 38A½ of said chapter 7, as so appearing, is hereby further
75 amended by inserting after the word “designer”, in lines 41 and 42, each time it appears, the
76 following words:- , interior designer.

77 SECTION 5C. Said 38A½ of said chapter 7, as so appearing, is hereby further amended
78 by inserting after the word “designer”, in lines 68, 69, 71 and 72, each time it appears, the
79 following words:- or interior designer.

80 SECTION 5D. Said section 38A½ of said chapter 7, as so appearing, is hereby further
81 amended by inserting after the word “designer’s”, in lines 73 and 74, the following words:- or
82 interior designer’s.

83 SECTION 5E. Section 38C of said chapter 7, as so appearing, is hereby amended by
84 inserting after the word “designers”, in line 2, the following words:- , interior designers.

85 SECTION 5F. Said section 38C of said chapter 7, as so appearing, is hereby further
86 amended by inserting after the word “designer”, in lines 16, 35, 40, 41, 42, 53, 58 and 60, each
87 time it appears, the following words:- or interior designer.

88 SECTION 5G. Said section 38C of said chapter 7, as so appearing, is hereby further
89 amended by inserting after the word “designers”, in lines 33 and 35 , each time it appears, the
90 following words:- or interior designer.

91 SECTION 5H. Said section 38C of said chapter 7, as so appearing, is hereby further
92 amended by striking out, in line 56, the word “designer” and inserting in place thereof the
93 following word:- design.

94 SECTION 5I. Section 38D of said chapter 7, as so appearing, is hereby amended by
95 striking out, in lines 1, 7 and 13, the word “designer” and inserting in place thereof, in each
96 instance, the following word:- design.

97 SECTION 5J. Said section 38D of said chapter 7, as so appearing, is hereby further
98 amended by inserting after the word “projects”, in line 21, the following words:- , including
99 whether interior designers are eligible to apply, as determined by subsection (h) of section 38E.

100 SECTION 5K. Said section 38D of said chapter 7, as so appearing, is hereby further
101 amended by inserting after the word “designers”, in line 22, the following words:- and interior
102 designers’.

103 SECTION 5L. Section 38E of said chapter 7, as so appearing, is hereby amended by
104 inserting after the word “designer”, in lines 1 and 38, each time it appears, the following words:-
105 , interior designer.

106 SECTION 5M. Said section 38E of said chapter 7, as so appearing, is hereby further
107 amended by inserting after the word “designer”, in line 7, the following words:- , interior
108 designer.

109 SECTION 5N. Said section 38E of said chapter 7, as so appearing, is hereby further
110 amended by inserting after the word “designers”, in line 43, the following words:- and interior
111 designers.

112 SECTION 5O. Said section 38E of said chapter 7, as so appearing, is hereby further
113 amended by adding the following subsection:-

114 (h) Interior designers shall be eligible to compete as the prime consultant only for
115 projects that primarily involve construction or other work related to nonstructural interior
116 elements of a building or structure.

117 SECTION 5P. Section 38F of said chapter 7, as so appearing, is hereby amended by
118 inserting after the word “designers”, in line 31, the following words:- and interior designer.

119 SECTION 5Q. Said section 38F of said chapter 7, as so appearing, is hereby further
120 amended by inserting after the word “designer”, in line 36, the following words:- or interior
121 designer.

122 SECTION 5R. Section 38G of said chapter 7, as so appearing, is hereby amended by
123 inserting after the word “designer”, in lines 1, 3, 5, 10, 11, 13, 15, and 21, each time it appears,
124 the following words:- or interior designer.

125 SECTION 5S. Said section 38G of said chapter 7, as so appearing, is hereby further
126 amended by inserting after the word “designers”, in lines 16 and 17, the following words:- or
127 interior designers.

128 SECTION 5T. Said section 38G of said chapter 7, as so appearing, is hereby further
129 amended by inserting after the word “designer’s”, in lines 26 and 28, each time it appears, the
130 following words:- or interior designer’s.

131 SECTION 5U. Section 38H of said chapter 7, as so appearing, is hereby amended by
132 inserting after the word “designer”, in lines 7, 10, 29, 33, 35, 38, 40, 41, 42 and 80, and in lines
133 96 and 97, each time it appears, the following words:- , interior designer.

134 SECTION 5V. Said section 38H of said chapter 7, as so appearing, is hereby further
135 amended by inserting after the word “designer’s”, in line 9, the following words:- , interior
136 designer’s.

137 SECTION 5W. Said section 38H of said chapter 7, as so appearing, is hereby further
138 amended by inserting after the word “designer’s”, in line 14 and 93, each time it appears, the
139 following words:- or interior designer’s.

140 SECTION 5X. Said section 38H of said chapter 7, as so appearing, is hereby further
141 amended by inserting after the word “designer”, in lines 45 and 46, 50, 51, 55, 56 and 57, 58, 62,
142 68, 75, 77, 86, 88, 94 and 99, each time it appears, the following words:- or interior designer.

143 SECTION 5Y. Said section 38H of said chapter 7, as so appearing, is hereby further
144 amended by striking out, in line 97, the words "or his consultants" and inserting in place thereof
145 the following words:- , interior designer or consultants hired by the designer or interior designer.

146 SECTION 5Z. Section 38I of said chapter 7, as so appearing, is hereby amended by
147 inserting after the word “designer”, in lines 1 and 7, each time it appears, the following words:-
148 or interior designer.

149 SECTION 5AA. Section 38J of said chapter 7, as so appearing, is hereby amended by
150 inserting after the word “designer”, in line 2, the following words:- , interior designer.

151 SECTION 5BB. Section 38K of said chapter 7, as so appearing, is hereby amended by
152 inserting after the word “designer”, in line 29, and in lines 31 and 32, each time it appears, the
153 following words:- and interior designer.

154 SECTION 5CC. Said section 38K of said chapter 7, as so appearing, is hereby further
155 amended by inserting after the word “designer’s”, in line 37, the following words:- or interior
156 designer’s.

157 SECTION 5DD. Section 38L of said chapter 7, as so appearing, is hereby amended by
158 inserting, after the word “designer”, in line 7, the following words:- or interior designer."

159 SECTION 6. Paragraph (4) of section 43 of chapter 21 of General Laws, as so appearing,
160 is hereby amended by inserting after the fourth sentence the following sentence:- The director

161 may also suspend this paragraph for public notice and hearing by promulgating regulations
162 establishing a process for renewal of a previously issued permit where renewal of such permit
163 does not require significant changes.

164 SECTION 6A. Chapter 21E of the General Laws is hereby amended by adding the
165 following section:-

166 Section 22. Notwithstanding any general or special law to the contrary, no municipality
167 or public entity shall be liable under this chapter for, or related to, the presence, release or threat
168 of release of oil or any hazardous material related to a dam, as defined in section 44 of chapter
169 253, that occurred prior to the date a dam was acquired by a municipality or public entity;
170 provided, however, that an activity conducted by a municipality or public entity that involves the
171 management or removal of oil or hazardous material in relation to the management,
172 maintenance, repair or removal of a dam shall be performed in accordance with applicable
173 environmental laws and permits.

174 SECTION 7. Section 3 of chapter 23A of the General Laws, as appearing in the 2010
175 Official Edition, is hereby amended by adding the following subsection:-

176 (c) MOBD, with assistance from the office of small business and entrepreneurship and in
177 consultation with the secretary of housing and economic development, the office of consumer
178 affairs and business regulation and the department of housing and community development, shall
179 develop, operate and maintain a searchable website accessible by the public at no cost, to provide
180 information on public and private resources available to small businesses and to promote small
181 businesses. Information made available through the searchable website shall include, but not be
182 limited to:

- 183 (1) information on state, local, federal and private sector small business
184 counseling and technical assistance programs;
- 185 (2) information on state, local and federal financing programs;
- 186 (3) information on state, local and federal procurement and contracting programs,
187 including information on the regional economic development organizations under the program
188 established in sections 3J and 3K of chapter 23A and opportunities;
- 189 (4) information on state incorporation laws and regulations and the changes to
190 state incorporation laws and regulations;
- 191 (5) information on state tax credits;
- 192 (6) small business impact statements, as required under sections 2 and 3 of
193 chapter 30A; and
- 194 (7) information on workers' compensation laws, unemployment insurance laws and the
195 health insurance obligations and options for employers; and
- 196 (8) other information and resources, as determined by the director of business
197 development.

198 SECTION 7A. Section 3H of said chapter 23A, as so appearing, is hereby amended by
199 adding the following paragraph:-

200 The secretary shall appoint a regulatory ombudsman to address regulatory matters of
201 interest to the business community. The regulatory ombudsman shall work in partnership with
202 the state permitting ombudsman to provide assistance to businesses in the process of complying

203 with state regulations and other requirements of law that affect businesses. The regulatory
204 ombudsman shall facilitate communication between individual businesses and state agencies and
205 provide periodic training to regulatory personnel in state agencies on how to identify the small
206 business impacts of regulation, how to reduce those impacts and how to expedite and streamline
207 the process or compliance. The regulatory ombudsman shall establish an advisory group
208 representing business interests to advise and inform on the impact of regulations on various
209 business and industry sectors and on the cost of doing business in the commonwealth.

210 SECTION 8. Said chapter 23A is hereby further amended by inserting after section 10A
211 the following section:-

212 Section 10B. The secretary of housing and economic development shall establish a
213 Massachusetts advanced manufacturing collaborative within the executive office of housing and
214 economic development, which shall be responsible for developing and implementing the
215 commonwealth's manufacturing agenda to foster and strengthen the conditions necessary for
216 growth and innovation of manufacturing. The collaborative shall include, but not be limited to:
217 the secretary of housing and economic development, or a designee who shall serve as chair; the
218 secretary of labor and workforce development, or a designee; 1 member of the house of
219 representatives; 1 member of the senate; the director of business development; the executive
220 director of the Massachusetts clean energy technology center; the executive director of the
221 Massachusetts Life Sciences Center; the director of the John Adams Innovation Institute; the
222 director of the Massachusetts Technology Transfer Center; a representative from the Associated
223 Industries of Massachusetts; a representative from a local chamber of commerce appointed by
224 the governor; 2 representatives of advanced manufacturing companies appointed by the

225 governor; a representative from the Massachusetts Workforce Board Association; and a
226 representative from the Massachusetts Development Finance Agency.

227 The collaborative shall partner with stakeholders in the public and private sectors in the
228 development and operation of the commonwealth’s manufacturing plan, identify emerging
229 priorities within the commonwealth’s manufacturing sector in order to make recommendations
230 for high impact projects and initiatives and facilitate the implementation of goals established
231 under the plan, which shall include, but not be limited to: (1) education and workforce
232 development, including workforce training programs and partnerships; (2) technical assistance
233 and innovation in support of manufacturing growth, including access to capital, workforce
234 development, compliance and certification programs and export assistance; (3) enhancing the
235 competitiveness of manufacturing companies, including examining ways to ease the cost of
236 doing business and examining the current regulatory impacts upon small to medium-sized
237 manufacturers; and (4) promoting the manufacturing industry, including attracting a talented
238 workforce and expanding opportunities for in-state marketing of the commonwealth’s supply
239 chain capabilities.

240 SECTION 9. Said chapter 23A is hereby further amended by adding the following 2
241 sections:-

242 Section 63. (a) There shall be established within the executive office of housing and
243 economic development a MassWorks infrastructure program to issue grants to municipalities and
244 other public instrumentalities for design, construction, building, land acquisition, rehabilitation,
245 repair and other improvements to publicly-owned infrastructure including, but not limited to,
246 sewers, utility extensions, streets, roads, curb cuts, parking, signage, water treatment systems,

247 telecommunications systems, transit improvements and pedestrian and bicycle ways. The
248 program shall provide for commercial and residential transportation and infrastructure
249 development, improvements and various capital investment projects under the growth districts
250 initiative administered by the executive office of housing and economic development. The grants
251 shall be used to assist municipalities to advance projects that support job creation and expansion,
252 housing development and rehabilitation, community development projects located in and around
253 cultural districts designated as such under section 58A of chapter 10 and small town
254 transportation projects authorized under section 47 of chapter 6C; provided, however, that
255 projects supporting smart growth as defined by the state's sustainable development principles
256 shall be preferred. The program may be used to match other public and private funding sources
257 to build or rehabilitate transit-oriented housing located within .25 miles of a commuter rail
258 station, subway station, ferry terminal or bus station, at least 25 per cent of which shall be
259 affordable.

260 (b) Eligible public infrastructure shall be located on public land or on public leasehold,
261 right-of- way or easement. A project that uses grants to municipalities for public infrastructure as
262 provided by this section shall be procured by a municipality under chapter 7, section 39M of
263 chapter 30, chapter 30B and chapter 149.

264 (c) There shall be at least 1 open solicitation period each year to accept and consider new
265 applications. Not less than 12 weeks before the annual open solicitation period, the executive
266 office of housing and economic development shall release the criteria upon which the
267 applications shall be judged including, but not limited to, a minimum project readiness standard,
268 overall spending targets by project type, preferences for projects that align with the state's
269 sustainable development principles and other preferences applying to that funding round. Grants

270 may be made outside of the open solicitation period at the discretion of the secretary of housing
271 and economic development subject to subsections (d) and (e). All grant awards shall be made
272 after consultation with the appropriate regional planning agency.

273 (d) An eligible city or town, acting by and through its municipal officers or by and
274 through any agency designated by such municipal officers to act on their behalf may apply to the
275 program for a grant in a specific amount to fund a specified project. Two or more municipalities
276 may apply jointly, with 1 municipality acting as fiscal agent, or through a regional planning
277 agency acting as fiscal agent. The grants may be made in addition to other forms of local, state
278 and federal assistance.

279 (e) Within the program, at least 10 per cent of the grant funds shall be dedicated annually
280 to assist towns with populations of 7,000 or less in undertaking projects to design, construct,
281 reconstruct, widen, resurface, rehabilitate and otherwise improve roads and bridges or for the
282 construction of chemical storage facilities, that support economic or community development.
283 Such towns shall be eligible for a grant not to exceed \$1,000,000 and towns shall be eligible to
284 receive 1 grant every 3 fiscal years. Two or more towns eligible under this subsection may file a
285 joint application for a single project serving those towns; provided, however, the total amount
286 distributed to any 1 town shall not exceed the maximum amount allowed under this section.
287 Receipt of a grant which is part of a joint application shall not preclude a town from receiving
288 additional funds under a separate application.

289 (f) The secretary of housing and economic development may establish rules and
290 regulations to govern the application and distribution of grants under the program. The rules and

291 regulations may include provisions for joint applications by 2 or more eligible municipalities for
292 a single project serving those municipalities.

293 (g) The secretary of housing and economic development shall report annually to the
294 clerks of the house of representatives and the senate, who shall forward the report to the senate
295 and house chairs of the joint committee on transportation, the senate and house chairs of the joint
296 committee on economic development and emerging technologies, the chairs of the senate and
297 house committees on ways and means and the senate and house chairs of the joint committee on
298 state administration and regulatory oversight on the activities and status of the program. The
299 report shall include a list and description of all projects that received grant funds under the
300 program, the amount of the grant awarded to the project, other sources of public funds that
301 supported the project, a detailed analysis of the economic impact of each project including,

302 where applicable, the number of construction and full-time equivalent jobs to be created,
303 number of housing units to be created, the private investment in the project and the expected tax
304 revenue generated from the project.

305 Section 64. (a) There shall be established within the executive office of housing and
306 economic development a Massachusetts creative economy network which shall be directed by a
307 creative economy director. The network shall consist of private, public and nonprofit
308 organizations and cultural districts designated as such under section 58A of chapter 10 engaged
309 in cross industry collaboration between many interlocking industry sectors that provide creative
310 services including, but not limited to, advertising, architecture or intellectual property products
311 such as arts, films, electronic media, video games, interactive digital media, multimedia or
312 design. The creative economy director, in consultation with the creative economy council

313 established in chapter 354 of the acts of 2008, shall establish criteria for participation in the
314 network.

315 (b) The duties of the network, under the leadership of the creative economy director, shall
316 include: (i) quantifying the creative economy sector and measuring its impact on the
317 commonwealth's economy; (ii) creating a mentorship network within the creative economy
318 sector; (iii) developing strategies to increase access to traditional market sectors and within state
319 government; (iv) developing a certification for creative economy businesses; (v) increasing
320 opportunities to attract private investment to creative economy businesses through venture
321 capital, microlending and other means; and (vi) marketing and branding the creative economy
322 sector.

323 (c) The network may accept gifts or grants of money or property from any public, private
324 or nonprofit source, which shall be held in trust and used for the purpose of promoting the
325 growth and development of the creative economy sector.

326 (d) The creative economy director shall file an annual report with the clerks of the house
327 and senate, the chairs of the house and senate committee on ways and means, the house and
328 senate chairs of the joint committee on economic development and emerging technologies, the
329 house and senate chairs of the joint committee on tourism, arts and cultural development and the
330 house and senate chairs of the joint committee on community development and small businesses
331 not later than January 1. The report shall include an overview of the activities of the network, an
332 update on the number of creative economy businesses and their impact on the economy and an
333 accounting of gifts or grants held in trust by the network and the uses of any funds expended by
334 the trust.

335 SECTION 10. Chapter 23G of the General Laws is hereby amended by adding the
336 following 2 sections:-

337 Section 45. There shall be established within the agency a commonwealth advanced
338 manufacturing futures program. The program shall support commonwealth companies engaged
339 in manufacturing and shall be administered in a manner that takes into account the needs of
340 manufacturers in all regions of the commonwealth and supports growth in the manufacturing
341 sector statewide. The agency, in consultation with the secretary of housing and economic
342 development and the Massachusetts advanced manufacturing collaborative established in section
343 10B of chapter 23A, shall design and implement the program. The program shall be eligible to
344 receive funds as appropriated by the general court, including from the Manufacturing Fund
345 established in section 98 of chapter 194 of the acts of 2011, the board, federal grants and
346 programs and transfers, grants and donations from state agencies, foundations and private parties
347 to be held in a separate account or segregated from other funds.

348 The program shall: (i) promote the development of advanced manufacturing through
349 supporting technical assistance for small and mid-sized manufacturers; (ii) foster collaboration
350 and linkages among larger manufacturing companies and smaller supplier manufacturers; (iii)
351 advance workforce development initiatives through training, certification and educational
352 programs; and (iv) encourage development of innovative products, materials and production
353 technologies by manufacturers through the transfer of technological innovations and partnerships
354 with research universities, colleges and laboratories.

355 The agency shall, through grants, contracts or loans, administer the program for the
356 purpose of facilitating growth and competitiveness in the field of manufacturing. Loans under the

357 program may be made to manufacturing companies. Grants under this program shall include
358 consideration of, but shall not be limited to:-

359 (i) improving access to technical assistance for small and mid-sized manufacturers,
360 including launching pilot demonstrations of best practices in delivering innovation-based
361 technical assistance;

362 (ii) encouraging the adoption of new technologies and advanced manufacturing
363 capabilities into existing companies to improve manufacturing processes and operations;

364 (iii) educating individuals about opportunities for career advancement within high tech
365 and advanced manufacturing through middle school and high school education to support the
366 future manufacturing worker pipeline;

367 (iv) education and skills training through individualized career pathways programs that
368 develop skills and certifications for career growth and opportunities for available jobs or job
369 openings that are anticipated in manufacturing, including internships and on the job training
370 which result in an employer or industry recognized credentials and ultimate job placement;

371 (v) fostering academic and industry collaboration, including encouraging technology
372 transfer and commercialization efforts between not-for-profit research institutions, research
373 universities, colleges and laboratories and advanced and high-tech manufacturers; and

374 (vi) supporting and partnering with existing systems within the commonwealth, including
375 the Massachusetts Manufacturing Extension Partnership, the Massachusetts Technology
376 Collaborative, the Massachusetts Technology Transfer Center, state workforce investment board

377 and regional employment boards, vocational schools, community colleges and other higher
378 education institutions.

379 The agency shall solicit applications through a request for proposals and shall review the
380 applications according to that criteria; provided, however, that the applications, at a minimum,
381 shall include: (a) a description of the parties involved in the project, including the professional
382 expertise and qualifications of the principals; (b) a description of the scope of work that shall be
383 undertaken by each party involved in the project; (c) the proposed budget, including verification
384 of funding from other sources; (d) a statement of the project objective, including specific
385 information on how the project shall enhance the competitiveness of the manufacturer or
386 manufacturing sector and create or preserve jobs; (e) a statement that sets forth the plan of
387 procedure, the facilities and resources available or needed for the project and the proposed
388 commencement and termination dates of the project; (f) a description of the expected
389 significance of the project, including the estimated number of manufacturers or workers served
390 and the estimated number of jobs that could be created, retained or filled as a result of the
391 project; (g) timely deadlines for the submission of applications and recommendations of grant
392 awards or contracts, including provisions for an expedited process of consideration and
393 recommendation in instances when the secretary of housing and economic development certifies
394 the need for timely evaluation and disposition of the application; and (h) any other information
395 that the agency shall deem necessary.

396 The agency shall reach agreement with each eligible entity that receives a grant or enters
397 into a contract under this section on performance measures and indicators that shall be used to
398 evaluate the performance of the eligible entity in carrying out the activities described in its
399 application or any other indicators determined to be necessary to evaluate the performance of the

400 eligible entity. Each eligible entity shall submit an annual report for the duration of the program
401 or partnership funded through the collaborative for its review.

402 The agency shall be reimbursed from the fund for all reasonable and necessary direct
403 costs and expenses incurred in any fiscal year associated with its administration, management
404 and operation of the fund, including reasonable staff time and out-of-pocket expenses and the
405 reasonable and approved administrative costs.

406 The agency may promulgate such rules and regulations as are necessary to implement the
407 purposes of the program, including procedures describing the application process and criteria to
408 be used in evaluating applications for grants under this section.

409 The agency, in consultation with the collaborative under section 10B of chapter 23A,
410 shall submit an annual report to the clerks of the house of representatives and the senate who
411 shall forward the report to the senate and house committees on ways and means, the joint
412 committee on economic development and emerging technologies and the joint committee on
413 labor and workforce development on or before December 31. The report shall include a current
414 assessment of the progress of each program funded through the manufacturing grant program
415 and the progress of the advanced manufacturing collaborative activity

416 Section 46. (a) As used in this section, the following words shall, unless the context
417 clearly requires otherwise, have the following meanings:

418 “Agency”, the Massachusetts Development Finance Agency established in chapter 23G.

419 “Department”, the department of public utilities established in section 1 of chapter 25.

420 “EEAC”, the energy efficiency advisory council established in section 22 of chapter 25.

421 “Eligible borrower”, a public body, municipality, institution or person; provided,
422 however, that an owner of privately-held real property may participate through the municipal
423 PACE program.

424 “Eligible project”, the acquisition, design, construction, repair, renovation, rehabilitation
425 or other capital improvement or deferred maintenance of an energy conservation project
426 undertaken by an eligible borrower calculated to produce lifetime cost savings in excess of its
427 cost and, in the case of owners of privately-held real property, “eligible project” shall include,
428 but not be limited to, an energy conservation project eligible under section 53³/₄ of chapter 44.

429 “Energy project bonds”, bonds, notes, certificates of participation or beneficial interest,
430 or other evidences of indebtedness or ownership, issued under an executed indenture, financing
431 document or other agreement of the financing entity, the proceeds of which shall be used to
432 finance loans for eligible projects, and that are payable from loan repayments and are further
433 secured by system benefit charges.

434 “Energy savings analysis”, an analysis performed by an energy efficiency specialist to
435 quantify the costs of the energy efficiency improvements, and total energy and water cost
436 savings realized by the owner, or the owner’s successor, during the useful life of, and estimated
437 carbon impacts of, the energy efficiency improvements, including an annual cashflow analysis.

438 “Financing entity”, (i) the agency; or (ii) any special purpose entity.

439 “Financing order”, an order of the department issued under section 19 of chapter 25
440 which shall provide for a first priority lien on all or a portion of the system benefit charges to
441 further secure energy project bonds.

442 “Loan”, a direct loan of monies or any other financing arrangement from the agency to an
443 eligible borrower to finance all or a portion of an eligible project.

444 “Municipal PACE program”, a program implemented and administered by a city or town
445 under section 53E³/₄ of chapter 44.

446 “Special purpose entity”, a partnership, limited partnership, association, corporation,
447 limited liability corporation or other entity established and authorized by the agency to issue
448 energy project bonds, subject to approval by the agency as provided by the agency in its
449 resolution authorizing the special purpose entity to issue energy project bonds.

450 “System benefit charges”, the mandatory charge imposed under section 19 of chapter 25.

451 (b) The agency shall make loans to or enter into other financing arrangements directly
452 with eligible borrowers for eligible projects or, in the case of eligible projects under the
453 municipal PACE program, shall fund loans made by municipalities to property owners under
454 such program. Such loans shall be funded from energy project bonds issued by the agency or a
455 special purpose entity in accordance with this section or from amounts held in the fund. The
456 agency shall pledge loan repayments received directly from eligible borrowers or from cities and
457 towns on behalf of real property owners under the municipal PACE program to the repayment of
458 the related energy project bonds issued by the agency or by a special purpose entity, as
459 applicable. As further security for any such bonds or debt obligations, the department shall issue
460 financing orders in accordance with section 19 of chapter 25, granting a statutory first priority
461 lien in all or a portion of the system benefit charges as set forth in the financing order.

462 (c) There shall be a Massachusetts Energy Conservation Project Fund, under the control
463 of the agency, and all energy project bond proceeds of the agency or a special purpose entity,

464 together with any other monies lawfully made available to the fund in order to make loans, shall
465 be credited to the loan account within the fund. The loan account within the fund shall make
466 loans to finance eligible projects. The agency may make loans to eligible borrowers for eligible
467 projects from amounts on deposit or credited to the loan account within the fund. The agency
468 shall hold the fund in a separate account, segregated from all other agency funds. Except as
469 provided in this section, the agency may invest and reinvest the loan account within the fund and
470 the income thereon: (i) in making loans to eligible borrowers for eligible projects; and (ii) in
471 investing funds not required for immediate disbursement in the purchase of such securities as
472 may be lawful investments for fiduciaries in the commonwealth.

473 (d) Each loan shall be made under a loan agreement between the agency and the eligible
474 borrower. In the case of the municipal PACE program, the agency may accept loan agreements
475 entered into by the municipality and the property owner. All loan agreements, including those
476 entered into under the municipal PACE program, shall specify the security for the loan and the
477 repayment and other terms of the loan.

478 (e) Under the financing order, the agency shall have a first priority lien on all or a portion
479 of the system benefit charges to provide additional security for any energy project bonds it issues
480 or that are issued by the special purpose entity. Amounts transferred to the agency under any
481 such financing order that are not needed to pay debt service on energy project bonds shall be
482 held in the reserve account within the fund or in a reserve fund created under the financing
483 documents and, in either case, as a reserve securing the energy project bonds in accordance with
484 the financing documents governing the energy project bonds. Any amounts in excess of the
485 required reserve shall be transferred by the agency to the department in accordance with the
486 financing documents governing the energy project bonds. The agency shall hold the reserve

487 account within the fund in a separate account, segregated from all other agency funds. The
488 amount of system benefit charges pledged to secure an energy project bond in accordance with a
489 financing order shall not be limited or adversely affected; provided, however, that a financing
490 order and all rights thereunder shall not be altered or limited until the energy project bonds,
491 together with the interest thereon, are fully met and discharged.

492 (f) The exercise of the powers granted in this section shall be in all respects for the
493 benefit of the people of the commonwealth by increasing the energy efficiency of buildings in
494 the commonwealth. As the exercise of such powers shall constitute the performance of essential
495 government functions, the financing entity shall not be required to pay any taxes or assessments
496 upon the property acquired or used by the financing entity under this section or upon the income
497 therefrom. The energy project bonds issued under this section, their transfer and the income
498 therefrom, including any profit made on the sale thereof, shall at all times be free from taxation
499 within the commonwealth.

500 (g) Upon the written approval of the secretary of administration and finance and the
501 secretary of energy and environmental affairs, the agency or the special purpose entity may issue
502 energy project bonds on behalf of the fund. Proceeds of energy project bonds shall be used for
503 the purposes authorized in this section. Energy project bonds issued by any such agency shall be
504 issued as revenue bonds and shall be recourse only to the related loan repayments by eligible
505 borrowers and other monies available in the reserve account within the fund or held under the
506 related financing documents. The agency's energy project bonds shall not be general obligations
507 of the agency or the commonwealth. The agency's energy project bonds shall be issued in
508 accordance with section 8; provided, however, that the agency shall not be required to make the
509 findings set forth in subsections (a) and (b) of said section 8. Agency bonds issued in

510 furtherance of this section shall not be subject to, or otherwise included in, the principal amount
511 of debt obligations issued under section 29.

512 (h) The agency shall be reimbursed from the loan account within the fund for all
513 reasonable and necessary direct costs and expenses incurred in any fiscal year associated with its
514 bond issuance, administration, management and operation of the funds, including reasonable
515 staff time and out-of-pocket expenses and the reasonable and approved administrative costs
516 incurred by any qualified organizations which the agency may contract for services. The agency
517 may establish a minimum reserve to be maintained by the fund to ensure the satisfaction of the
518 administrative costs of the agency and its agents.

519 (i) In accordance with applicable law, the agency may enter into contracts through a
520 competitive process with qualified organizations to manage all or a portion of the administrative
521 aspects of managing the loan program on behalf of the agency and on behalf of municipalities
522 participating in the municipal PACE program. Contracts executed under this section shall
523 address, but shall not be limited to: (i) proposed rules and guidelines for the funds; (ii) providing
524 technical assistance to potential eligible borrowers and to cities and towns in implementing and
525 managing their municipal PACE programs; (iii) reviewing and evaluating loan applications; (iv)
526 providing findings and recommendations to the agency as to which loans should be approved and
527 awarded; and (v) servicing such loans once they are awarded and funded.

528 (j) If the agency makes a loan directly to a city or town for an eligible project owned or
529 leased by the city or town in accordance with this section and the city or town fails to pay to the
530 agency when due and after demand any principal, interest or other charges payable under its loan
531 agreement, in addition to other remedies of the agency under the applicable loan agreement, the

532 agency may certify to the state treasurer the amount owing to the agency by the city or town. The
533 state treasurer shall promptly pay over to the agency for application in accordance with the
534 agency's trust agreement, without further appropriation, any local aid distributions otherwise
535 certified to the state treasurer as payable to the city or town. Payment by the state treasurer under
536 this section shall continue to be made until any deficiency in the city or town's payments to the
537 agency shall have been offset by the payments from the state treasurer. Any amount paid to the
538 agency by the state treasurer under this section which is later determined, upon audit, to be in
539 excess of the actual amount due to the agency shall, upon demand of the city or town, be repaid
540 from the fund to the state treasurer. The agency may also recover from a city or town in an action
541 in superior court any amount due to the agency together with any other actual damages the
542 agency shall have sustained from the failure or refusal of the city or town to make payments
543 owing to the agency.

544 (k) For energy efficiency improvements that exceed \$500,000, the contractor installing
545 the improvements or the property owner shall provide an energy savings analysis and shall
546 obtain a guarantee on the analysis by obtaining a security in the full amount of the cost savings.
547 The security shall be in any of the following forms, which shall be further specified in
548 regulation: (i) an energy savings insurance policy issued by an A.M. Best "A" or better rated
549 carrier; (ii) an investment grade guarantee; (iii) an energy efficiency bond; (iv) a letter of credit;
550 or (v) cash collateral.

551 (l) The agency shall develop program guidelines governing the terms and conditions
552 under which state financing may be made available to the commercial sustainable energy
553 program, including, in consultation with representatives from the banking industry,
554 municipalities and property owners, developing the parameters for consent by existing mortgage

555 holders; provided, however, that the agency shall work in consultation with the EEAC, the
556 department of energy resources and electric and natural gas distribution companies and
557 municipal aggregators to ensure that the program will complement and be coordinated with the
558 energy efficiency programs established in sections 19 and 21 of chapter 25. The activities of
559 municipal PACE programs supported by the Massachusetts Energy Conservation Project Fund
560 and subject to the program guidelines shall be reviewed in the 3-year planning process and
561 annual reviews undertaken pursuant to said section 21 of said chapter 25

562 SECTION 11. The General Laws are hereby amended by inserting after chapter 23K the
563 following chapter:-

564 CHAPTER 23L

565 LOCAL INFRASTRUCTURE DEVELOPMENT PROGRAM

566 Section 1. As used in this chapter, the following words shall, unless the context clearly
567 requires otherwise, have the following meanings:

568 “Agency”, the Massachusetts Development Finance Agency established in section 2 of
569 chapter 23G.

570 “Amended improvement plan”, a plan describing any change to the improvement plan
571 with respect to the boundaries of a development zone or any material change to the method of
572 assessing costs, description of improvements, the maximum cost of the improvements or method
573 of financing the improvements that is approved through the same procedures as the original
574 improvement plan adopted under this chapter.

575 “Assessing party”, the municipalities identified in the improvement plan to assess any
576 infrastructure assessments in the development zone.

577 “Cost”, shall include the cost of: (i) construction, reconstruction, renovation, demolition,
578 maintenance and acquisition of all lands, structures, real or personal property, rights, rights-of-
579 way, utilities, franchises, easements and interests acquired or to be acquired by the public
580 facilities owner; (ii) all labor and materials, machinery and equipment, including machinery and
581 equipment needed to expand or enhance services from the municipality, the commonwealth or
582 any other political subdivision thereof to the development zone; (iii) financing charges and
583 interest prior to and during construction, and for 1 year after completion of the improvements,
584 interest and reserves for principal and interest, including costs of municipal bond insurance and
585 any other type of credit enhancement or financial guaranty and costs of issuance; (iv) extensions,
586 enlargements, additions, and enhancements to improvements; (v) architectural, engineering,
587 financial and legal services; (vi) plans, specifications, studies, surveys and estimates of costs and
588 revenues; (vii) administrative expenses necessary or incident to the construction, acquisition and
589 financing of the improvements; and (viii) other expenses necessary or incident to the
590 construction, acquisition, maintenance and financing of the improvements.

591 “Development zone”, one or more parcels of real estate in the municipality, contiguous or
592 not, described in the improvement plan and to be benefited by the improvements and subject to
593 infrastructure assessments as described in the improvement plan.

594 “Improvement plan”, a plan set forth in the petition for the establishment of a
595 development zone setting forth the proposed improvements, services and programs, revitalization
596 strategy, replacement and maintenance plan, the cost estimates for the improvements and the

597 replacement and maintenance program, the identity of the public facilities owners and the
598 administrator of the plan, the boundaries of the development zone, the analysis of any costs of
599 financing the improvements, the identification of the assessing party, the method and structure of
600 the infrastructure assessments, the allocation of assessments among parcels, the selection of any
601 or all of the assessing powers listed in section 4 that shall be utilized by the assessing party
602 within the development zone, a statement that no funds of the municipality shall be used to pay
603 infrastructure assessments, a description of the infrastructure development project within the
604 development zone, the proposed use of any bonds or notes to finance the project by the agency,
605 including the possible use of any refunding bonds or notes, the participation of the agency, if
606 any, in a district improvement financing program as described in section 7, and if so, a
607 description of any assessing powers to be utilized and the amount of assessments to be levied and
608 assessed on the real estate in the development zone.

609 “Improvements”, the acquiring, laying, constructing, improving and operating of capital
610 improvements to be owned by a public facilities’ owner including, but not limited to, storm
611 drainage systems, dams, sewage treatment plants, sewers, water and well systems, roads, bridges,
612 sound barriers, culverts, tunnels, streets, sidewalks, lighting, traffic lights, signage and traffic
613 control systems, parking, including garages, public safety and public works buildings, marine
614 facilities, such as piers, wharfs, bulkheads and sea walls, transportation stations and related
615 facilities, fiber and telecommunication systems, facilities to produce and distribute electricity,
616 including alternate energy sources such as co-generation and solar installations, and other
617 infrastructure-related improvements; provided, however, that “improvements” shall not include
618 improvements located in, or serving, gated communities, not including age restricted
619 developments operated by nonprofit organizations, that prohibit access to the general public and

620 any type of improvement that is specifically prohibited in the United States Internal Revenue
621 Code from using tax-exempt financing.

622 “Infrastructure assessments”, assessments, betterments, special assessments, charges or
623 fees as described in this chapter and the improvement plan and assessed by the assessing party
624 upon the real estate within the development zone to defray the cost of improvements financed
625 under this chapter.

626 “Infrastructure development project”, the acquisition, construction, expansion,
627 improvement or equipping of improvements serving any new or existing commercial, retail,
628 industrial, residential or mixed use project.

629 “Municipal governing body”, in a city, the city council with the approval of the mayor, in
630 a city having a Plan D or Plan E form of charter, the city council with the approval of the city
631 manager, in a town with a town council form of government, the town council, and the board of
632 selectmen in a town with a town meeting form of government.

633 “Municipality”, a city or town, or multiple cities and towns, if the development zone is
634 located in more than 1 municipality.

635 “Person”, an individual or corporation, including a body politic and corporate, public
636 department, office, agency, authority or political subdivision of the commonwealth, other
637 corporation, trust, limited liability company, society, association or partnership or a subordinate
638 instrumentality of a political subdivision of the commonwealth.

639 “Petition”, the document initiating the creation of a development zone as described in
640 subsection (b) of section 2.

641 “Project”, an infrastructure development project.

642 “Public facilities owner”, a municipality, the commonwealth or any other political
643 subdivision, agency or public authority of the commonwealth identified in the improvement plan
644 as an owner of the improvements described in an improvement plan or an amended improvement
645 plan.

646 Section 2. (a) Notwithstanding any general or special law or charter provision, by-law or
647 ordinance to the contrary, a municipality, acting through its municipal governing body, may
648 establish development zones under this chapter. In the event that 2 or more municipalities elect
649 to jointly establish or consolidate contiguous development zones, the municipal governing body
650 of each municipality wherein the development zone shall be located shall approve by a majority
651 vote the petition for the establishment of such a development zone.

652 (b) The establishment of a development zone shall be initiated by the filing of a petition
653 signed by all persons owning real estate within the proposed development zone in the office of
654 the clerk of the municipality and the office of the agency. The petition shall contain at least:

655 (1) a legal description of the boundaries of the proposed development zone;

656 (2) the written consent to the establishment of the development zone and to the
657 adoption of the improvement plan or an amended improvement plan, by the persons with the
658 record ownership of 100 per cent of the acreage to be included in the development zone;
659 provided, however, that any real estate owned by the commonwealth or an agency or political
660 subdivision thereof, included in the boundaries of the development zone, shall not be included in
661 the count of persons owning tax parcels or acreage in the proposed development zone for the
662 purposes of this clause;

- 663 (3) the name of the proposed development zone;
- 664 (4) a map of the proposed development zone, showing its boundaries and any
665 current public improvements which may be added to or modified by any improvements;
- 666 (5) the estimated timetable for construction of the improvements;
- 667 (6) estimates of any other private or public funding sources;
- 668 (7) the improvement plan for the proposed development zone; and
- 669 (8) the procedure by which the municipality shall be reimbursed for any costs
670 incurred by it in establishing the development zone and for any administrative costs to be
671 incurred in the administration and collection of infrastructure assessments imposed within the
672 proposed development zone.

673 Section 3. (a) Upon receipt of a petition under section 2, the municipal governing body
674 shall, within 120 days of such receipt, hold a public hearing on the petition. Written notification
675 of the hearing and a summary of the petition and the improvement plan shall be provided by the
676 clerk of the municipality to all owners and tenants of properties in the proposed development
677 zone and the regional planning agency, not later than 14 days before the hearing, by mailing a
678 notice to the address listed in the municipality's property tax records or other appropriate listings
679 of owners and residents. Notification of the hearing shall be published once a week for 2
680 consecutive weeks in a newspaper of general circulation in the municipality and in a newspaper
681 of general circulation in all municipalities within ½ mile of the borders of the proposed
682 development zone, the first such publication to be at least 14 days before the hearing. The public
683 notice shall state the proposed boundaries of the development zone, the improvements proposed

684 to be provided in the development zone, the proposed basis for determining any infrastructure
685 assessments with respect to those improvements and any locations for viewing and copying the
686 petition, including the improvement plan.

687 (b) A public hearing under subsection (a) shall be held to determine if the petition
688 satisfies the criteria of this chapter for a development zone and to obtain public comment
689 regarding the improvement plan and the effect that the development zone may have on the
690 owners of real estate, tenants and other persons within the development zone and on the
691 municipality or adjacent communities. Within 90 days after the conclusion of the public hearing
692 and in conjunction with regional planning agencies, the municipal governing body shall issue
693 recommendations on the petition; provided, however, that the recommendations shall include,
694 but not be limited to, the following findings:

695 (1) whether the establishment of the development zone is consistent with any
696 applicable element or portion of a master plan of the municipality, which shall be confirmed in
697 writing by the municipality's planning board; and

698 (2) whether the proposed improvements in the development zone will be compatible with
699 the capacity and uses of existing local and regional infrastructure services and facilities;

700 and provided further, that no municipality which is subject to the jurisdiction of a
701 regional planning agency with regulatory authority shall vote on a petition to establish the
702 development zone and the improvement plan without first receiving the approval of the
703 designation from the regional planning agency in writing.

704 (c) Within 21 days after receipt of the recommendation required under subsection (b), the
705 municipal governing body shall vote on the petition to establish the development zone and the
706 improvement plan.

707 (d) Upon the approval of the petition by a majority vote of the municipal governing body
708 under subsection (c), notice of such approval shall be promptly filed with the clerk of the
709 municipality, the agency and the secretary of the commonwealth. Upon such filing, the
710 development zone shall be deemed established and the improvement plan shall be deemed
711 approved.

712 (e) The public facilities' owner shall have all rights and powers necessary or convenient
713 to carry out and effectuate this chapter that are consistent with the improvement plan as approved
714 by the municipal governing body, including, but not limited to, the authority:

715 (1) to make and enter into all contracts and agreements necessary or incidental to
716 the exercise of any power granted by this chapter, including agreements with the municipality,
717 the commonwealth, the agency and any other municipality or political entity or utility for the
718 provision of services that are necessary to the acquisition, construction, operation or financing of
719 the improvements within the development zone;

720 (2) to purchase or acquire by lease, lease-purchase, sale and lease-back, gift or
721 devise or to obtain or grant options for the acquisition of any property, real or personal, tangible
722 or intangible, or any interest therein, in the exercise of its powers and the performance of its
723 duties and to acquire real estate or any interest therein, within the boundaries of the development
724 zone itself, if authorized in the improvement plan, and to acquire real estate or any interest
725 therein outside the boundaries of the development zone, necessary for the acquisition,

726 construction and operation of the improvements or services relating thereto that are located
727 within the development zone or are related to or provided by the public facilities' owner;

728 (3) to construct, improve, extend, equip, enlarge, repair, maintain and operate and
729 administer the improvements for the benefit of the development zone within or without the
730 development zone and to acquire existing improvements or construct new improvements,
731 including those located under or over any roads, public ways or parking areas and to enter upon
732 and excavate any private land within the development zone for the purpose of constructing the
733 improvements or repairing the same;

734 (4) to accept goods or gifts of funds, property or services from any source, public
735 or private;

736 (5) to sell, lease, mortgage, exchange, transfer or otherwise dispose of or grant
737 options for any such purposes with respect to any of the improvements, real or personal, tangible
738 or intangible, within the development zone or serving the development zone or any interest
739 therein;

740 (6) to pledge or assign any money, infrastructure assessments or other revenues
741 relating to any improvements within or related to the development zone and any proceeds
742 derived therefrom;

743 (7) to enter into contracts and agreements with the municipality, the agency, the
744 commonwealth or any political subdivision thereof, the property owners of the development
745 zone and any public or private party with respect to all matters necessary, convenient or desirable
746 for carrying out this chapter including, but not limited to, the acquisition of existing
747 improvements, collection of revenue, data processing and other matters of management,

748 administration and operation and to make other contracts of every name and nature and execute
749 and deliver all instruments necessary or convenient for carrying out any of its purposes;

750 (8) to exercise the powers and privileges of, and to be subject to the limitations
751 upon, municipalities provided in sections 38 to 42K, inclusive, of chapter 40 and chapters 80 and
752 83, insofar as such provisions may be applicable and consistent with this chapter; provided,
753 however, that any requirement in said sections 38 to 42K, inclusive, of said chapter 40 and in
754 said chapters 80 and 83 for a vote by the governing body of a municipality or for a vote by the
755 voters of a municipality, shall be satisfied by a vote or resolution duly adopted by the board of
756 selectmen, city council or town council as the case may be;

757 (9) to invest any funds in such manner and to the extent permitted under the
758 General Laws for the investment of such funds by the treasurer of a municipality;

759 (10) to employ such assistants, agents, employees and persons as may be
760 necessary in the public facilities' owner's judgment and to fix their compensation according to
761 the terms of the improvement plan;

762 (11) to procure insurance against any loss or liability that may be sustained or
763 incurred in carrying out this chapter in such amount as the public facilities' owner shall deem
764 necessary and appropriate with insurers licensed to furnish such insurance in the commonwealth;

765 (12) to apply for any loans, grants or other types of assistance from the United
766 States government, the commonwealth or any political subdivision thereof that are described in
767 the improvement plan or any amended improvement plan;

768 (13) to adopt an annual budget and to raise, appropriate and assess funds in
769 amounts necessary to carry out the purposes for which development zone is formed as described
770 in this chapter and the improvement plan;

771 (14) to sue and be sued in its own name, plead and be impleaded; and

772 (15) to do all things necessary, convenient or desirable for carrying out this
773 chapter.

774 Section 4. (a) Consistent with the improvement plan, the assessing party may fix, revise,
775 charge, collect and abate infrastructure assessments, for the cost, maintenance, operation and
776 administration of the improvements imposed on the real estate, leaseholds or other interests
777 therein, located in the development zone. All real estate within a development zone owned by the
778 commonwealth or any political subdivision, political instrumentality, agency or public authority
779 thereof shall be exempt from such charges unless the charges are specifically accepted by the
780 commonwealth, political subdivision, political instrumentality, agency or public authority. In
781 providing for the payment of the cost of the improvements or for the use of the improvements,
782 the assessing party may avail itself of the provisions of the General Laws relative to the
783 assessment, apportionment, division, fixing, reassessment, revision, abatement and collection of
784 infrastructure assessments by cities and towns or the establishment of liens therefor and interest
785 thereon and the procedures set forth in sections 5 and 5A of chapter 254 for the foreclosure of
786 liens arising under section 6 of chapter 183A, as it shall deem necessary and appropriate for
787 purposes of the assessment and collection of infrastructure assessments. The assessing party shall
788 file copies of the improvement plan and any amendments thereof, and all schedules of
789 assessments with the appropriate registry of deeds and the municipality's assessors' records so

790 that notice thereof shall be reported on a municipal lien certificate for any real estate parcel
791 located in a development zone. Notwithstanding any general or special law to the contrary, the
792 assessing party may pay the entire cost of any improvements, including the acquisition thereof,
793 during construction or after completion, or the debt service of notes or bonds used to fund such
794 costs, from infrastructure assessments and may establish such infrastructure assessments before,
795 during or within 1 year after completion of construction or acquisition of any improvements. The
796 assessing party may establish a schedule for the payment of infrastructure assessments not to
797 exceed 25 years. The assessing party shall hold at least 1 public hearing on its schedule of
798 infrastructure assessments or any revision thereof prior to adoption by the assessing party, notice
799 of which shall be delivered to the municipality and published in a newspaper of general
800 circulation in the municipality at least 14 days in advance of the hearing. No later than the date
801 of the publication, the assessing party shall make available to the public and deliver to the
802 municipality the proposed schedule of infrastructure assessments.

803 Notwithstanding any general or special law to the contrary, the assessing party may
804 contract with the agency for any services required by the assessing party regarding the
805 assessment, apportionment, division, fixing, reassessment, revision, collection and enforcement
806 of infrastructure assessments hereunder and the fees, costs and other expenses thereof may be
807 included in the calculation of the infrastructure assessments levied by the assessing party
808 hereunder.

809 The infrastructure assessments established by the assessing party in accordance with this
810 chapter shall be fixed in respect of the aggregate thereof so as to provide revenues at least
811 sufficient to: (i) pay the administrative expenses of the assessing party and the agency; (ii) pay
812 the principal of, premium, if any, and interest on bonds, notes or other evidences of indebtedness

813 of the agency under this chapter as the same becomes due and payable; (iii) create and maintain
814 such reasonable reserves as may be reasonably required by any trust agreement or resolution
815 securing bonds; (iv) provide funds for paying the cost of the operation and necessary
816 maintenance, repairs, replacements and renewals of the improvements; and (v) pay or provide for
817 any amounts that the agency, including reasonable administrative fees, may be obligated to pay
818 or provide for by law or contract, including any resolution or contract with or for the benefit of
819 the holders of its bonds and notes.

820 Notwithstanding any general or special law to the contrary, the agency shall not be
821 precluded from carrying out its obligations under this chapter if it has previously provided
822 technical, real estate, lending, financing or other assistance to: (i) an infrastructure development
823 project including, but not limited to, a project in which the agency may have an economic
824 interest; (ii) a development zone; or (iii) a municipality associated with, or that may benefit from,
825 an infrastructure development project.

826 (b) As an alternative to levying infrastructure assessments under any other provision of
827 this chapter or any other General Law, the assessing party may levy special assessments on real
828 estate, leaseholds or other interests therein within the development zone to finance the cost of the
829 improvements and the maintenance, repair, replacement and renewal thereof, and the expense of
830 administration thereof. In determining the basis for and amount of the special assessment, the
831 cost of the improvements and the maintenance, repair, replacement and renewal thereof, and the
832 expense of administration thereof, including the cost of the repayment of the debt issued or to be
833 issued by the agency to finance the improvements, may be calculated and levied using any of the
834 following methods that result in fairly allocating the costs of the improvements to the real estate
835 in the development zone:

836 (1) equally per length of frontage or by lot, parcel or dwelling unit or by the
837 square footage of a lot, parcel or dwelling unit;

838 (2) according to the value of the property as determined by the municipality's
839 board of assessors; or

840 (3) in any other reasonable manner that results in fairly allocating the cost,
841 administration and operation of the improvements according to the benefit conferred or use
842 received including, but not limited to, by classification of commercial or residential use or
843 distance from the improvements.

844 The assessing party, consistent with the improvement plan, may also provide for the
845 following:

846 (1) a maximum amount to be assessed with respect to any parcel;

847 (2) a tax year or other date after which no further special assessments under this
848 section shall be levied or collected on a parcel;

849 (3) annual collection of the levy without subsequent approval of the assessing
850 party;

851 (4) the circumstances under which the special assessments may be reduced or
852 abated; and

853 (5) the prepayment of infrastructure assessments under this chapter under
854 procedures that may be established by the assessing party.

855 (c) Infrastructure assessments levied under this chapter shall be collected and secured in
856 the same manner as property taxes, betterments and assessments and fees owed to the
857 municipality unless otherwise provided by the assessing party and shall be subject to the same
858 penalties and the same procedures, sale and lien priority in case of delinquency as is provided for
859 such property taxes, betterments, assessments and fees owed to the municipality. Any liens
860 imposed by the municipality for the payment of property taxes and any betterments and
861 assessments and fees within the development zone shall have priority in payment over any liens
862 placed on real estate within the development zone.

863 (d) Notwithstanding any general or special law to the contrary, the agency, the
864 municipality or any other public facilities' owner may contract with owners of real estate within
865 a development zone to acquire or undertake improvements within the development zone. Upon
866 completion, such improvements shall be conveyed to the public facilities owner; provided,
867 however, that the consideration for the conveyance shall be limited to the cost thereof.

868 Section 5. (a) In addition to the powers granted under chapters 23G and 40D, the agency
869 may borrow money and issue and secure its bonds for financing improvements as provided in
870 and subject to this chapter; provided, however, that said chapters 23G and 40D shall apply to
871 bonds issued under this section, except that subsection (b) of section 8 of said chapter 23G and
872 section 12 of said chapter 40D shall not apply to bonds issued under this chapter or the
873 improvements financed thereby; and provided further, that the improvements financed by the
874 agency under this chapter shall constitute a project within the meaning of section 1 of said
875 chapter 23G and section 1 of said chapter 40D, but shall not be considered facilities to be used in
876 a commercial enterprise. With respect to the issuance of bonds or notes for the purposes of this
877 chapter in the event of a conflict between this chapter and chapter 23G, this chapter shall control.

878 Nothing in this chapter shall be construed to limit or otherwise diminish the power of the
879 agency to finance the costs of projects authorized under said chapters 23G and 40D within the
880 development zone or the municipality upon compliance with said chapters 23G and 40D.

881 (b) The agency may provide by resolution of its board of directors for the issuance of
882 bonds or notes of the agency for any of the purposes set forth in this chapter. Bonds issued
883 hereunder shall be special obligations payable solely from particular funds and revenues
884 generated from infrastructure assessments levied under this chapter as provided in the resolution.
885 No bonds or notes shall be issued by the agency under this chapter until the agency's board of
886 directors has determined that the bonds or notes trust agreement and any related financing
887 documents are reasonable and proper and comply with this chapter. The agency may charge a
888 reasonable fee in connection with the review of such documentation by its staff and board of
889 directors. Without limiting the generality of the foregoing, such bonds may be issued to pay or
890 refund notes issued under this chapter, to pay the cost of acquiring, laying, constructing and
891 reconstructing the improvements. The bonds of each issue shall be dated, shall bear interest at
892 the rates, including rates variable from time to time, and shall mature at such times not exceeding
893 25 years from their dates, as determined by the agency, and may be redeemable before maturity,
894 at the option of the agency or the holder thereof, at such price and under such terms and
895 conditions as may be fixed by the agency before the issuance of the bonds. The agency shall
896 determine the form of the bonds and the manner of execution of the bonds and shall fix the
897 denomination of the bonds and the place of payment of principal and interest, which may be at
898 any bank or trust company within or without the commonwealth and such other locations as
899 designated by the agency. In the event an officer whose signature or a facsimile of whose
900 signature shall appear on any bonds shall cease to be an officer before the delivery of the bonds,

901 the signature or facsimile shall be valid and sufficient for all purposes to the same extent as if the
902 officer had remained in office until the delivery. The bonds shall be issued in registered form.
903 The agency may sell the bonds in a manner and for a price, either at public or private sale, as it
904 may determine to be for the best interests of the development zone.

905 Before the preparation of definitive bonds, the agency may, under like restrictions, issue
906 interim receipts or temporary bonds exchangeable for definitive bonds when the bonds have been
907 executed and are available for delivery. The agency may also provide for the replacement of any
908 bonds that shall become mutilated, destroyed or lost. The issuance of the bonds, the maturities,
909 and other details thereof, the rights of the holders thereof, and the agency in respect of the same,
910 shall be governed by this chapter insofar as the same may be applicable.

911 While any bonds or notes of the agency remain outstanding, its powers, duties or
912 existence shall not be diminished or impaired in any way that will affect adversely the interests
913 and rights of the holders of such bonds or notes. Bonds or notes issued under this chapter, unless
914 otherwise authorized by law, shall not be deemed to constitute a debt of the commonwealth or
915 the municipality or a pledge of the faith and credit of the commonwealth or of the municipality,
916 but the bonds or notes shall be payable solely by the agency as special obligations payable from
917 particular funds collected from infrastructure assessments levied under this chapter and any
918 revenues derived from the operation of the improvements. Any bonds or notes issued by the
919 agency under this chapter shall contain on their face a statement to the effect that neither the
920 commonwealth, nor the municipality, shall be obliged to pay the same or the interest thereon,
921 and that the faith and credit or taxing power of the commonwealth, the municipality or the
922 agency is not pledged to the payment of the bonds or notes. All bonds or notes issued under this

923 chapter shall have all the qualities and incidents of negotiable instruments as defined in section
924 3-104 of chapter 106.

925 Issuance by the agency of bonds or notes for any purpose shall not preclude the agency
926 from issuing other bonds or notes in connection with the same project or any other project;
927 provided, however, that the resolution or trust indenture wherein any subsequent bonds or notes
928 may be issued shall recognize and protect any prior pledge made for any prior issue of bonds or
929 notes unless, in the resolution or trust indenture authorizing such prior issue, the right is reserved
930 to issue subsequent bonds on a parity with such prior issue.

931 (c) In the discretion of the agency, bonds issued under this chapter may be secured by a
932 trust agreement between the agency and the bond owners or a corporate trustee which may be
933 any trust company or bank having the powers of a trust company within or without the
934 commonwealth. A trust agreement may pledge or assign, in whole or in part, the revenues, funds
935 and other assets or property held or to be received by the assessing party or the agency including,
936 without limitation, all monies and investments on deposit from time to time in any fund of the
937 assessing party or the agency or any account thereof and any contract or other rights to receive
938 the same, whether then existing or thereafter coming into existence and whether then held or
939 thereafter acquired by the assessing party or the agency, and the proceeds thereof. A trust
940 agreement may pledge or assign, in whole or in part, assessments, development zone revenues,
941 funds and other assets or property relating to the development zone held or to be received by the
942 assessing party or the agency. A trust agreement may contain, without limitation, provisions for
943 protecting and enforcing the rights, security and remedies of the bondholders, provisions
944 defining defaults and establishing remedies, which may include acceleration, and may also
945 contain restrictions on the remedies by individual bondholders. A trust agreement may contain

946 covenants of the agency concerning the custody, investment and application of monies, the issue
947 of additional or refunding bonds, the use of any surplus bond proceeds, the establishment of
948 reserves and the regulation of other matters customarily treated in trust agreements. A bank or
949 trust company may act as a depository of any fund of the assessing party or the agency or trustee
950 under a trust agreement if the bank or trust company furnishes such indemnification and
951 reasonable security as the agency may require. Any assignment or pledge of revenues, funds and
952 other assets and property made by the assessing party or the agency shall be valid and binding
953 and shall be deemed continuously perfected for the purposes of chapter 106 and other laws when
954 made. The revenues, funds and other assets and property, rights therein and thereto and proceeds
955 so pledged and then held or thereafter acquired or received by the assessing party or the agency
956 shall immediately be subject to the lien of such pledge without any physical delivery or
957 segregation or further act, and the lien of any such pledge shall be valid and binding against all
958 parties having claims of any kind in tort, contract or otherwise against the trust, whether or not
959 such parties have notice thereof. The trust agreement by which a pledge is created shall not be
960 required to be filed or recorded to perfect the pledge except in the records of the agency and no
961 filing shall be required under said chapter 106. Any pledge or assignment made by the agency
962 shall be an exercise of its political and governmental powers, and revenues, funds, assets,
963 property and contract or other rights to receive the same and the proceeds thereof which are
964 subject to the lien of a pledge or assignment created under this chapter shall not be applied to any
965 purposes not permitted by the pledge or assignment.

966 (d) The agency may issue notes of the agency in anticipation of federal, state or local
967 grants for the cost of acquiring, constructing or improving the development zone's improvements
968 or in anticipation of bonds to be issued under this chapter. Such notes shall be authorized, issued

969 and sold in the same manner as, and shall otherwise be subject to, the other provisions of this
970 chapter. Such notes shall mature at such times as provided by the issuing resolution of the
971 agency and may be renewed from time to time; provided, however, that all such notes and
972 renewals thereof shall mature on or before 20 years from their date of issuance.

973 (e) In addition to other security provided herein, or otherwise provided by law, bonds,
974 notes or obligations issued by the agency under this chapter may be secured, in whole or in part,
975 by a letter of credit, line of credit, bond insurance policy, liquidity facility or other credit facility
976 for the purpose of providing funds for payments in respect of bonds, notes or other obligations
977 required by the holder thereof to be redeemed or repurchased prior to maturity or for providing
978 additional security for such bonds, notes or other obligations. In connection therewith, the
979 agency may enter into reimbursement agreements, remarketing agreements, standby bond
980 purchase agreements and any other necessary or appropriate agreements. The assessing party
981 may pledge or assign any of its revenues as security for the reimbursement by it to the agencies
982 or providers of such letters of credit, lines of credit, bond insurance policies, liquidity facilities or
983 other credit facilities of any payments made under the letters of credit, lines of credit, bond
984 insurance policies, liquidity facilities or other credit facilities.

985 (f) In connection with, or incidental to, the issuance of bonds, notes or other obligations,
986 the agency may enter into such contracts as the agency may determine to be necessary or
987 appropriate relative to the issuance thereof and the interest payable thereon or to place the bonds,
988 notes or other obligations of the agency, as represented by the bonds or notes, or other
989 obligations in whole or in part, on such interest rate or cash flow basis as the agency may
990 determine appropriate including, without limitation, interest rate swap agreements, insurance
991 agreements, forward payment conversion agreements, futures contracts, contracts providing for

992 payments based on levels of, or changes in, interest rates or market indices, contracts to manage
993 interest rate risk including, without limitation, interest rate floors or caps, options, puts, calls and
994 similar arrangements. Such contracts shall contain such payment, security, default, remedy and
995 other terms and conditions as the agency may deem appropriate and shall be entered into with
996 such parties as the agency may select, after giving due consideration, where applicable, for the
997 creditworthiness of any counter party, including any rating by a nationally recognized rating
998 agency, the impact on any rating on outstanding bonds, notes or other obligations or any other
999 criteria the agency may deem appropriate.

1000 (g) The agency may use any funds available therefor to purchase its bonds or notes. The
1001 agency may hold, pledge, cancel or resell such bonds or notes, subject to and in accordance with
1002 agreements with bondholders. The agency may issue refunding bonds for the purpose of paying
1003 any of its bonds at maturity or upon acceleration or redemption. Refunding bonds may be issued
1004 at such times prior to the maturity or redemption of the refunded bonds as the agency deems to
1005 be in the public interest. Refunding bonds may be issued in sufficient amounts to pay or provide
1006 for the principal of the bonds being refunded, together with any redemption premium thereon,
1007 any interest accrued or to accrue to the date of payment of such bonds, the expense of issuing the
1008 refunding bonds, the expense of redeeming bonds being refunded and such reserves for debt
1009 service or other capital from the proceeds of such refunding bonds as may be required by a trust
1010 agreement or resolution securing the bonds and, if considered advisable by the agency, for the
1011 additional purpose of the acquisition, construction or reconstruction and extension or
1012 improvement of improvements. All other provisions relating to the issuance of refunding bonds
1013 shall be as set forth in this chapter insofar as the same may be applicable.

1014 (h) All moneys received under this chapter, whether as proceeds from the issue of bonds
1015 or notes or as revenue or otherwise, shall be deemed trust funds to be held and applied solely as
1016 provided in this chapter.

1017 (i) Bonds or notes issued under this chapter shall be securities in which all public officers
1018 and public bodies of the commonwealth and its political subdivisions, all insurance companies,
1019 trust companies in their commercial departments and within the limits set by the General Laws,
1020 banking associations, investment companies, executors, trustees and other fiduciaries, and all
1021 other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other
1022 obligations of a similar nature may properly and legally invest funds, including capital in their
1023 control and belonging to them and the bonds shall be obligations that may properly and legally
1024 be made eligible for the investment of savings deposits and income thereof in the manner
1025 provided in section 2 of chapter 167E. The bonds or notes shall be securities that may properly
1026 and legally be deposited with and received by any state or municipal officer or any agency or
1027 political subdivision of the commonwealth for any purpose for which the deposit of bonds or
1028 other obligations of the commonwealth is now or may hereafter be authorized by law.

1029 Notwithstanding any general or special law to the contrary or any provision in their
1030 respective charters, agreements of associations, articles or organization or trust indentures,
1031 domestic corporations organized for the purpose of carrying on business within the
1032 commonwealth including, without limitation, any electric or gas company as defined in section 1
1033 of chapter 164, railroad corporation as defined in section 1 of chapter 160, financial institutions,
1034 trustees and the municipality may acquire, purchase, hold, sell, assign, transfer or otherwise
1035 dispose of any bonds, notes, securities or other evidences of indebtedness of the agency provided

1036 that they are rated similarly to other governmental bonds or notes and make contributions to the
1037 agency, all without the approval of any regulatory authority of the commonwealth.

1038 (j) Any holder of bonds or notes issued under this chapter, and a trustee under a trust
1039 agreement, except to the extent its rights may be restricted by the trust agreement, may, either at
1040 law or in equity, by suit, action, mandamus or other proceeding, protect and enforce all rights
1041 under the laws of the commonwealth or granted hereunder or under the trust agreement and may
1042 enforce and compel the performance of all duties required by this chapter or by the trust
1043 agreement, to be performed by the agency or by any officer thereof.

1044 (k) Notwithstanding this chapter or any recitals in any bonds or notes issued under this
1045 chapter, all such bonds or notes shall be deemed to be investment securities under chapter 106.

1046 (l) Bonds or notes may be issued under this chapter without obtaining the consent of any
1047 department, division, commission, board, bureau or agency of the commonwealth or the
1048 municipality, and without any proceedings or the happening of any other conditions or things
1049 other than those proceedings, conditions or things that are specifically required by this chapter,
1050 and the validity of and security for any bonds or notes issued by the agency shall not be affected
1051 by the existence or nonexistence of any such consent or other proceedings, conditions or things.

1052 Section 6. Bonds or notes issued by the agency and their transfer and their interest or
1053 income, including any profit on the sale thereof, and the improvements belonging to the public
1054 facilities' owner shall at all times be exempt from taxation within the commonwealth; provided,
1055 however, that nothing in this chapter shall limit or restrict the ability of the commonwealth or the
1056 municipality to otherwise tax the individuals and companies or their real or personal property or
1057 any person living or business operating within the boundaries of the development zone.

1058 Section 7. For purposes of this chapter, the agency may issue bonds secured by
1059 infrastructure assessments under and according to the terms of chapter 40Q. With the approval of
1060 the municipal governing body, the agency may issue its bonds in place of those of the
1061 municipality under chapter 40Q provided that the municipality has fulfilled all requirements set
1062 forth in said chapter 40Q that would be required of the municipality if it were itself issuing bonds
1063 under said chapter 40Q. In addition, the municipality shall include in its invested revenue district
1064 development program as defined in said chapter 40Q, a description of the rights and
1065 responsibilities of the assessing party, the agency and the municipality with respect to the
1066 program. In such case, the municipality may designate the agency as the issuer of bonds under
1067 said chapter 40Q for the purpose of financing any of the project costs as defined in said chapter
1068 40Q and that are located in, or functionally serving the needs of, the development zone. The
1069 municipality shall determine the percentage of the captured assessed valuation, as defined in said
1070 chapter 40Q, of property within the boundaries of the development zone that the municipality is
1071 pledging under an invested revenue district development program as defined in said chapter 40Q
1072 for the payment of the agency's bonds. With the written agreement of the persons owning
1073 specific tax parcels in the development zone, the assessing party may adopt a plan whereby any
1074 of the assessing powers described in this chapter are made applicable exclusively to those parcels
1075 in order to secure and fund the debt service for the bonds. The project costs as defined in said
1076 chapter 40Q shall not be reduced by the amount of the revenues derived under this chapter and
1077 the revenues derived from such a plan may be made contingent upon or abated, in whole or in
1078 part, by the assessing party upon the receipt of the anticipated revenues generated through the
1079 pledged captured assessed valuation. At its option, the municipality may waive any adjustment
1080 for the inflation factor as defined in said chapter 40Q in order to increase the captured assessed

1081 valuation available to finance improvements benefiting the development zone. The assessing
1082 party, the agency and the municipality shall enter into an agreement delineating the rights and
1083 responsibilities of each under such district improvement financing.

1084 Section 8. The agency may make representations and agreements for the benefit of the
1085 holders of the agency's bonds and notes or other obligations to provide secondary market
1086 disclosure information. The agreement may include: (1) covenants to provide secondary market
1087 disclosure information; (2) arrangements for such information to be provided with the assistance
1088 of a paying agent, trustee, dissemination or other agent; and (3) remedies for breach of the
1089 agreements, which remedies may be limited to specific performance.

1090 Section 9. The collector-treasurer of each municipality, at the option of the municipality
1091 and the agency, may collect any infrastructure assessments, including any recording fees, on
1092 behalf of the agency under an agreement between the municipality and the agency and to
1093 disburse the funds to any designated management entity or financial institution selected by the
1094 agency. The collector-treasurer shall disburse revenues to the management entity or financial
1095 institution within 30 days after the collection of such fees, together with the interest earned on
1096 the holding of such fees.

1097 Section 10. (a) If any provision of this chapter is inconsistent with any general or special
1098 law, administrative order or regulation or any resolution or ordinance of the municipality, this
1099 chapter shall control. Without limiting the generality of the foregoing, no provision of any
1100 resolution or ordinance of the municipality requiring ratification by the voters of certain bond
1101 issues shall apply to the issuance of bonds or notes of the agency under this chapter, nor shall

1102 any such provision be applicable to the manner of voting or the limitations as to the amount and
1103 time of payment of debts incurred by the agency.

1104 (b) Except as specifically provided in this chapter, all other statutes, ordinances,
1105 resolutions, rules and regulations of the commonwealth and the municipality shall be fully
1106 applicable to the property, property owners, residents and businesses located in the development
1107 zone. This chapter shall not obligate the municipality or the agency to pay any costs for the
1108 acquisition, construction, equipping or operation and administration of the improvements located
1109 within the development zone.

1110 SECTION 12. Section 19 of chapter 25 of the General Laws, as appearing in the 2010
1111 Official Edition, is hereby amended by inserting after subsection (a) the following subsection:-

1112 (a^{1/2}) Upon receiving notice from the Massachusetts Development Finance Agency that
1113 energy project bonds are to be issued under section 45 of chapter 23G, the department shall issue
1114 financing orders, granting a first priority lien on the mandatory charge established by the first
1115 sentence of subsection (a) and all or a portion of the amounts collected pursuant thereto, as set
1116 forth in such financing order to secure such energy project bonds. The financing orders shall
1117 grant a lien on such portion of those amounts as the department finds to be in the public interest
1118 and necessary to secure bonds in the aggregate amount of not more than \$500,000,000. The
1119 department shall establish procedures for the expeditious processing of applications for financing
1120 orders, including the approval or disapproval thereof within 120 days of the filing of notice by
1121 the Massachusetts Development Finance Agency. In processing an application, the department
1122 shall consider program guidelines developed by that agency for municipal PACE programs and
1123 recommendations of the energy efficiency advisory council, the department of energy resources

1124 and electric and natural gas distribution companies and municipal aggregators. Upon the effective
1125 date of a financing order, unless otherwise directed by the department, there shall exist a first
1126 priority lien on all mandatory charges imposed by subsection (a) then existing or thereafter
1127 arising under the terms of the financing order. This lien shall arise by operation of this subsection
1128 automatically without any action on the part of the department, the agency, any special purpose
1129 entity, as defined in said section 45 of said chapter 23G, or any other person. This lien shall
1130 secure all obligations then existing or subsequently arising to the holders of such energy project
1131 bonds, the trustee or representative for such holders and any other entity specified in the
1132 financing order. The person for whose benefit this lien is established shall, upon the occurrence
1133 of any defaults specified in the financing order, have all the rights and remedies of a secured
1134 party upon default under article 9 of chapter 106 and shall be entitled to foreclose or otherwise
1135 enforce this statutory lien on the mandatory charges. This lien shall attach to such mandatory
1136 charges regardless of who shall own, or shall subsequently be determined to own, the mandatory
1137 charges, including any electric distribution company and municipal aggregator, any affiliate
1138 thereof, the agency or special purpose entity or any other person. The lien shall be valid,
1139 perfected and enforceable against all third parties upon the effectiveness of the financing order
1140 without any further public notice; provided, however, that any person may file a financing
1141 statement. A perfected statutory lien on the mandatory charges shall be a continuously perfected
1142 lien on all revenues and proceeds arising with respect thereto, whether or not the revenues or
1143 proceeds have accrued. The electric and natural gas distribution companies and municipal
1144 aggregators shall ensure that payment of debt service on energy project bonds upon the
1145 occurrence of any defaults shall not reduce, restrict or limit the funding available for energy

1146 efficiency programs serving customer classes not participating in the programs supported by the
1147 Massachusetts Energy Conservation Project Fund.

1148 The department may issue financing orders in accordance with this section to facilitate
1149 the financing or refinancing of energy projects, as defined in said section 45 of said chapter 23G.
1150 A financing order shall specify that amounts collected under the mandatory charges set forth in
1151 subsection (a) shall be allocated first to the energy project bonds, and shall be paid over to the
1152 agency upon receipt, and second to other projects financed in accordance with this subsection.
1153 Financing orders issued under this subsection shall not constitute a debt or liability of the
1154 commonwealth or of any political subdivision thereof and shall not constitute a pledge of the
1155 faith and credit of the commonwealth or any of its political subdivisions, but shall be payable
1156 solely from the funds provided in said section 45 of said chapter 23G and this subsection.

1157 SECTION 12A. Chapter 29 of the General Laws is hereby amended by striking out
1158 section 2FFF, as so appearing, and inserting in place thereof the following section:-

1159 Section 2FFF. (a) There shall be established and set up on the books of the
1160 commonwealth a separate fund to be known as the Dam Repair and Removal Revolving Loan
1161 Fund, the proceeds of which shall be used to provide low-interest long-term loans to private dam
1162 owners and cities and towns to inspect, repair and remove dams. The fund shall consist of the
1163 following monies: (i) any appropriations, bond proceeds or other monies authorized by the
1164 general court and specifically designated for deposit into the fund; (ii) loan repayments and other
1165 payments received by the fund in respect to loans to private dam owners and cities and towns;
1166 (iii) investment earnings on monies in the fund; (iv) any other amounts required to be credited to
1167 the fund by any law, resolution or agreement entered into by the department of conservation and

1168 recreation; and (v) notwithstanding any general or special law to the contrary, upon receiving a
1169 written request from the secretary of administration and finance, the comptroller shall transfer to
1170 the Dam Safety, Repair and Removal Trust the unexpended balance of a fund, trust fund or
1171 other separate account in existence on April 1, 2012, including the balance of any amounts
1172 transferred to the Water Pollution Abatement Trust by the state treasurer under paragraph (a) of
1173 section 16 of chapter 275 of the acts of 1989 for the Water Pollution Abatement Revolving Fund,
1174 and applied to the trust to make loans to local governmental units under section 26 of chapter
1175 203 of the acts of 1992, including repayments of such loans and any investment earnings
1176 thereon, whether established administratively or by law, and including a separate account
1177 established under section 6 of chapter 6A or section 4F of chapter 7; provided, however, the
1178 secretary and comptroller shall report to the house and senate committees on ways and means 45
1179 days prior to any such transfer. The request shall certify that the secretary, in consultation with
1180 the comptroller, has determined this balance not to be necessary for the purposes for which it
1181 was made available.

1182 (b) The amounts credited to the fund shall be available for expenditure subject to
1183 appropriation, by the department of environmental management and the department of
1184 conservation and recreation up to an amount of \$250,000 each fiscal year for the costs associated
1185 with the operations of the office of dam safety within the department, but such expenditures shall
1186 be solely for the purposes stated in this section and no funds shall be transferred from the trust to
1187 any other fund. The comptroller may assess the trust for fringe and overhead costs under section
1188 5D and 6B. Expenditures of this fund shall be exempt from fringe and overhead cost assessments
1189 of the comptroller. If the amount credited to the fund exceeds \$250,000, the excess amount shall
1190 be deposited into the General Fund. No expenditure made from the fund shall cause the fund to

1191 become deficient at any point. The fund shall be administered by the department of conservation
1192 and recreation.

1193 (c) In meeting the obligations of this section:

1194 (i) the department shall establish a trust management board consisting of a
1195 representative of the office of dam safety, a representative of the executive office of energy and
1196 environmental affairs and a representative of the department of fish and game and the department
1197 of conservation and recreation shall chair the management board;

1198 (ii) the board shall recommend for adoption by the agency under 302 CMR 10.00
1199 rules and regulations with respect to the award of loans for dam removal and repairs and related
1200 studies

1201 (iii) the board shall apply monies in the fund to provide financial assistance
1202 through a program of low-interest, long-term loans in accordance with terms established by the
1203 trust to eligible borrowers and loan recipients for projects approved by the department of
1204 conservation and recreation, in consultation with the department of environmental protection and
1205 the department of fish and game;

1206 (iv) the department may receive and accept from any source contributions or
1207 grants for or in aid to a dam removal or repair loan financing program;

1208 (v) the department may contract with guarantors, financial institutions or other
1209 qualified loan origination and servicing organizations, which shall assist in prequalifying
1210 borrowers for loans and which shall service and administer each loan; provided, however, that
1211 the trust may require that each borrower be charged a fee to defray the costs of origination,

1212 servicing and administration of loans; and provided further, that the amount and method of
1213 collection of such fee shall be determined by the fund;

1214 (vi) the department may contract attorneys, accountants, consultants, financial
1215 experts, loan processors, banks, managers and such other employees and agents as may be
1216 necessary in its judgment and to fix their compensation;

1217 (vii) the department may make direct loans given that the proceeds of such fund
1218 loans shall be used for making additional dam removal and repair loans, funding reserves,
1219 providing for capitalized interest and paying other costs and fees involved in making a loan;

1220 (viii) when making direct loans, the interest rate shall be fixed at a rate of 2 per
1221 cent and the trust shall provide low-interest and long-term loans;

1222 (ix) the department shall charge an appropriate and equitable charge for loan
1223 administration to a loan recipient and outline the fees in its regulations and policies;

1224 (x) the department shall charge and equitably apportion among participating
1225 financial institutions its administrative costs and expenses incurred in the exercise of the powers
1226 and duties granted by this chapter; and

1227 (xi) the department may to do all things necessary or convenient to carry out this
1228 section.

1229 SECTION 13. Section 2WWW of chapter 29 of the General Laws is hereby amended by
1230 striking out subsection (d), as so appearing, and inserting in place thereof the following
1231 subsection:-

1232 (d) There shall be credited to the fund any revenue from appropriations or other monies
1233 authorized by the general court and specifically designated to be credited to the fund, including
1234 funds transferred from the Gaming Economic Development Fund established in section 2DDDD,
1235 and any gifts, grants, private contributions, investment income earned on the fund's assets and all
1236 other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the
1237 General Fund.

1238 SECTION 14. Said section 2WWW of said chapter 29 is hereby further amended by
1239 inserting after subsection (h), as so appearing, the following subsection:-

1240 (h½) A portion of the grant fund shall be used to address the gap between the skills held
1241 by workers and the skills needed by employers for jobs that require more than a high school
1242 diploma but less than a 4-year degree. Grants awarded under this program shall focus on building
1243 relationships and partnerships among geographic clusters of high schools, vocational-technical
1244 schools, community colleges, state universities, institutions of higher education, local employers,
1245 industry partners, local workforce investment boards and workforce development entities, in
1246 order to create multiple and seamless pathways to employment through enhanced coordination of
1247 existing institutions and resources. Each cluster shall designate 1 entity or organization as the
1248 lead partner for each cluster and approved procurements shall be jointly applied for by, at a
1249 minimum, a public educational institution, including a community college, at least 1 regional
1250 workforce investment board and at least 1 regional employer in a high growth sector. Grants
1251 made under this program shall include consideration of, but not be limited to: (i) defining and
1252 establishing the process for students to transition from adult basic education programs to college-
1253 based programs; (ii) programs accessible to working, unemployed or underemployed adults; (iii)
1254 programs that focus on the recruitment, training and employment of older workers; (iv) support

1255 of education and workforce development initiatives that collaborate with the efforts or initiatives
1256 of public educational institutions, including development of stackable certificates and
1257 credentials, nonsemester-based modular programs and accelerated associate degree programs;
1258 provided, however, that the grants issued from this fund shall serve to supplement, and not
1259 supplant, ongoing initiatives at community colleges; (v) providing sector-based training,
1260 including developmental education and certification programs; (vi) providing student support
1261 services; (vii) using competency-based placement assessments; (viii) leveraging regional
1262 resources, including shared equipment and funding; (ix) partnering with 2 or more training
1263 organizations in a region; and (x) partnering with 2 or more employers in a region. This portion
1264 of the grant fund may also be used to develop regional centers of excellence, which shall be
1265 aligned to the commonwealth's economic development strategies to meet the needs of employers
1266 in high growth sectors including, but not limited to, health care, life sciences, information
1267 technology and advanced manufacturing. Each center of excellence shall be located at a
1268 community college, state university, vocational or technical high school or collaboration between
1269 these entities.

1270 A project grant program shall be designed by Commonwealth Corporation, in
1271 consultation with a middle skills subcommittee of the advisory committee, which shall include,
1272 at a minimum, a representative from the business community to be appointed by the secretary of
1273 labor and workforce development; the director of the Center for Labor Market Studies at
1274 Northeastern University or a designee; a representative of adult basic education or nontraditional
1275 college students in the commonwealth to be appointed by the secretary of education; the
1276 Massachusetts Workforce Board Association; and the Massachusetts AFL-CIO, and
1277 representatives of the other mandatory advisory committee constituencies under subsection (b).

1278 SECTION 15. Said section 2WWW of said chapter 29 is hereby further amended by
1279 striking out subsection (k), as so appearing, and inserting in place thereof the following
1280 subsection:-

1281 (k) The director of workforce development and the advisory committee established under
1282 subsection (b) shall examine and make an ongoing assessment of the effectiveness of the grant
1283 fund, considering any similar educational or workforce development grant programs funded by
1284 the commonwealth. The director and committee shall encourage coordination of existing
1285 workforce development initiatives and strategies of employers and employer associations, local
1286 workforce investment boards, labor organizations, community-based organizations, including
1287 adult basic education providers; institutions of higher education, vocational education
1288 institutions, one-stop career centers, local workforce development entities and nonprofit
1289 education, training or other service providers and, when applicable, shall inform grant applicants
1290 of the availability and eligibility for other workforce training funds. The establishment of the
1291 Workforce Competitiveness Trust Fund shall not be determined to replace, displace or serve as a
1292 substitute for any other workforce training fund, including community college workforce
1293 development programs or the Workforce Training Fund established in section 2RR and award of
1294 any grant funds from the Workforce Competitiveness Trust Fund shall not make an applicant
1295 ineligible for any other funds.

1296 SECTION 16. Said section 2WWW of said chapter 29, as amended by section 105 of
1297 chapter 3 of the acts of 2011, is hereby further amended by adding the following subsection:-

1298 (l) Each grant recipient shall submit an annual report for the duration of the program or
1299 partnership funded through a grant to the committee for its review. Before grants are awarded,

1300 the Commonwealth Corporation shall reach agreement with each eligible entity that receives a
1301 grant on performance measures and indicators that will be used to evaluate the performance of
1302 the eligible entity in carrying out the activities described in their application.

1303 SECTION 17. Chapter 40 of the General Laws is hereby amended by adding the
1304 following section:-

1305 Section 61. (a) A city or town that acquires by gift, purchase, eminent domain under
1306 chapter 79 or otherwise, a dam, as defined in section 44 of chapter 253, located within the city or
1307 town, including any real property appurtenant thereto, for the purposes of removing, repairing,
1308 reconstructing or making improvements to the dam may assess betterments to pay the costs of or
1309 relating to acquiring, owning, removing, maintaining or improving any such dam. Such
1310 betterments may be assessed upon properties benefiting from the acquisition, ownership,
1311 removal, repair, maintenance or improvement of the dam and in such amounts as the authorized
1312 board or official shall determine. A betterment so assessed shall be subject to chapter 80. Any
1313 betterment assessed pursuant to this section may be apportioned for a maximum term of 40
1314 years.

1315 SECTION 18. Chapter 40J of the General Laws is hereby amended by inserting after
1316 section 4F the following section:-

1317 Section 4G. (a) In order to assist in fostering additional scientific and technology research
1318 and development, there is hereby established a Scientific and Technology Research and
1319 Development Matching Grant Fund, to which shall be credited the proceeds of bonds or notes of
1320 the commonwealth issued for the purpose and any appropriations designated by the general court
1321 to be credited thereto. The matching grant fund shall be administered by the corporation. The

1322 corporation shall hold the matching grant fund in accounts separate from other funds of the
1323 corporation. The purpose of the matching grant fund shall be to provide matching funds for
1324 capital expenditures to be made in connection with projects which are sponsored by the
1325 University of Massachusetts, research universities, nonprofit entities or non-profit research
1326 institutions in the commonwealth for scientific or technology research and development and
1327 funded in part by the federal government or other public or private funds including, but not
1328 limited to, venture capital; provided, however, that any grant awarded in accordance with this
1329 section shall leverage at least \$3, in the aggregate, during activities funded by such grant, from
1330 sources other than an agency as defined in section 39 of chapter 6, for each dollar granted;
1331 provided further, that funds expended specifically for this matching fund from chapter 258 of the
1332 acts of 2008 shall not count towards the \$3 of financing that is required for the matching fund;
1333 provided further, that as a condition of such grants being awarded, the Massachusetts
1334 Technology Park Corporation shall reach agreement with the grant recipient on performance
1335 measures and indicators that will be used to evaluate the performance of the grant recipient in
1336 carrying out the activities described in the recipient's application; provided further, that prior to
1337 awarding any grant under this section the corporation shall determine that the grant will advance
1338 the purposes of this section; provided further, that priority shall be given to large-scale, long-
1339 term research and development activities that have the greatest potential to support scientific and
1340 technological innovation and stimulate economic and employment opportunities through
1341 industry partnerships; and provided further, that at least 50 per cent of the grant funds under this
1342 section shall be reserved for award over the term of each authorization or appropriation, subject
1343 to qualification, to the University of Massachusetts. The University of Massachusetts may, if it
1344 deems necessary to help ensure efficient and effective research and development efforts, enter

1345 into collaborative agreements with other higher education institutions in the commonwealth to
1346 undertake parts of any research and development project for which grant funding under this
1347 section is sought.

1348 (c) To support effective planning and implementation of the matching grant fund, the
1349 corporation shall develop program guidelines or regulations in consultation with the University
1350 of Massachusetts and such other institutions or persons as deemed appropriate by the
1351 corporation. The corporation shall annually file a report with the joint committee on higher
1352 education and the house and senate committees on ways and means detailing the grants awarded
1353 under this section.

1354 SECTION 19. Section 1 of chapter 40O of the General laws, as appearing in the 2010
1355 Official Edition, is hereby amended by striking out, in line 11, the words “elects to participate”
1356 and inserting in place thereof the following word:- participates.

1357 SECTION 20. Section 4 of said chapter 40O, as so appearing, is hereby amended by
1358 striking out, in lines 9 to 11, inclusive, the words “, the basis for determining the district fee, and
1359 the process by which a property owner may elect not to participate in or benefit from such BID”
1360 and inserting in place thereof the following words:- and the basis for determining the district fee.

1361 SECTION 21. Said section 4 of said chapter 40O, as so appearing, is hereby further
1362 amended by striking out, in lines 24 to 26, inclusive, the words “for property owners to follow
1363 who elect not to participate in or benefit from said BID in accordance with the provisions of this
1364 section” and inserting in place thereof the following words:- by which eligible property owners
1365 may vote not to renew such BID.

1366 SECTION 22. Said section 4 of said chapter 40O, as so appearing, is hereby further
1367 amended by striking out the fifth and sixth paragraphs and inserting in place thereof the
1368 following 3 paragraphs:-

1369 Notice of the declaration of the organization of the BID shall be mailed or delivered to
1370 each property owner within the proposed BID. The notice shall explain that membership in the
1371 BID is irrevocable until the failure to renew the BID as provided in this section or the dissolution
1372 under section 10, and shall include a description of the basis for determining the district fee, the
1373 projected fee level and the proposed services to be provided by the BID. Such notice shall be
1374 published for 2 consecutive weeks in a newspaper of general circulation in the area, the last
1375 publication being not more than 30 days after the vote to declare the district organized.

1376 Participation in the BID shall be permanent until after the discontinuation of the BID as
1377 provided in this section, or until the dissolution of the BID under section 10. A non-participating
1378 owner in the district shall become a participating member on the date of a renewal vote, as
1379 provided below. On or before the fifth anniversary of the organization of a newly created BID
1380 and on or before January 1, 2018 and the fifth anniversary thereafter of the date of the most
1381 recent renewal of the BID under this section, the board of directors of the BID or of its
1382 designated management entity shall call a renewal meeting of the BID members to review the
1383 preceding 5-year history of the BID, to propose an updated improvement plan to succeed the
1384 then current improvement plan and to consider whether to continue the BID. The renewal
1385 meeting shall be held at a location within the district. Notice of the meeting shall be given to
1386 participating members in the manner provided in the by-laws, at least 30 days prior to the
1387 meeting. The BID shall continue after each renewal meeting if a majority of participating
1388 property owners who are not more than 30 days in arrears in any payment due to the BID and are

1389 present at the renewal meeting, in person or by proxy, vote to renew the BID for a term of 5
1390 years commencing on the first day of the next fiscal year of the BID.

1391 If the eligible participating property owners elect not to continue the BID, the board shall
1392 conclude the business of the BID prior to the sixth anniversary of the BID's creation, or of the
1393 prior renewal vote, as the case may be, and proceed to discontinue the BID. Notice of the
1394 discontinuation vote shall be given to the local municipal governing board, which shall formally
1395 declare the BID dissolved as of such sixth anniversary; provided, however, that the BID shall not
1396 be dissolved until it has received the accounts receivable due to the BID and until it has satisfied
1397 or paid in full all of its outstanding indebtedness, obligations and liabilities, or until funds are on
1398 deposit and available therefor, or until a repayment schedule has been formulated and approved
1399 by the local municipal governing board. Except as necessary to conclude the business of the
1400 BID, the BID shall not incur any new or increased financial obligations after such sixth
1401 anniversary. Upon the dissolution of a BID, the remaining assets shall first be applied to repay
1402 obligations of the BID, and then in accordance with the improvement plan, as updated.

1403 SECTION 23. Section 9 of said chapter 40O, as so appearing, is hereby amended by
1404 striking out, in lines 30 and 31, the words "and may elect not to participate in the BID as
1405 provided in such section".

1406 SECTION 24. Section 2 of chapter 40Q of the General Laws, as so appearing, is hereby
1407 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

1408 (a) Notwithstanding any general or special law to the contrary, any city or town by vote
1409 of its town meeting, town council or city council, with the approval of the mayor where required
1410 by law, may designate development districts within the boundaries of the city or town; provided,

1411 however, that a development district may consist of 1 or more parcels or lots of land, whether or
1412 not contiguous, or 1 or more buildings or structures, whether or not adjacent, on 1 or more
1413 parcels of land; provided further, that the total area of all development districts shall not exceed
1414 25 per cent of the total area of a city or town; and provided further, that the boundaries of a
1415 development district may be altered only after meeting the requirements for adoption under this
1416 subsection. The city or town shall find that the designation of the development district is
1417 consistent with the requirements of this section and will further the public purpose of
1418 encouraging increased residential, industrial and commercial activity.

1419 SECTION 25. Section 2 of chapter 43D of the General Laws, as so appearing, is hereby
1420 amended by striking out the definition of “Priority development site” and inserting in place
1421 thereof the following definition:-

1422 “Priority development site”, a privately or publicly-owned property that is: (1) eligible
1423 under applicable zoning provisions, including special permits or other discretionary permits, for
1424 the development or redevelopment of a building at least 50,000 square feet of gross floor area in
1425 new or existing buildings or structures; and (2) designated as an appropriate priority
1426 development site by the board; provided, however, that several parcels or projects may be
1427 included within a single priority development site; and provided further, that wherever possible,
1428 priority development sites shall be located adjacent to areas of existing development or in
1429 underutilized buildings or facilities or close to appropriate transit services.

1430 SECTION 25A. The first paragraph of section 8 of chapter 44 of the General Laws, as
1431 most recently amended by section 3 of chapter 52 of the acts of 2011, is hereby further amended
1432 by adding the following clause:-

1433 (25) For the acquisition of a dam or the removal, repair, reconstruction or improvements
1434 to a dam owned by a municipality, as may be necessary to maintain, repair or improve such dam,
1435 40 years; provided, however, that this clause shall include dams, as defined in section 44 of
1436 chapter 253, acquired by gift, purchase, eminent domain under chapter 79 or otherwise and
1437 located within a municipality, including any real property appurtenant thereto, if such dam and
1438 any appurtenant real property is not, at the time of such acquisition, owned or held in trust by the
1439 commonwealth.

1440 SECTION 26. Subsection (e) of section 53E³/₄ of chapter 44 of the General Laws, as
1441 appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:-

1442 A city or town may participate in the Massachusetts Development Finance Agency's
1443 energy conservation loan program established in section 46 of chapter 23G to obtain funds to
1444 make loans under this section. To the extent that the city or town receives funds under such
1445 program, it shall enter into a loan agreement with the property owner that has been approved by
1446 the agency and shall pledge such loan agreement and all amounts received under the loan
1447 agreement to the agency. In the event of a payment default by the property owner, the city or
1448 town shall enforce its rights under any betterments or other security granted under the applicable
1449 loan agreement. All amounts realized by the city or town as a result of such enforcement or
1450 otherwise realized under the betterments or other security granted under the applicable loan
1451 agreement or as a result of this section shall be immediately transferred to the agency.

1452 SECTION 27. Section 6 of chapter 62 of the General Laws is hereby amended by striking
1453 out, in line 273, as so appearing, the figure "2013" and inserting in place thereof the following
1454 figure:- 2015.

1455 SECTION 28. Said section 6 of said chapter 62 is hereby further amended by striking
1456 out, in line 278, as so appearing, the figure “2014” and inserting in place thereof the following
1457 figure:- 2016.

1458 SECTION 28A. Section 6J of said chapter 62, as so appearing, is hereby amended by
1459 striking out, in line 39, the figure “\$50,000,000” and inserting in place thereof the following
1460 figure:- “\$55,000,000”.

1461 SECTION 28B. Said chapter 62 is hereby further amended by inserting after section 6L
1462 the following section:-

1463 Section 6M. (a) The purpose of this section shall be to enable local residents and
1464 stakeholders to work with and through community development corporations to partner with
1465 nonprofit, public and private entities to improve economic opportunities for low and moderate
1466 income households and other residents in urban, rural and suburban communities across the
1467 commonwealth.

1468 (b) For the purposes of this section, the following words shall, unless the context clearly
1469 requires otherwise, have the following meanings:-

1470 “Community development corporation”, a corporation certified as a community
1471 development corporation by the department consistent with chapter 40H.

1472 “Community investment plan”, an organizational business plan developed by a certified
1473 community development corporation that details its goals, outcomes, strategies, programs and
1474 activities for a 3 to 5-year period and its financial plans for supporting its strategy; provided,
1475 however, that the plan shall be designed to engage local residents and businesses to work

1476 together to undertake community development programs, projects and activities which develop
1477 and improve urban, rural or suburban communities in sustainable ways that create and expand
1478 economic opportunities for low and moderate income households; and provided further, that the
1479 specific format and content of a community investment plan may be adapted to the particular
1480 organization and community, but shall include the following elements:

1481 (i) a description of the community to be served by the organization, including the
1482 neighborhoods, towns, or cities to be served as well as any particular constituencies that the
1483 organization is dedicated to serving;

1484 (ii) a description of how community residents and stakeholders were engaged in the
1485 development of the plan and their role in monitoring and implementing the organization's
1486 activities during the time period of the plan;

1487 (iii) the goals sought to be achieved during the time period of the plan, including how low
1488 and moderate income households or low and moderate income communities will benefit and how
1489 the entire community will benefit;

1490 (iv) the activities to be pursued to achieve those goals;

1491 (v) the manner in which success shall be measured and evaluated;

1492 (vi) a description of the collaborative efforts that shall support implementation of the
1493 plan, including collaborative efforts with nonprofit, for-profit or public entities;

1494 (vii) a description of how the different activities within the plan fit together and how the
1495 entire plan fits into a larger strategy or vision for the community;

1496 (viii) the financial strategy to be deployed to support these activities; and

1497 (ix) other information regarding the history and track record of the organization as
1498 determined by the department.

1499 “Community investment tax credit”, the tax credit described in subsection (d).

1500 “Community investment tax credit allocation”, an award provided by the department
1501 through a competitive process that enables the recipient of the allocation to solicit and receive
1502 qualified investments from taxpayers and to provide those taxpayers with a community
1503 investment tax credit.

1504 “Community partner”, a community development corporation or a community support
1505 organization selected by the department through a competitive process to receive a community
1506 investment tax credit allocation.

1507 “Community partnership fund”, a fund administered by a nonprofit organization selected
1508 by the department to receive qualified investments from taxpayers for the purpose of allocating
1509 such investments to community partners.

1510 “Community support organization”, any nonprofit organization which is not a community
1511 development corporation but has a focus on and track record of providing capacity building
1512 services to community development corporations.

1513 “Department”, the department of housing and community development.

1514 “Gateway municipality”, a gateway municipality as defined in section 3A of chapter 23A.

1515 “Low and moderate income community”, an economic target area as defined in section
1516 3A of chapter 23A, an enhanced economic enterprise community or empowerment zone as
1517 designated by the United States Department of Housing and Urban Development, or 1 or more

1518 contiguous census tracts as designated by a city or town, in which either: (1) a majority of the
1519 households are low and moderate income households as defined herein; or (2) the unemployment
1520 rate is at least 25 per cent higher than the annual statewide average unemployment rate at a time
1521 when the statewide unemployment rate is less than or equal to 5 per cent or the unemployment
1522 rate is at least 10 per cent higher than the annual statewide average unemployment rate at a time
1523 when the statewide unemployment rate is greater than 5 per cent.

1524 “Low and moderate income households”, households which have incomes that do not
1525 exceed 80 per cent of the median income for the area, with adjustments made for smaller and
1526 larger families, as such median shall be determined from time to time by the secretary of the
1527 United States Department of Housing and Urban Development pursuant to 42 U.S.C.
1528 1437(a)(B)(2) or any successor legislation and the regulations promulgated thereunder.

1529 “Qualified investment”, a cash contribution made to a specific community partner to
1530 support the implementation of its community investment plan or to a community partnership
1531 fund, as defined by this section.

1532 “Taxpayer”, any person, firm, or other entity subject to the personal income tax under the
1533 provisions of this chapter or any corporation subject to an excise under the provisions of chapter
1534 63.

1535 (c) The department shall promulgate regulations concerning the process by which
1536 community development corporations apply to become a community partner and receive
1537 qualified investments; provided, however, that:

1538 (1) the department shall design a competitive process to review applications by
1539 community development corporations and community support organizations; provided, however,

1540 that community support organizations may qualify but not more than 2 such organizations shall,
1541 at any given time, be awarded community investment tax credits;

1542 (2) the selection process shall favor community development corporations with the
1543 highest quality community investment plans and strong track records and shall strive to ensure
1544 that all regions of the commonwealth are able to fairly compete for allocations, including
1545 gateway municipalities, rural areas and suburban areas; provided, however, that at least 30 per
1546 cent of the community partners shall be located in or serving gateway municipalities and at least
1547 20 per cent of the community partners shall be located in or serving rural areas, as defined by the
1548 department, unless the department finds that there are not a sufficient number of qualified
1549 applications from those areas;

1550 (3) the department shall implement at least one such allocation process each year;
1551 provided, however, that each tax credit allocation shall be valid for a period of up to 3 years,
1552 contingent upon the community partner satisfactorily meeting the reporting requirements of the
1553 department; provided further, that community partners who have not fully utilized their
1554 community investment tax credit allocations within 3 years may apply to the department for a 1
1555 year extension; and provided further, that community investment tax credit allocations may be
1556 revoked after 2 years from the date of the award by the department if: (i) the community partner
1557 has been unable to secure donation commitments for at least 50 per cent of total allocation by
1558 that time; (ii) if the community partner is found to be in noncompliance with this statute or the
1559 department's regulations promulgated hereunder; or (iii) if the community partner is determined
1560 by the department to be making inadequate progress on its community investment plan, or (iv)
1561 for other good cause as determined by the department;

1562 (4) no community partner shall receive a community investment tax credit allocation of
1563 less than \$50,000 or more than \$150,000 in any 1 fiscal year and no community partner shall
1564 receive a subsequent allocation unless it has utilized at least 95 per cent of the 3-year total of any
1565 prior allocation;

1566 (5) a community partner may receive qualified investments directly from taxpayers or it
1567 may transfer some or all of its community investment tax credit allocation to a community
1568 partnership fund and receive qualified investments from that fund;

1569 (6) before receiving a qualified investment from a taxpayer or from a community
1570 partnership fund, the community partner shall first receive certification from the department that
1571 it has been awarded a community investment tax credit allocation;

1572 (7) the department may authorize up to 2 nonprofit organizations to operate community
1573 investment partnership funds; provided, however, that in selecting at least 1 such nonprofit
1574 organization to serve in this function, the department shall seek an organization which
1575 demonstrates that it has the capacity to solicit, administer and re-grant qualified investments and
1576 can advance the purposes of this section; and

1577 (8) the department, in consultation with the commissioner, shall prescribe regulations
1578 necessary to carry out this subsection; provided, however, that such regulations shall include
1579 requirements for annual reports from community partners and community partnership funds
1580 regarding outcomes achieved during the prior year and those reports shall be made available to
1581 the public; provided further, that the department shall maintain a list of all community partners
1582 and community partnership funds on its website; and provided further, that the department shall

1583 produce an annual report not later than April 30 for the general court and the public that
1584 describes the outcomes achieved through the program.

1585 (d) There is hereby established a Massachusetts community investment tax credit. The
1586 total of all tax credits available to a taxpayer pursuant to this section shall not exceed \$1,000,000
1587 in any 1 tax year and no tax credit shall be allowed to any taxpayer for participating in a
1588 qualified community investment activity of less than \$1,000. (g) A taxpayer that makes a
1589 qualified investment shall be allowed a credit, to be computed as hereinafter provided, against
1590 taxes owed to the commonwealth under chapter 62 or chapter 63 or other applicable law. The
1591 credit shall be equal to 50 per cent of the total qualified investments made by the taxpayer,
1592 subject to the cap described in paragraph (4) of subsection (c). The department shall issue a
1593 certification to the taxpayer after the taxpayer makes a qualified investment. Such certification
1594 shall be acceptable as proof that the expenditures related to such investment qualify as qualified
1595 investment for purposes of the credit allowed under this section.

1596 (e) The credit allowable under this section shall be allowed for the taxable year in which
1597 a qualified investment is made. A taxpayer allowed a credit under this section for a taxable year
1598 may carry over and apply against such taxpayer's tax liability in any of the succeeding 5 taxable
1599 years, the portion, as reduced from year to year, of those credits which exceed the tax for the
1600 taxable year.

1601 (f) Community investment tax credits allowed to a partnership or a limited liability
1602 company taxed as a partnership shall be passed through to the persons designated as partners,
1603 members or owners, respectively, pro rata or pursuant to an executed agreement among the

1604 persons designated as partners, members or owners documenting an alternative distribution
1605 method without regard to their sharing of other tax or economic attributes of the entity.

1606 (g) Taxpayers eligible for the community investment tax credit may, with prior notice to
1607 and in accordance with regulations adopted by the commissioner, transfer the credits, in whole or
1608 in part, to any taxpayer, and the transferee shall be entitled to apply the credits against the tax
1609 with the same effect as if the transferee had made the qualified investment itself. The transferee
1610 shall use the credit in the year it is transferred. If the credit allowable for any taxable year
1611 exceeds the transferee's tax liability for that tax year, the transferee may carry forward and apply
1612 in any subsequent taxable year, the portion, as reduced from year to year, of those credits which
1613 exceeds the tax for the taxable year; provided, however, the carryover period shall not exceed 5
1614 taxable years after the close of the taxable year during which the qualified investment was made
1615 as provided for in this section.

1616 (h) The commissioner, in consultation with the department, shall prescribe regulations
1617 necessary to carry out the tax credit established in subsection (d).

1618 SECTION 28C. Section 6M of chapter 62 of the General Laws is hereby repealed.

1619 SECTION 29. Section 2 of chapter 63 of the General Laws, as appearing in the 2010
1620 Official Edition, is hereby amended by inserting after the figure "\$456", in line 27, the following
1621 words:- ; and provided further that, qualifying corporations under section 38DD shall receive a
1622 credit of \$456 against the excise imposed under this section.

1623 SECTION 30. Section 2B of said chapter 63, as so appearing, is hereby amended by
1624 inserting after the figure "\$456", in line 40, the following words:- ; provided, however, that

1625 qualifying corporations under section 38DD shall receive a credit of \$456 against the excise
1626 imposed under this section.

1627 SECTION 31. Section 38Q of said chapter 63, as so appearing, is hereby amended by
1628 striking out, in line 3, the figure “2013” and inserting in place thereof the following figure:-
1629 2015.

1630 SECTION 32. Said section 38Q of said chapter 63, as so appearing, is hereby further
1631 amended by striking out, in line 8, the figure “2014” and inserting in place thereof the following
1632 figure:- 2016.

1633 SECTION 33. Said chapter 63 is hereby further amended by inserting after section 38CC
1634 the following 2 sections:-

1635 Section 38DD. (a) A corporation formed under chapter 156D and taxable under this
1636 chapter shall receive a nontransferrable credit against an excise tax imposed under subsection (b)
1637 of section 2, subsection (b) of section 2B or subsection (b) of section 39.

1638 (b) A corporation shall only be eligible for a credit under subsection (a) for the first 3
1639 years in which it is required to file a return under this chapter; provided, however, that such
1640 credit shall not be allowed to any corporation with 50 per cent or more of its voting stock owned
1641 by another corporation, whether or not such owning corporation is taxable in the commonwealth.

1642 Section 38EE. (a) The purpose of this section shall be to enable local residents and
1643 stakeholders to work with and through community development corporations to partner with
1644 nonprofit, public and private entities to improve economic opportunities for low and moderate

1645 income households and other residents in urban, rural and suburban communities across the
1646 commonwealth.

1647 (b) For the purposes of this section, the following words shall, unless the context clearly
1648 requires otherwise, have the following meanings:-

1649 “Community development corporation”, a corporation certified as a community
1650 development corporation by the department consistent with chapter 40H.

1651 “Community investment plan”, an organizational business plan developed by a certified
1652 community development corporation that details its goals, outcomes, strategies, programs and
1653 activities for a 3 to 5-year period and its financial plans for supporting its strategy; provided,
1654 however, that the plan shall be designed to engage local residents and businesses to work
1655 together to undertake community development programs, projects and activities which develop
1656 and improve urban, rural or suburban communities in sustainable ways that create and expand
1657 economic opportunities for low and moderate income households; and provided further, that the
1658 specific format and content of a community investment plan may be adapted to the particular
1659 organization and community, but shall include the following elements:

1660 (i) a description of the community to be served by the organization, including the
1661 neighborhoods, towns, or cities to be served as well as any particular constituencies that the
1662 organization is dedicated to serving;

1663 (ii) a description of how community residents and stakeholders were engaged in the
1664 development of the plan and their role in monitoring and implementing the organization’s
1665 activities during the time period of the plan;

1666 (iii) the goals sought to be achieved during the time period of the plan, including how low
1667 and moderate income households or low and moderate income communities will benefit and how
1668 the entire community will benefit;

1669 (iv) the activities to be pursued to achieve those goals;

1670 (v) the manner in which success shall be measured and evaluated;

1671 (vi) a description of the collaborative efforts that shall support implementation of the
1672 plan, including collaborative efforts with nonprofit, for-profit or public entities;

1673 (vii) a description of how the different activities within the plan fit together and how the
1674 entire plan fits into a larger strategy or vision for the community;

1675 (viii) the financial strategy to be deployed to support these activities; and

1676 (ix) other information regarding the history and track record of the organization as
1677 determined by the department.

1678 “Community investment tax credit”, the tax credit described in subsection (c).

1679 “Community investment tax credit allocation”, an award provided by the department
1680 through a competitive process that enables the recipient of the allocation to solicit and receive
1681 qualified investments from taxpayers and to provide those taxpayers with a community
1682 investment tax credit.

1683 “Community partner”, a community development corporation or a community support
1684 organization selected by the department through a competitive process to receive a community
1685 investment tax credit allocation.

1686 “Community partnership fund”, a fund administered by a nonprofit organization selected
1687 by the department to receive qualified investments from taxpayers for the purpose of allocating
1688 such investments to community partners.

1689 “Community support organization”, any nonprofit organization which is not a community
1690 development corporation but has a focus on and track record of providing capacity building
1691 services to community development corporations.

1692 “Department”, the department of housing and community development.

1693 “Gateway municipality”, a gateway municipality as defined in section 3A of chapter 23A.

1694 “Low and moderate income community”, an economic target area as defined in section
1695 3A of chapter 23A, an enhanced economic enterprise community or empowerment zone as
1696 designated by the United States Department of Housing and Urban Development, or 1 or more
1697 contiguous census tracts as designated by a city or town, in which either: (1) a majority of the
1698 households are low and moderate income households as defined herein; or (2) the unemployment
1699 rate is at least 25 per cent higher than the annual statewide average unemployment rate at a time
1700 when the statewide unemployment rate is less than or equal to 5 per cent or the unemployment
1701 rate is at least 10 per cent higher than the annual statewide average unemployment rate at a time
1702 when the statewide unemployment rate is greater than 5 per cent.

1703 “Low and moderate income households”, households which have incomes that do not
1704 exceed 80 per cent of the median income for the area, with adjustments made for smaller and
1705 larger families, as such median shall be determined from time to time by the secretary of the
1706 United States Department of Housing and Urban Development pursuant to 42 U.S.C.
1707 1437(a)(B)(2) or any successor legislation and the regulations promulgated thereunder.

1708 “Qualified investment”, a cash contribution made to a specific community partner to
1709 support the implementation of its community investment plan or to a community partnership
1710 fund, as defined by this section.

1711 “Taxpayer”, any person, firm, or other entity subject to the personal income tax under the
1712 provisions of this chapter or any corporation subject to an excise under the provisions of chapter
1713 63.

1714 (c) The department shall promulgate regulations concerning the process by which
1715 community development corporations apply to become a community partner and receive
1716 qualified investments; provided, however, that:

1717 (1) the department shall design a competitive process to review applications by
1718 community development corporations and community support organizations; provided, however,
1719 that community support organizations may qualify but not more than 2 such organizations shall,
1720 at any given time, be awarded community investment tax credits;

1721 (2) the selection process shall favor community development corporations with the
1722 highest quality community investment plans and strong track records and shall strive to ensure
1723 that all regions of the commonwealth are able to fairly compete for allocations, including
1724 gateway municipalities, rural areas and suburban areas; provided, however, that at least 30 per
1725 cent of the community partners shall be located in or serving gateway municipalities and at least
1726 20 per cent of the community partners shall be located in or serving rural areas, as defined by the
1727 department, unless the department finds that there are not a sufficient number of qualified
1728 applications from those areas;

1729 (3) the department shall implement at least one such allocation process each year;
1730 provided, however, that each tax credit allocation shall be valid for a period of up to 3 years,
1731 contingent upon the community partner satisfactorily meeting the reporting requirements of the
1732 department; provided further, that community partners who have not fully utilized their
1733 community investment tax credit allocations within 3 years may apply to the department for a 1
1734 year extension; and provided further, that community investment tax credit allocations may be
1735 revoked after 2 years from the date of the award by the department if: (i) the community partner
1736 has been unable to secure donation commitments for at least 50 per cent of total allocation by
1737 that time, (ii) if the community partner is found to be in noncompliance with this statute or the
1738 department's regulations promulgated hereunder, (iii) if the community partner is determined by
1739 the department to be making inadequate progress on its community investment plan, or (iv) for
1740 other good cause as determined by the department;

1741 (4) no community partner shall receive a community investment tax credit allocation of
1742 less than \$50,000 or more than \$150,000 in any 1 fiscal year; provided, however, that no
1743 community partner shall receive a subsequent allocation unless it has utilized at least 95 per cent
1744 of the 3-year total of any prior allocation;

1745 (5) a community partner may receive qualified investments directly from taxpayers or it
1746 may transfer some or all of its community investment tax credit allocation to a community
1747 partnership fund and receive qualified investments from that fund;

1748 (6) before receiving a qualified investment from a taxpayer or from a community
1749 partnership fund, the community partner shall first receive certification from the department that
1750 it has been awarded a community investment tax credit allocation;

1751 (7) the department may authorize up to 2 nonprofit organizations to operate community
1752 investment partnership funds; provided, however, that in selecting at least 1 such nonprofit
1753 organization to serve in this function, the department shall seek an organization which
1754 demonstrates that it has the capacity to solicit, administer and re-grant qualified investments and
1755 can advance the purposes of this section; and

1756 (8) the department, in consultation with the commissioner shall prescribe regulations
1757 necessary to carry out this subsection; provided, however, that such regulations shall include
1758 requirements for annual reports from community partners and community partnership funds
1759 regarding outcomes achieved during the prior year and those reports shall be made available to
1760 the public; provided further, that the department shall maintain a list of all community partners
1761 and community partnership funds on its website; and provided further, that the department shall
1762 produce an annual report not later than April 30 for the general court and the public that
1763 describes the outcomes achieved through the program.

1764 (d) There is hereby established a Massachusetts community investment tax credit.

1765 (e) The total of all tax credits available to a taxpayer pursuant to this section shall not
1766 exceed \$1,000,000 in any 1 tax year and no tax credit shall be allowed to any taxpayer for
1767 participating in a qualified community investment activity of less than \$1,000.

1768 (f) A taxpayer that makes a qualified investment shall be allowed a credit, to be computed
1769 as hereinafter provided, against taxes owed to the commonwealth under chapter 62 or chapter 63
1770 or other applicable law. The credit shall be equal to 50 per cent of the total qualified investments
1771 made by the taxpayer, subject to the cap described in paragraph (4) of subsection (c). The
1772 department shall issue a certification to the taxpayer after the taxpayer makes a qualified

1773 investment. Such certification shall be acceptable as proof that the expenditures related to such
1774 investment qualify as qualified investment for purposes of the credit allowed under this section.

1775 (g) The credit allowable under this section shall be allowed for the taxable year in which
1776 a qualified investment is made. A taxpayer allowed a credit under this section for a taxable year
1777 may carry over and apply against such taxpayer's tax liability in any of the succeeding 5 taxable
1778 years, the portion, as reduced from year to year, of those credits which exceed the tax for the
1779 taxable year.

1780 (h) Community investment tax credits allowed to a partnership or a limited liability
1781 company taxed as a partnership shall be passed through to the persons designated as partners,
1782 members or owners, respectively, pro rata or pursuant to an executed agreement among the
1783 persons designated as partners, members or owners documenting an alternative distribution
1784 method without regard to their sharing of other tax or economic attributes of the entity.

1785 (i) Taxpayers eligible for the community investment tax credit may, with prior notice to
1786 and in accordance with regulations adopted by the commissioner, transfer the credits, in whole or
1787 in part, to any taxpayer, and the transferee shall be entitled to apply the credits against the tax
1788 with the same effect as if the transferee had made the qualified investment itself. The transferee
1789 shall use the credit in the year it is transferred. If the credit allowable for any taxable year
1790 exceeds the transferee's tax liability for that tax year, the transferee may carry forward and apply
1791 in any subsequent taxable year, the portion, as reduced from year to year, of those credits which
1792 exceeds the tax for the taxable year; provided, however, the carryover period shall not exceed 5
1793 taxable years after the close of the taxable year during which the qualified investment was made
1794 as provided for in this section.

1795 (j) The commissioner, in consultation with the department, shall prescribe regulations
1796 necessary to carry out the tax credit established in subsection (d).

1797 SECTION 33A. Section 38EE of chapter 63 of the General Laws is hereby repealed.

1798 SECTION 34. Section 39 of said chapter 63, as appearing in the 2010 Official Edition, is
1799 hereby amended by inserting after the figure “\$456”, in line 49, the following words:- ; provided,
1800 however, that qualifying corporations under section 38DD shall receive a credit of \$456 against
1801 the excise imposed under this section.

1802 SECTION 35. Subsection (c) of section 3 of chapter 63B of the General Laws, as so
1803 appearing, is hereby amended by striking out the first and second sentences and inserting in place
1804 thereof the following 3 sentences:- For the purposes of this chapter, there shall be 4 required
1805 installments for each taxable year, except as otherwise provided by this chapter. The first
1806 installment shall be paid on or before the fifteenth day of the third month of the taxable year, the
1807 second installment shall be paid on or before the fifteenth day of the sixth month of the taxable
1808 year, the third installment shall be paid on or before the fifteenth day of the ninth month of the
1809 taxable year and the fourth installment shall be paid on or before the fifteenth day of the twelfth
1810 month of the taxable year. The amount of any installment shall be 25 per cent of the required
1811 annual payment.

1812 SECTION 36. Section 4A of said chapter 63B, as so appearing, is hereby amended by
1813 striking out, in line 4, the words “sixty-five percent” and inserting in place thereof the following
1814 words:- 50 per cent.

1815 SECTION 37. Said section 4A of said chapter 63B, as so appearing, is hereby further
1816 amended by striking out, in line 9, the words “ten percent” and inserting in place thereof the
1817 following words:- 25 per cent.

1818 SECTION 38. Said section 4A of said chapter 63B, as so appearing, is hereby further
1819 amended by striking out, in line 14, the words “ninety percent” and inserting in place thereof the
1820 following words:- 25 per cent.

1821 SECTION 39. Said section 4A of said chapter 63B, as so appearing, is hereby further
1822 amended by striking out, in lines 16 and 17, the words “ten percent” and inserting in place
1823 thereof the following words:- 25 per cent.

1824 SECTION 40. Section 4B of said chapter 63B, as so appearing, is hereby amended by
1825 striking out, in lines 7 and 8, the words “thirty percent” and inserting in place thereof the
1826 following words:- 25 per cent.

1827 SECTION 41. Said section 4B of said chapter 63B, as so appearing, is hereby further
1828 amended by striking out, in line 10, the words “twenty-five percent” and inserting in place
1829 thereof the following words:- 25 per cent.

1830 SECTION 42. Said section 4B of said chapter 63B, as so appearing, is hereby further
1831 amended by striking out, in line 13, the words “twenty-five percent” and inserting in place
1832 thereof the following words:- 25 per cent.

1833 SECTION 43. Said section 4B of said chapter 63B, as so appearing, is hereby further
1834 amended by striking out, in lines 15 and 16, the words “twenty percent” and inserting in place
1835 thereof the following words:- 25 per cent.

1836 SECTION 44. Section 6 of chapter 64H of the General Laws is hereby amended by
1837 inserting after the word “tools”, in line 237, as so appearing, the following words:- , standardized
1838 computer software.

1839 SECTION 45. Said section 6 of said chapter 64H is hereby further amended by inserting
1840 after the word “thereof,” in line 264, as so appearing, the following words:- and standardized
1841 computer software.

1842 SECTION 45A. Section 8 of chapter 70B of the General Laws, as so appearing, is hereby
1843 amended by inserting after the word “exists”, in line 7, the following words:- ; provided,
1844 however, that further priority shall be given to school projects that will replace or renovate a
1845 school that was damaged as a result of a federally-declared emergency or disaster

1846 SECTION 45B. The first paragraph of section 10 of said chapter 70B , as so appearing, is
1847 hereby amended by adding the following sentence:- There shall be an exemption on the
1848 maximum grant percentage for approved school projects that will replace or renovate a school
1849 that was damaged as a result of a federally-declared emergency or disaster, the authority may
1850 determine, in its sole discretion, that the maximum grant percentage may be greater than 80 per
1851 cent of approved costs.

1852 SECTION 45C. Section 321 of chapter 94 of the General Laws, as so appearing, is
1853 hereby amended by inserting after the word "drinks", in line 4, the following words:- ,
1854 noncarbonated beverages including mineral water, flavored and unflavored water, vitamin water,
1855 and other water beverages, tea, sports drinks, isotonic drinks and all other non-alcoholic
1856 carbonated and noncarbonated drinks in liquid form intended for human consumption, except

1857 milk and beverages that are primarily derived from dairy products, infant formula and FDA-
1858 approved medicines.

1859 SECTION 45D. The definition of "Beverage container" in said section 321 of said
1860 chapter 94, as so appearing, is hereby amended by striking out the last sentence and inserting in
1861 place thereof the following sentence:- This definition shall not include containers made of paper-
1862 based biodegradable material and aseptic multi-material packaging.

1863 SECTION 45E. Said section 321 of said chapter 94, as so appearing, is hereby further
1864 amended by inserting after the definition of "Plastic bottle" the following definition:-

1865 "Redemption center", a business whose primary purpose is the redemption of beverage
1866 containers and is not ancillary to any other business,

1867 SECTION 45F. Said section 321 of said chapter 94, as so appearing, is hereby further
1868 amended by adding the following definition:-

1869 "Small dealer", a person or business, including an operator of a vending machine, who
1870 engages in the sale of beverages in beverage containers to consumers in the commonwealth,
1871 whose operating premises are less than 4000 square feet.

1872 SECTION 45G. Section 322 of said chapter 94, as so appearing, is hereby amended by
1873 inserting after the first sentence the following sentence:- Unless the bottler otherwise elects, this
1874 section shall not apply to exempted beverages.

1875 SECTION 45H. Section 323 of said chapter 94, as so appearing, is hereby amended by
1876 striking out, in lines 11 and 12, and in line 19, the words "one cent" and inserting in place thereof
1877 the following words:- 3 1/4 cents.

1878 SECTION 45I. Paragraph (c) of said section 323 of said chapter 94, as so appearing, is
1879 hereby amended by adding the following sentence:- The handling fee shall be reviewed semi-
1880 annually by the secretary of energy and environmental affairs and adjustments shall be made to
1881 reflect increases in costs incurred by redemption facilities.

1882 SECTION 45J. Paragraph (d) of said section 323 of said chapter 94, as so appearing, is
1883 hereby amended by adding the following sentence:- The handling fee shall be reviewed semi-
1884 annually by the secretary of energy and environmental affairs and adjustments shall be made to
1885 reflect increases in costs incurred by redemption facilities.

1886 SECTION 45K. Paragraph (e) of section 323 of said chapter 94, as so appearing, is
1887 hereby amended by striking out the first sentence and inserting in place thereof the following 2
1888 sentences:- The executive office of environmental affairs shall promulgate rules and regulations
1889 for the licensure of redemption centers and may set fees for such licensing. Any person may
1890 establish a redemption center and shall have the right to determine what type, size and brand of
1891 beverage container shall be accepted.

1892 SECTION 45L. Said section 323 of said chapter 94, as so appearing, is hereby further
1893 amended by inserting after the word "civil", in line 73, the following words:- or administrative.

1894 SECTION 45M. Section 327 of said chapter 94, as so appearing, is hereby amended by
1895 inserting after the first paragraph the following 2 paragraphs:-

1896 The department of environmental protection may enforce section 321, paragraphs (a) to
1897 (f), inclusive, and paragraph (i) of section 323, section 323A, section 323F, section 324 and
1898 section 325. Any bottler, distributor, redemption center or dealer who violates any of the

1899 foregoing provisions shall be subject to an administrative penalty for each violation of not more
1900 than \$1,000.

1901 The department of revenue may enforce paragraphs (g) and (h) of section 323 and
1902 sections 323B to 323E, inclusive. Any bottler, distributor, redemption center or dealer who
1903 violates any of the foregoing provisions shall be subject to an administrative penalty for each
1904 violation of not more than \$1,000.

1905 SECTION 45N. Said section 327 of said chapter 94, as so appearing, is hereby further
1906 amended by inserting after the word "civil", in line 14, the following words:- or administrative.

1907 SECTION 46. Section 57A of chapter 121B of the General Laws is hereby repealed.

1908 SECTION 47. Section 44 of chapter 130 of the General Laws, as appearing in the 2010
1909 Official Edition, is hereby amended by striking out the third paragraph and inserting in place
1910 thereof the following paragraph:-

1911 If the measurement of any such lobster taken from 1 or the other eye sockets is of the
1912 required length, such lobster shall be deemed to be a legal lobster. The bringing ashore of a
1913 mutilated lobster in a manner that affects its measurement as aforesaid shall be prima facie
1914 evidence in all prosecutions that the lobster was or is less than the required length; provided,
1915 however, that the director, with the approval of the marine fisheries advisory commission, shall
1916 promulgate rules and regulations to allow the on-shore processing of live lobsters of legal length
1917 into a food product of frozen lobster parts and the possession and sale of such processed food
1918 product by wholesale dealers; provided further, that the processing of lobsters into parts at sea
1919 shall be prohibited and shall be subject to the penalties provided in the first paragraph; provided
1920 further, that such processing shall be conducted only by wholesale dealers licensed by the

1921 department of public health under section 77G of chapter 94; provided further, that the
1922 packaging of processed frozen lobster parts as a food product shall bear a label in accordance
1923 with applicable federal and state laws and regulations; provided further, that frozen lobster parts
1924 that have been processed as a food product may be possessed, sold or offered for sale by a
1925 wholesale dealer and any retail dealer including, without limitation, restaurants and retail food
1926 establishments; and provided further, that such food product may be possessed by a consumer.
1927 This section shall not apply to common carriers possessing lobster or lobster food products for
1928 the purpose of transportation.

1929 SECTION 48. Section 40 of chapter 131 of the General Laws, as so appearing, is hereby
1930 amended by inserting after the word “gas”, in line 8, the following word:- , sewer.

1931 SECTION 49. The second paragraph of said section 40 of said chapter 131, as so
1932 appearing, is hereby amended by inserting after the first sentence the following 4 sentences:-
1933 When a notice of intent proposes activities on land under water bodies and waterways or on a
1934 tract of land greater than 50 acres, written notification shall be given to all abutters within 100
1935 feet of the proposed project site. For the purposes of this section, “project site” shall mean lands
1936 where the following activities are proposed to take place: dredging, excavating, filling, grading,
1937 the erection, reconstruction or expansion of a building or structure, the driving of pilings, the
1938 construction or improvement of roads or other ways and the installation of drainage, sewerage
1939 and water systems, and “land under water bodies and waterways” shall mean the bottom of, or
1940 land under, the surface of the ocean or an estuary, creek, river stream, pond or lake. When a
1941 notice of intent proposes activity on a linear shaped project site longer than 1,000 feet in length,
1942 notification shall be given to all abutters within 1,000 feet of the proposed project site. If the

1943 linear project site takes place wholly within an easement through another person's land, notice
1944 shall also be given to the landowner.

1945 SECTION 50. The twenty-sixth paragraph of said section 40 of said chapter 131, as so
1946 appearing, is hereby further amended by adding the following 5 sentences:- The permitting and
1947 emergency provisions in this paragraph shall not apply to severe weather emergencies as
1948 declared by the commissioner of environmental protection following a destructive weather event
1949 requiring widespread recovery efforts, debris cleanup or roadway or utility repair. A severe
1950 weather emergency declaration shall allow for emergency related work to occur as necessary for
1951 the protection of the health or safety of the residents of the commonwealth. A severe weather
1952 emergency declaration by the commissioner shall describe the types of work allowed without
1953 filing a notice of intent, any general mitigating measures to condition the work that may be
1954 required in performing such work, any notification or reporting requirements, the geographic
1955 area of the declaration's effect and the period of time the declaration shall be in effect which, in
1956 no event, shall be longer than 3 months unless extended by the commissioner. A severe weather
1957 emergency declared by the commissioner shall be sent electronically to all conservation
1958 commissions in the geographic area of the severe weather emergency and shall be made widely
1959 available to the general public through appropriate channels for emergency communications. A
1960 declaration of a severe weather emergency by the commissioner shall not impact the
1961 department's ability to enforce any general or special law or rule or regulation that is not altered
1962 by the commissioner's declaration.

1963 SECTION 50A. Chapter 138 of the General Laws is hereby amended by inserting after
1964 section 12B the following section:-

1965 Section 12C. The commission may issue an annual caterer’s license to an operator of a
1966 catering business for the sale and service of alcoholic beverages to be served and drunk on the
1967 premises where the operator caters a private event that is not open to the public; provided,
1968 however, that no such license shall be exercisable on premises located in a city or town wherein
1969 the granting of licenses under section 12 has not been authorized by that city or town. A caterer
1970 licensed under this section shall not serve alcoholic beverages at the caterer’s principal place of
1971 business. A licensee under this section shall purchase all alcoholic beverages for resale from a
1972 wholesaler licensed under section 18 and shall maintain liquor liability insurance providing
1973 security for the liability of the licensee in a minimum amount of \$250,000 on account of injury to
1974 or death of 1 person and \$500,000 on account of any 1 accident resulting in injury to or death of
1975 more than 1 person. The service of alcoholic beverages shall not be for more than 5 hours during
1976 a catered event. All agents and employees of a licensed caterer who serve alcoholic beverages
1977 shall be certified by a nationally-recognized alcoholic beverages server training program.

1978 A caterer licensed under this section shall, prior to 48 hours before the start of a catered
1979 event where alcoholic beverages will be served, provide, in writing, the police chief and the
1980 licensing authority of the city or town wherein the event will be held the following information:

- 1981 (1) notice that alcoholic beverages will be served at an event in that city or town;
- 1982 (2) a copy of the caterer’s license;
- 1983 (3) proof of liquor liability insurance; and
- 1984 (4) emergency contact information of the manager of the catering company.

1985 The commission, after notice to the licensee and reasonable opportunity to be heard, may
1986 modify, suspend, revoke or cancel the license upon satisfactory proof that the licensee violated or
1987 permitted a violation of a condition of the license or of any law of the commonwealth or
1988 regulation of the commission. The decision of the commission shall be final and conclusive. A
1989 caterer's license shall authorize the licensee to store, transport, sell and deliver alcoholic
1990 beverages in the ordinary course of the licensee's business. Alcoholic beverages may be stored
1991 only on the premises owned by the licensee or that the licensee has the exclusive right to occupy.
1992 The caterer's license shall be renewable annually and shall be subject to an annual fee of \$1,500.

1993 SECTION 50B. Chapter 149 of the General Laws is hereby amended by inserting after
1994 section 147H the following section:-

1995 Section 147I. (a) An individual who has an independently established business as: (i) a
1996 freelance writer, editor, proofreader or indexer in the publishing industry and who works out of
1997 the individual's own residence; or (2) an artist, whose work constitutes intellectual property to
1998 which copyright laws apply, and who works out of the artist's own residence or studio shall be
1999 exempt from the requirements of clause (2) of subsection (a) of section 148B for the purposes of
2000 this chapter and chapter 151. This exception shall not apply to any person working with or for
2001 the freelancer or artist.

2002 (b) The exemption authorized in subsection (a) shall not apply to an individual who has
2003 been coerced, threatened or intimidated into establishing an independent business for an
2004 employer for the purposes of evading the requirements of chapter 149 or 151.

2005 SECTION 50C. Section 148 of said chapter 149, as appearing in the 2010 Official
2006 Edition, is hereby amended by striking out, in line 2, the words "weekly or bi-weekly" and
2007 inserting in place thereof the following words:- weekly, biweekly or semi-monthly.

2008 SECTION 50D. Section 188 of said chapter 149, as so appearing, is hereby amended by
2009 adding the following subsections:-

2010 (f) The division of unemployment assistance and the division of health care finance and
2011 policy may waive or mitigate an employer's fair share contributions, fines, interest and related
2012 fees.

2013 (g) Pending an appeal decision, the division of unemployment assistance shall not
2014 continue to accrue or collect interest, penalties or fees on the fair share contribution.

2015 (h) The division of unemployment assistance or any entity of the commonwealth shall not
2016 take any funds out of an employer's bank account if the employer has filed a fair share
2017 contributions appeal or is in the process of mediation and is awaiting a decision.

2018 (i) The division of unemployment assistance's help center staff shall not request
2019 identifying information from an employer that is seeking assistance from the division of
2020 unemployment assistance helpline, nor shall the staff share customer information with the audit
2021 department staff. No information recorded by the helpline may be used in an audit proceeding or
2022 be used to initiate an audit.

2023 (j) An employer aggrieved by a determination of the director with respect to its liability
2024 for the fair share employer contribution or with respect to the amount it is required to pay may

2025 appeal such determination within 60 days and in the form and manner as specified by the
2026 division of unemployment assistance.

2027 (k) Upon completion of a hearing on an appeal with respect to an employer's liability for
2028 the fair share employer contribution or to the amount it is required to pay, the division of
2029 unemployment assistance shall render a written decision within 90 days for an employer with
2030 more than 50 full-time equivalent employees and within 30 days for an employer with 50 or
2031 fewer full-time equivalent employees.

2032 SECTION 50E. Section 25 of chapter 151A of the General Laws, as so appearing, is
2033 hereby amended by adding the following clause:-

2034 (k) Any week in which the individual is barred from working for, or being paid by, the
2035 employing unit by reason of subsection (b) of section 91 of chapter 32.

2036 SECTION 51. The General Laws are hereby amended by inserting after chapter 156D the
2037 following chapter:-

2038 CHAPTER 156E

2039 BENEFIT CORPORATIONS

2040 Section 1. This chapter shall be known and may be cited as the Massachusetts Benefit
2041 Corporation Act.

2042 Section 2. (a) Except as otherwise provided in this chapter, a benefit corporation doing
2043 business in the commonwealth shall comply with other applicable laws regarding corporations,
2044 including chapters 155, 156, 156A, 156B, 156D and 158. The existence of a provision of this
2045 chapter shall not excuse or exempt any business organized under the laws of the commonwealth

2046 from complying with all relevant laws and regulations in the commonwealth, except to the extent
2047 they are inconsistent with this chapter.

2048 (b) A provision in a benefit corporation’s articles of incorporation, bylaws or shareholder
2049 agreement that is inconsistent with this chapter shall be void and unenforceable; provided,
2050 however, that the remaining provisions of the articles of incorporation, bylaws or shareholder
2051 agreement shall remain in effect.

2052 Section 3. As used in this chapter, unless the context otherwise requires, the following
2053 words shall have the following meanings:-

2054 “Benefit corporation”, a corporation incorporated in the commonwealth that incorporated
2055 as a benefit corporation under section 9 and has not ceased to be a benefit corporation by
2056 terminating its benefit corporation status through the operation of section 6.

2057 “Benefit director”, either: (i) the director designated as the benefit director of a benefit
2058 corporation under subsection (a) of section 11; or (ii) a person with any of the powers, duties or
2059 rights of a benefit director to the extent provided in the bylaws under subsection (e) of section
2060 11.

2061 “Benefit enforcement proceeding”, a claim or action brought directly by a benefit
2062 corporation, or derivatively on behalf of a benefit corporation, against a director or officer for: (i)
2063 failure to pursue the general public benefit purpose of the benefit corporation or a specific public
2064 benefit purpose set forth in its articles; or (ii) a violation of any obligation, duty or standard of
2065 conduct under this chapter.

2066 “Benefit officer”, the individual designated as the benefit officer of a benefit corporation
2067 under section 13.

2068 “General public benefit”, a material, positive impact on society and the environment,
2069 taken as a whole, as measured by a third-party standard, from the business and operations of a
2070 benefit corporation.

2071 “Independent”, having no material relationship with a benefit corporation or a subsidiary
2072 of the benefit corporation; provided, however, that serving as a benefit director or benefit officer
2073 shall not preclude a person from being independent; provided further, that a material relationship
2074 between a person and a benefit corporation or any of its subsidiaries shall be presumed to exist if
2075 1 or more of the following apply:

2076 (1) the person is, or has been within the last year, an employee other than a benefit
2077 officer of the benefit corporation or a subsidiary of the benefit corporation;

2078 (2) an immediate family member of the person is, or has been within the last year,
2079 an executive officer other than a benefit officer of the benefit corporation or its subsidiary;

2080 (3) there is beneficial or record ownership of 5 per cent or more of the outstanding
2081 shares of the benefit corporation by: (i) the person; or (ii) an association of which the person is a
2082 director, an officer or a manager or in which the person owns beneficially or of record 5 per cent
2083 or more of the outstanding equity interests.

2084 “Minimum status vote”, (1) in the case of a business corporation, in addition to any other
2085 required approval or vote, the satisfaction of the following conditions:

2086 (i) the shareholders of every class or series shall be entitled to vote on the
2087 corporate action regardless of a limitation stated in the articles of incorporation or bylaws on the
2088 voting rights of any class or series; and

2089 (ii) the corporate action shall be approved by vote of the shareholders of each
2090 class or series entitled to cast at least 2/3 of the votes that all shareholders of the class or series
2091 are entitled to cast on the action;

2092 (2) in the case of a domestic entity other than a business corporation, in addition to any
2093 other required approval, vote or consent, the satisfaction of the following conditions:

2094 (i) the holders of every class or series of equity interest in the entity that are
2095 entitled to receive a distribution of any kind from the entity shall be entitled to vote on or consent
2096 to the action regardless of any otherwise applicable limitation on the voting or consent rights of
2097 any class or series; and

2098 (ii) the action shall be approved by vote or consent of the holders described in
2099 clause (1) entitled to cast at least 2/3 of the votes or consents that all of those holders are entitled
2100 to cast on the action.

2101 “Specific public benefit”, includes any of the following:

2102 (1) providing low-income or underserved individuals or communities with
2103 beneficial products or services;

2104 (2) promoting economic opportunity for individuals or communities beyond the
2105 creation of jobs in the normal course of business;

2106 (3) promoting the preservation and conservation of the environment;

- 2107 (4) improving human health;
- 2108 (5) promoting the arts, sciences, access to and advancement of knowledge;
- 2109 (6) increasing or facilitating the flow of capital and assets to entities with a
2110 general public benefit purpose; or
- 2111 (7) conferring any other particular benefit on society or the environment.

2112 “Third-party standard”, a standard for defining, reporting and assessing overall corporate
2113 social and environmental performance which is:

2114 (1) comprehensive in that it assesses the effect of the business and its operations
2115 upon the interests listed in subclauses (ii), (iii), (iv) and (v) of clause (1) of subsection (a) of
2116 section 10;

2117 (2) developed or performed by a person or organization independent of the benefit
2118 corporation and not more than 1/3 of the members of the governing body of the organization are
2119 representatives of any of the following:

2120 (i) an association of businesses operating in a specific industry the
2121 performance of whose members is measured by the standard;

2122 (ii) a business from a specific industry or an association of businesses in
2123 that industry; or

2124 (iii) a business whose performance is assessed against the standard; and

2125 (3) not materially financed by an association of business described in clause (2);

2126 (4) credible because the standard is developed by a person that:

2127 (i) has access to necessary expertise to assess overall corporate social and
2128 environmental performance; and

2129 (ii) uses a balanced multi-stakeholder approach, including a public
2130 comment period of at least 30 days to develop the standard;

2131 (5) transparent, because the following information is publicly available about the
2132 standard:

2133 (i) the criteria considered when measuring the overall social and
2134 environmental performance of a business;

2135 (ii) the relative weighting of those criteria;

2136 (iii) the identity of the directors, officers, material owners and governing
2137 body of the organization that developed and control revisions to the standard; and

2138 (iv) an accounting of the sources of financial support for the organization,
2139 with sufficient detail to disclose any relationship that could reasonably be considered to present a
2140 potential conflict of interest.

2141 Section 4. A benefit corporation shall be organized under the laws of the commonwealth,
2142 provided that a benefit corporation's articles of incorporation shall make clear reference that it is
2143 a benefit corporation.

2144 Section 5. An existing corporation organized under the laws of the commonwealth, may
2145 elect to become a benefit corporation by amending its articles of incorporation, under section

2146 10.01 of chapter 156D, to include a statement that the corporation is a benefit corporation. In
2147 order to be effective, the amendment shall be adopted by at least the minimum status vote.

2148 Section 6. A benefit corporation may terminate its status as a benefit corporation and
2149 cease to be subject to this chapter by amending its articles of incorporation to delete the
2150 statement required by sections 4 and 5 that the corporation is a benefit corporation. In order to
2151 be effective, the amendment shall be adopted by at least the minimum status vote.

2152 Section 7. A business corporation organized under the laws of the commonwealth shall
2153 not hold itself out as, advertise itself as, or indicate in any way that it is a benefit corporation
2154 unless it was organized under and in full compliance with this chapter.

2155 Section 8. (a) An entity that is not a benefit corporation shall become a benefit
2156 corporation and shall be subject to this chapter if:

2157 (1) the entity that is not a benefit corporation is a party to a merger or the entity
2158 that is not a benefit corporation is the exchanging corporation in a share exchange; and

2159 (2) the surviving corporation in the merger or share exchange is to be a benefit
2160 corporation.

2161 (b) In order to be effective, a plan of merger or share exchange subject to this section,
2162 shall be adopted by the minimum status vote.

2163 Section 9. (a) In addition to its purposes under chapter 156D as a business corporation, a
2164 benefit corporation shall have the purpose of creating general public benefit.

2165 (b) The articles of a benefit corporation may identify 1 or more specific public benefits
2166 that it is the purpose of the benefit corporation to create in addition to its purpose as a business

2167 corporation and under subsection (a). The identification of a specific public benefit under this
2168 subsection shall not limit the obligation of a benefit corporation under subsection (a).

2169 (c) The creation of a general public benefit and a specific public benefit under
2170 subsections (a) and (b) shall be in the best interest of the benefit corporation.

2171 (d) A benefit corporation may amend its articles to add, amend or delete the
2172 identification of a specific public benefit under section 10.01 of chapter 156D; provided,
2173 however, that the elimination of an optional specific public benefit shall not significantly
2174 diminish or eliminate the general public benefit required in this subsection.

2175 (e) A professional corporation that is a benefit corporation shall not be in violation of
2176 section 3 of chapter 156A by having the purpose to create a general public benefit or a specific
2177 public benefit.

2178 Section 10. (a) In discharging the duties of their respective positions and in considering
2179 the best interests of the benefit corporation, the board of directors, committees of the board and
2180 individual directors of a benefit corporation:

2181 (1) shall consider the effects of any action upon:

2182 (i) the shareholders of the benefit corporation;

2183 (ii) the employees and workforce of the benefit corporation, its
2184 subsidiaries and its suppliers;

2185 (iii) the interest of customers or clients as beneficiaries of the general
2186 public benefit or specific public benefit purposes of the benefit corporation;

2187 (iv) community and societal factors, including those of each community in
2188 which offices or facilities of the benefit corporation, its subsidiaries or its suppliers are located;

2189 (v) the local, regional, and global environment;

2190 (vi) the short-term and long-term interests of the benefit corporation,
2191 including benefits that may accrue to the benefit corporation from its long-term plans and the
2192 possibility that these interests may be best served by the continued independence of the benefit
2193 corporation; and

2194 (vii) the ability of the benefit corporation to accomplish its general public
2195 benefit purpose and any specific public benefit purpose; and

2196 (2) may consider:

2197 (i) the interests of the economy of the state, the region and the country
2198 under clause (3) of subsection (a) of section 8.30 of chapter 156D; or

2199 (ii) other pertinent factors or the interests of any other group that they
2200 deem appropriate.

2201 (b) Directors shall consider the factors in paragraph (1) of subsection (a) using sound and
2202 reasonable judgment in determining corporate actions and the best interests of the benefit
2203 corporation. Directors shall not be required to give priority to the interests of a particular person
2204 or group referred to in paragraphs (1) or (2) of subsection (a) over the interests of any other
2205 person or group unless the benefit corporation has stated in its articles its intention to give
2206 priority to certain interests related to its accomplishment of its general public benefit purpose or
2207 of a specific public benefit purpose identified in its articles.

2208 (c) The consideration of interests and factors in the manner required by subsection (a)
2209 shall not constitute a violation of section 8.01 of chapter 156D.

2210 (d) A director shall not be personally liable for monetary damages for:

2211 (1) any action or inaction as a director if the director performed the duties of
2212 office in compliance with section 8.30 of chapter 156D and this section; or

2213 (2) failure of the benefit corporation to pursue or create general public benefit or a
2214 specific public benefit.

2215 (e) A director shall not have a fiduciary duty to a person that is a beneficiary of the
2216 general or specific public benefit purposes of a benefit corporation arising from the status of the
2217 person as a beneficiary.

2218 Section 11. (a) The board of directors of a benefit corporation shall include 1 director
2219 who shall:

2220 (1) be designated the benefit director; and

2221 (2) have, in addition to the powers, duties, rights and immunities of the other
2222 directors of the benefit corporation, the powers, duties, rights and immunities provided in this
2223 chapter.

2224 (b) The benefit director shall be elected, and may be removed, in the manner provided
2225 under chapter 156D and shall be an individual who is independent. The benefit director may
2226 serve as the benefit officer at the same time as serving as the benefit director. The articles,
2227 bylaws or shareholder agreement of a benefit corporation may prescribe additional qualifications
2228 of the benefit director consistent with this subsection.

2229 (c) The benefit director shall prepare and the benefit corporation shall include in the
2230 annual shareholder's report the opinion of the benefit director on the following:

2231 (1) whether the benefit corporation acted in accordance with its general public
2232 benefit and any specific public benefit purpose in all material respects during the period covered
2233 by the report;

2234 (2) whether the directors and officers complied with subsection (a) of section 10
2235 and subsection (a) of section 12;

2236 (3) whether, in the opinion of the benefit director, the benefit corporation or its
2237 directors or officers failed to comply with subsection (b) and, if so, a description of the ways in
2238 which the benefit corporation or its directors or officers failed to comply; and

2239 (4) what impact the corporation's status as a benefit corporation is having on its
2240 business, including client or consumer opinion, return on investment, impact on shareholders and
2241 impact on employees.

2242 (d) The action or inaction of an individual in the capacity of a benefit director shall
2243 constitute, for all purposes, an action or inaction of that individual in the capacity of a director of
2244 the benefit corporation.

2245 (e)(1) A shareholder agreement of a benefit corporation adopted under subsection (a) of
2246 section 7.32 of chapter 156D shall provide that the persons or shareholders who perform the
2247 duties of the board of directors shall include a person with the powers, duties, rights and
2248 immunities of a benefit director.

2249 (2) A person that exercises 1 or more of the powers, duties or rights of a benefit
2250 director under this subsection:

2251 (i) shall not be required to be independent of the benefit corporation;

2252 (ii) shall have the immunities of a benefit director;

2253 (iii) may share the powers, duties and rights of a benefit director with 1 or
2254 more other persons; and

2255 (iv) shall not be subject to the procedures for election or removal of
2256 directors in chapter 156D unless the person is also a director of the benefit corporation or the
2257 shareholder agreement makes those procedures applicable.

2258 (f) The benefit director of a professional corporation shall not be required to be
2259 independent.

2260 (g) Regardless of whether the bylaws of a benefit corporation include a provision
2261 eliminating or limiting the personal liability of directors authorized by chapter 156D, a benefit
2262 director shall not be personally liable for an act or omission in the capacity of a benefit director
2263 unless the act or omission constitutes self-dealing, willful and intentional misconduct or a
2264 knowing violation of the law.

2265 Section 12. (a) Each officer of a benefit corporation shall consider the interests and
2266 factors described in clause (1) of subsection (a) of section 10 in the manner provided in said
2267 subsection (a) if:

2268 (1) the officer has discretion to act with respect to a matter; and

2269 (2) it reasonably appears to the officer that the matter may have a material effect
2270 on the creation of a general public benefit or a specific public benefit by the benefit corporation.

2271 (b) The consideration of interests and factors in the manner described in clause (1) of
2272 subsection (a) shall not constitute a violation of section 8.41 of chapter 156D.

2273 (c) An officer shall not be personally liable for monetary damages for:

2274 (1) any action or inaction as an officer if the officer performed the duties of the
2275 position in compliance with chapter 156D and this section; or

2276 (2) failure of the benefit corporation to pursue or create a general public benefit or
2277 a specific public benefit.

2278 (d) An officer shall not have a fiduciary duty to a person that is a beneficiary of the
2279 general or specific public benefit purposes of a benefit corporation arising from the status of the
2280 person as a beneficiary.

2281 Section 13. (a) A benefit corporation may have an officer designated as the benefit
2282 officer. A benefit officer shall have:

2283 (1) the powers and duties relating to the purpose of the corporation to create a
2284 general public benefit or a specific public benefit provided:

2285 (i) by the bylaws; or

2286 (ii) absent controlling provisions in the bylaws, by resolutions or orders of
2287 the board of directors; and

2288 (2) the duty to oversee and prepare the annual benefit report required by
2289 subsection (a) of section 15.

2290 Section 14. (a) (1) The duties under this chapter and the general public benefit purpose
2291 and any specific public benefit purpose of a benefit corporation may be enforced only in a
2292 benefit enforcement proceeding.

2293 (2) Except in a benefit enforcement proceeding, no person shall bring an action or
2294 assert a claim against a benefit corporation or its directors or officers with respect to:

2295 (i) failure to pursue or create general or specific public benefits set forth in
2296 its articles; or

2297 (ii) a violation of a duty or standard of conduct under this chapter.

2298 (3) A benefit corporation shall not be liable for monetary damages under this
2299 chapter for any failure of the benefit corporation to pursue or create a general public benefit or a
2300 specific public benefit.

2301 (b) A benefit enforcement proceeding shall be commenced or maintained only:

2302 (1) directly by the benefit corporation; or

2303 (2) derivatively by:

2304 (i) a shareholder;

2305 (ii) a director;

2306 (iii) a person or group of persons that owns beneficially or of record 5 per
2307 cent or more of the equity interests in an association of which the benefit corporation is a
2308 subsidiary; or

2309 (iv) other persons as specified in the articles of organization, bylaws or
2310 shareholder agreement of the benefit corporation.

2311 Section 15. (a) A benefit corporation shall prepare an annual benefit report, including all
2312 of the following information:

2313 (1) a narrative description of:

2314 (i) the ways in which the benefit corporation pursued a general public
2315 benefit during the year and the extent to which general public benefit was created;

2316 (ii) the ways in which the benefit corporation pursued a specific public
2317 benefit that the articles state it is the purpose of the benefit corporation to create and the extent to
2318 which that specific public benefit was created;

2319 (iii) any circumstances that have hindered the creation by the benefit
2320 corporation of general public benefit or specific public benefit; and

2321 (iv) the process and rationale for selecting or changing the third-party
2322 standard used to prepare the benefit report;

2323 (2) an assessment of the overall social and environmental performance of the
2324 benefit corporation against a third-party standard:

2325 (i) applied consistently with any application of that standard in prior
2326 benefit reports; or

2327 (ii) accompanied by an explanation of the reasons for any inconsistent
2328 application;

2329 (3) the name of the benefit director and the benefit officer, if any, and the address
2330 to which correspondence to each of them may be directed;

2331 (4) the compensation paid by the benefit corporation during the year to each
2332 director in the capacity of a director;

2333 (5) the name of each person that owns 5 per cent or more of the outstanding
2334 shares of the benefit corporation either: (i) of record; or (ii) beneficially, to the extent known to
2335 the benefit corporation without independent investigation;

2336 (6) the statement of the benefit director described in subsection (c) of section 11;

2337 (7) a statement of any connection between the organization that established the
2338 third-party standard, or its directors, officers or any holder of 5 per cent or more of the
2339 governance interests in the organization, and the benefit corporation or its directors, officers or
2340 any holder of 5 per cent or more of the outstanding shares of the benefit corporation, including
2341 any financial or governance relationship which might materially affect the credibility of the use
2342 of the third-party standard; and

2343 (8) if the benefit corporation has dispensed with, or restricted the discretion or
2344 powers of, the board of directors, a description of:

2345 (i) the persons that exercise the powers, duties and rights and who have the
2346 immunities of the board of directors; and

2347 (ii) the benefit director, as required by subsection (d) of section 11.

2348 (b) Nothing in this chapter shall require the benefit report or the assessment of the
2349 performance of the benefit corporation in the benefit report required by clause (2) of subsection
2350 (a) to be audited or certified by a third party standards provider.

2351 Section 16. (a) The annual benefit report shall be sent to each shareholder at the same
2352 time that the benefit corporation delivers any other annual report to its shareholders, or within
2353 120 days following the end of the fiscal year of the benefit corporation.

2354 (b) A benefit corporation shall post its most recent annual benefit report on the public
2355 portion of its website, if any, but the compensation paid to directors and financial, confidential or
2356 proprietary information included in the benefit report may be omitted from the benefit report as
2357 posted.

2358 (c) If a benefit corporation does not have a website, the benefit corporation shall provide
2359 a copy of its most recent benefit report, without charge, to any person that requests a copy, but
2360 the compensation paid to directors and financial or proprietary information included in the
2361 benefit report may be omitted from the copy of the benefit report provided.

2362 (d) The benefit corporation shall deliver a copy of the benefit report to the state secretary
2363 for filing, but the compensation paid to directors and financial, confidential or proprietary
2364 information included in the benefit report may be omitted from the benefit report as filed. The
2365 state secretary shall charge a fee of \$75 for filing a benefit report.

2366 SECTION 52. Section 14C of chapter 167 of the General Laws, as appearing in the 2010
2367 Official Edition, is hereby amended by striking out the third and fourth paragraphs and inserting
2368 in place thereof the following 3 paragraphs:-

2369 The small business loan review boards shall meet on a regular basis or, as demand for
2370 their services requires, to review small business loan denials that applicants believe were
2371 unreasonably denied. Upon commencement of a review of a small business loan denial submitted
2372 by an applicant, the small business loan review board shall report the results of its findings to the
2373 applicant within 30 days after submission of the request for review; provided, however, that the
2374 board may, at its discretion, extend the review period to within 60 days of a submission of the
2375 request for review. Upon making a determination for reason of denial, a small business loan
2376 review board shall provide information on its findings to the applicant and the commissioner of
2377 banks and shall provide information to the applicant on alternative sources of financing,
2378 including information on any small business financing programs or other relevant programs
2379 offered by the commonwealth. The commissioner shall file annual reports regarding the
2380 activities of the small business loan review boards with the house and senate chairs of the joint
2381 committee on community development and small business, the house and senate chairs of the
2382 joint committee on economic development and emerging technologies and house and senate
2383 chairs of the joint committee on revenue not later than January 1.

2384 In addition, the small business loan review boards shall conduct annual studies and issue
2385 annual reports on the availability of credit to small businesses within their regions and report
2386 back to the commissioner of banks on their findings. The reports shall be published and made
2387 available to the public through the website of the office of consumer affairs and business
2388 regulation or the searchable website established under section 3 of chapter 23A.

2389 Notwithstanding this chapter, the commissioner may promulgate rules and regulations
2390 governing the establishment, operation and procedures of small business loan review boards. In
2391 addition, the commissioner shall market and promote the small business loan review boards as a
2392 resource for small businesses.

2393 SECTION 52A. Section 19 of chapter 186 of the General Laws, as so appearing, is
2394 hereby amended by inserting after the word “agreement”, in line 12, the following words:- for
2395 residential use.

2396 SECTION 52B. Section 44 of chapter 253 of the General Laws, as so appearing, is
2397 hereby amended by inserting after the introductory paragraph the following definition:-

2398 “Abandoned dam”, a dam that has no identifiable owner or a dam in which the owner
2399 fails to respond to the owner’s obligations under sections 44 to 48, inclusive, and as a result of
2400 which the commissioner has taken emergency action under section 47 and created a lien upon the
2401 lots of land on which the dam is situated and upon the buildings and structures on the lots under
2402 section 48.

2403 SECTION 52C. Said section 44 of said chapter 253, as so appearing, is hereby further
2404 amended by striking out the definition of “Commissioner” and inserting in place thereof the
2405 following definition:-

2406 “Commissioner”, the commissioner of conservation and recreation or a designee of the
2407 commissioner.

2408 SECTION 52D. Said section 44 of said chapter 253, as so appearing, is hereby further
2409 amended by inserting after the word “any”, in line 9, the following word:- man-made.

2410 SECTION 52E. Said section 44 of said chapter 253, as so appearing, is hereby further
2411 amended by inserting after the word “safety”, in line 17, the following words:- or which could
2412 cause significant harm to the aquatic ecosystem.

2413 SECTION 52F. Said section 44 of said chapter 253, as so appearing, is hereby further
2414 amended by striking out, in line 32, the words “environmental management” and inserting in
2415 place thereof the following words:- conservation and recreation.

2416 SECTION 52G. Said section 44 of said chapter 253, as so appearing, is hereby further
2417 amended by inserting after the definition of “Owner” the following definition:-

2418 “Remove” or “Removal”, the controlled dismantlement or breaching of a dam to the
2419 extent that water is not impounded or diverted by the dam and fish passage is no longer impeded
2420 and which is dismantled in compliance with applicable laws and regulations; provided, however,
2421 that a minimal degree of impoundment needed for agricultural uses or to retain wetlands and
2422 open water conditions may be allowed following controlled dismantlement or breaching of a
2423 dam, so long as any impediment to fish passage has been removed or any threats to safety or
2424 property have been alleviated.

2425 SECTION 52H. Section 46 of said chapter 253, as so appearing, is hereby amended by
2426 inserting after the word “unsafe”, in line 14, the following words:- or abandoned.

2427 SECTION 52I. Said section 46 of said chapter 253, as so appearing, is hereby further
2428 amended by inserting after the word “condition”, in line 22, the following words:- or to safely
2429 remove the dam.

2430 SECTION 52J. Section 46A of said chapter 253, as so appearing, is hereby amended by
2431 inserting after the word “removed”, in line 1, the following word:- , repaired.

2432 SECTION 52K. Said section 46A of said chapter 253, as so appearing, is hereby further
2433 amended by inserting after the word “approving”, in line 5, the following words:- the dam or the
2434 safe removal of.

2435 SECTION 52L. Said section 46A of said chapter 253, as so appearing, is hereby further
2436 amended by inserting after the word “property,” in line 7, the following words:- or such terms
2437 and conditions, if any, as the commissioner, in consultation with the commissioner of fish and
2438 game, deems necessary for the protection of the environment.

2439 SECTION 52M. Section 47 of said chapter 253, as so appearing, is hereby amended by
2440 inserting after the word “condition,” in line 6, the following words:- or remove the dam.

2441 SECTION 52N. Said section 47 of said chapter 253, as so appearing, is hereby further
2442 amended by striking out, in line 22, the figure “\$500” and inserting in place thereof the following
2443 figure:- \$5,000.

2444 SECTION 52O. Said chapter 253 is hereby further amended by adding the following 4
2445 sections:-

2446 Section 65. The commissioner of conservation and recreation, in conjunction with the
2447 commissioner of fish and game, the division of fisheries and wildlife and the riverways program,
2448 or any successor agencies, shall biannually, submit a detailed report on all dams, whether on
2449 public or private property, to the joint committee on environment, natural resources and
2450 agriculture and to the senate and house committees on ways and means. The report shall include:

2451 (1) a comprehensive list of each person, agency, municipality or entity that owns and
2452 operates a dam and the location of each dam where such ownership or operation is registered
2453 with the department;

2454 (2) a list of specific owners who have failed to meet regulatory requirements including,
2455 but not limited to, registration and inspection requirements;

2456 (3) a classification of the status of any hazardous dams that pose a threat to public health,
2457 safety, welfare, property or the environment and when or whether any such dam has been
2458 repaired including, where applicable, the presence of polluted or hazardous underwater sediment
2459 present in the retained area of a dam;

2460 (4) a comprehensive list of dams that are abandoned as defined in section 44; and

2461 (5) a comprehensive list of dams, the existence, condition or operation of which poses a
2462 threat to freshwater animal and plant and resident or migratory fish species habitat or movement.

2463 Section 66. (a) The department of conservation and recreation shall ensure emergency
2464 action plans shall be developed for all high hazard dams and significant hazard dams, as defined
2465 by department regulations. The department shall establish and make available to dam owners an
2466 emergency action plan template. The department shall ensure that necessary local and state dam
2467 safety officials have immediate access to such plans in the event of a potential dam failure.

2468 (b) The department shall develop an inspection schedule to ensure that all high hazard
2469 dams as defined in department regulations are inspected at least every 2 years, all significant
2470 hazard dams as so defined are inspected at least every 5 years and all low hazard dams as so
2471 defined are inspected at least every 10 years.

2472 (c) The department shall review the hazard classifications of dams at least every 5 years
2473 to ensure the accuracy of the dam classification.

2474 Section 67. The department of conservation and recreation shall review and approve
2475 projects to receive loan funds from the Dam Repair and Revolving Loan Fund established in
2476 section 2FFF of chapter 29. The department of conservation and recreation shall promulgate
2477 regulations, in consultation with the secretary of administration and finance, identifying the
2478 application process and the terms and conditions of approving such loans. Priority in the
2479 approval of projects shall be given to: (i) cities and towns; public entities as established by the
2480 general court including, but not limited to, water districts, fire districts and regional wastewater
2481 districts; private dam owners in partnerships with cities and towns and public entities and
2482 charitable organizations which are tax exempt under section 501(c)(3) of the Internal Revenue
2483 Code; and (ii) projects to repair or remove high hazard and significant hazard dams as defined by
2484 department of conservation and recreation regulations and consideration of dams, the existence,
2485 condition or operation of which poses a threat to freshwater animal and plant and resident or
2486 migratory fish species habitat or movement.

2487 Section 68. The department may consult with and receive inspection and other support
2488 from the department of fish and game, the division of fisheries and wildlife and the riverways
2489 program, or any successor agencies, to accomplish its duties pursuant to sections 44 to 48B,
2490 inclusive, sections 65 to 68, inclusive.

2491 SECTION 53. Item 6033-9013 of section 2 of chapter 246 of the acts of 2002 is hereby
2492 amended by adding the following words:- ; provided further, that after August 1, 2012, amounts
2493 in this item shall be expended for the MassWorks infrastructure program established in section

2494 63 of chapter 23A of the General Laws; provided further, that any uncommitted balance as of
2495 August 1, 2012 from this item shall be transferred to the executive office of housing and
2496 economic development; provided further, that any unexpended balance as of September 1, 2012
2497 from this item or its successor item established as a result of chapter 25 of the acts of 2009 shall
2498 be transferred to item 7002-8005 within the executive office of housing and economic
2499 development; provided further, that before October 1, 2012, the executive office of housing and
2500 economic development shall submit a report on the amount of authorization expended from this
2501 item before August 1, 2012; provided further, that the report shall detail awards expected to
2502 utilize this authorization after August, 1, 2012 and the schedule plan for completing awards; and
2503 provided further that said report shall be submitted to the house and senate committees on ways
2504 and means and the house and senate committees on bonding, capital expenditures and state
2505 assets.

2506 SECTION 54. Item 6033-0428 of section 2B of chapter 291 of the acts of 2004 is hereby
2507 amended by adding the following words:- ; provided further, that after August 1, 2012, amounts
2508 in this item shall be expended for the MassWorks infrastructure program established in section
2509 63 of chapter 23A of the General Laws; provided further, that any uncommitted balance as of
2510 August 1, 2012 from this item or its successor item established as a result of chapter 25 of the
2511 acts of 2009 shall be transferred to item 7002-8010 within the executive office of housing and
2512 economic development; provided further, that any unexpended balance as of September 1, 2012
2513 from this item shall be transferred to the executive office of housing and economic development;
2514 provided further, that before October 1, 2012 the executive office of housing and economic
2515 development shall submit a report on the amount of authorization expended from this item before
2516 August 1, 2012; provided further, that the report shall detail awards expected to utilize this

2517 authorization after August, 1, 2012 and the schedule plan for completing awards; and provided
2518 further that the report shall be submitted to the house and senate committees on ways and means
2519 and the house and senate committees on bonding, capital expenditures and state assets.

2520 SECTION 55. Item 6033-0499 of said section 2B of said chapter 291 is hereby amended
2521 by adding the following words:- ; provided further, that after August 1, 2012, amounts in this
2522 item shall be expended for the MassWorks infrastructure program established in section 63 of
2523 chapter 23A of the General Laws; provided further, that any uncommitted balance as of August
2524 1, 2012 from this item or its successor item established as a result of chapter 25 of the acts of
2525 2009 shall be transferred to item 7002-8015 within the executive office of housing and economic
2526 development; provided further, that any unexpended balance as of September 1, 2012 from the
2527 aforementioned item shall be transferred to the executive office of housing and economic
2528 development; provided further, that before October 1, 2012, the executive office of housing and
2529 economic development shall submit a report on the amount of authorization expended from this
2530 item before August 1, 2012; provided further, that the report shall detail awards expected to
2531 utilize this authorization after August, 1, 2012 and the schedule plan for completing awards; and
2532 provided further, that the report shall be submitted to the house and senate committees on ways
2533 and means and the house and senate committees on bonding, capital expenditures and state
2534 assets. 1790

2535 SECTION 56. Item 6001-0421 of section 2I of said chapter 291 is hereby amended by
2536 adding the following words:- ; provided further, that after August 1, 2012, amounts in this item
2537 shall be expended for the MassWorks infrastructure program as established in section 63 of
2538 chapter 23A of the General Laws; provided further, that any uncommitted balance as of August
2539 1, 2012 from this item or its successor item established as a result of chapter 25 of the acts of

2540 2009 shall be transferred to item 7002-8020 within the executive office of housing and economic
2541 development; provided further, that any unexpended balance as of September 1, 2012 from this
2542 item shall be transferred to the executive office of housing and economic development; provided
2543 further, that before October 1, 2012, the executive office of housing and economic development
2544 shall submit a report on the amount of authorization expended from this item before August 1,
2545 2012; provided further, that the report shall detail awards expected to utilize this authorization
2546 after August, 1, 2012 and the schedule plan for completing awards; and provided further, that the
2547 report shall be submitted to the house and senate committees on ways and means and the house
2548 and senate committees on bonding, capital expenditures and state assets.

2549 SECTION 57. Item 1100-8000 of section 2B of chapter 123 of the acts of 2006, as
2550 amended by section 105 of chapter 27 of the acts of 2009, is hereby further amended by adding
2551 the following words:- ; provided further, that after August 1, 2012, amounts in this item shall be
2552 expended for the MassWorks infrastructure program established in section 63 of chapter 23A of
2553 the General Laws; provided further, that any uncommitted balance as of August 1, 2012 from the
2554 this item or its successor item established as a result of chapter 25 of the acts of 2009 shall be
2555 transferred to the executive office of housing and economic development; provided further, that
2556 any unexpended balance as of September 1, 2012 from the this item shall be transferred to item
2557 7005-8025 within the executive office of housing and economic development; and provided
2558 further, that before October 1, 2012, the executive office of housing and economic development
2559 shall submit a report on the amount of authorization expended from this item before August 1,
2560 2012; provided further, that the report shall detail awards expected to utilize this authorization
2561 after August, 1, 2012 and the schedule plan for completing awards; and provided further that the

2562 report shall be submitted to the house and senate committee on ways and means and the house
2563 and senate committees on bonding, capital expenditures and state assets.

2564 SECTION 58. The definition of "Public infrastructure improvements" in section 5 of
2565 chapter 293 of the acts of 2006 is hereby amended by inserting after the words "facilities", in line
2566 6, the following words:- , parking garages.

2567 SECTION 59. Said chapter 293 is hereby further amended by inserting after section 12A,
2568 inserted by section 17 of chapter 129 of the acts of 2008, the following section:-

2569 Section 12B. Notwithstanding any other provision of this act, new revenue and new state
2570 tax revenues may, respectively and to the extent and in the manner approved by the secretary
2571 with consideration of economic conditions and the characteristics of the project, include revenue
2572 and state tax revenue attributable to construction-related activity and purchases in connection
2573 with an economic development project and all calculations of any matter under the act
2574 including, without limitation, calculation of infrastructure assessments and shortfalls, shall
2575 reflect such inclusion in the manner approved by the secretary. The commissioner shall certify
2576 the amount of new state tax revenues attributable to such construction-related activity and
2577 purchases in the manner and at the times specified in the secretary's certification of the economic
2578 development project.

2579 SECTION 60. Item 6033-0887 of section 2B of chapter 86 of the acts of 2008 is hereby
2580 amended by adding the following words:- ; provided further, that after August 1, 2012, amounts
2581 in this item shall be expended for the MassWorks infrastructure program established in section
2582 63 of chapter 23A of the General Laws; provided further, that any uncommitted balance as of
2583 August 1, 2012 from this item or its successor item established as a result of chapter 25 of the

2584 acts of 2009 shall be transferred to item 7002-8030 within the executive office of housing and
2585 economic development; provided further, that any unexpended balance as of September 1, 2012
2586 from this item shall be transferred to the executive office of housing and economic development;
2587 provided further, that before October 1, 2012, the executive office of housing and economic
2588 development shall submit a report on the amount of authorization expended from this item before
2589 August 1, 2012; provided further, that the report shall detail awards expected to utilize this
2590 authorization after August, 1, 2012 and the schedule plan for completing awards; and provided
2591 further, that the report shall be submitted to the house and senate committees on ways and means
2592 and the house and senate committees on bonding, capital expenditures and state assets.

2593 SECTION 61. Item 7004-0035 of section 2 of chapter 119 of the acts of 2008 is hereby
2594 amended by adding the following words:- ; provided further, that after August 1, 2012, amounts
2595 in this item shall be expended for the MassWorks infrastructure program established in section
2596 63 of chapter 23A of the General Laws; provided further, that any uncommitted balance as of
2597 August 1, 2012 from this item or its successor item established as a result of chapter 25 of the
2598 acts of 2009 shall be transferred to item 7005-8035 within the executive office of housing and
2599 economic development; provided further, that any unexpended balance as of September 1, 2012
2600 from this item shall be transferred to the executive office of housing and economic development;
2601 provided further, that before October 1, 2012, the executive office of housing and economic
2602 development shall submit a report on the amount of authorization expended from this item before
2603 August 1, 2012; provided further, that the report shall detail awards expected to utilize this
2604 authorization after August, 1, 2012 and the schedule plan for completing awards; and provided
2605 further, that the report shall be submitted to the house and senate committees on ways and means
2606 and the house and senate committees on bonding, capital expenditures and state assets.

2607 SECTION 62. Item 7100-1000 of section 2 of chapter 258 of the acts of 2008 is hereby
2608 amended by inserting after the word “Worcester”, in line 92, the following words:- ; provided
2609 further, that not less than \$25,000,000 shall be expended at the direction of the Massachusetts
2610 Technology Collaborative in conjunction with funds granted under section 4G of chapter 40J of
2611 the General Laws; provided further, that funds expended for such purpose shall leverage at least
2612 \$3, in the aggregate, during activities funded by such grant, from sources other than an agency as
2613 defined by section 39 of chapter 6 of the General Laws, for each dollar granted and that funds
2614 expended for this purpose shall not qualify as meeting the requirements for leveraged dollars
2615 required under said section 4G.

2616 SECTION 63. Item 6035-0877 of section 2B of chapter 303 of the acts of 2008, as
2617 amended by section 33 of chapter 26 of the acts of 2009, is hereby further amended by adding
2618 the following words:- ; provided further, that after August 1, 2012, amounts in this item shall be
2619 expended for the MassWorks infrastructure program established in section 63 of chapter 23A of
2620 the General Laws; provided further, that any uncommitted balance as of August 1, 2012 from
2621 this item shall be transferred to the executive office of housing and economic development;
2622 provided further, that any unexpended balance as of September 1, 2012 from this item or its
2623 successor item established as a result of chapter 25 of the acts of 2009 shall be transferred to item
2624 7002-8045 within the executive office of housing and economic development; provided further,
2625 that before October 1, 2012. the executive office of housing and economic development shall
2626 submit a report on the amount of authorization expended from this item before August 1, 2012;
2627 provided further, that the report shall detail awards expected to utilize this authorization after
2628 August, 1, 2012 and the schedule plan for completing awards; and provided further, that the

2629 report shall be submitted to the house and senate committees on ways and means and the house
2630 and senate committees on bonding, capital expenditures and state assets.

2631 SECTION 64. Item 6035-0887 of said section 2B of said chapter 303, as amended by
2632 section 34 of said chapter 26, is hereby amended by adding the following words:- ; provided
2633 further, that after August 1, 2012, amounts in this item shall be expended for the MassWorks
2634 infrastructure program established in section 63 of chapter 23A of the General Laws; provided
2635 further, that any uncommitted balance as of August 1, 2012 from this item or its successor item
2636 established as a result of chapter 25 of the acts of 2009 shall be transferred to item 7002-8040
2637 within the executive office of housing and economic development; provided further, that any
2638 unexpended balance as of September 1, 2012 from this item shall be transferred to the executive
2639 office of housing and economic development; provided further, that before October 1, 2012, the
2640 executive office of housing and economic development shall submit a report on the amount of
2641 authorization expended from this item before August 1, 2012; provided further, that the report
2642 shall detail awards expected to utilize this authorization after August, 1, 2012 and the schedule
2643 plan for completing awards; and provided further, that the report shall be submitted to the house
2644 and senate committees on ways and means and the house and senate committees on bonding,
2645 capital expenditures and state assets.

2646 SECTION 65. Item 6001-0803 of section 2C of said chapter 303 is hereby amended by
2647 adding the following words:- ; provided further, that after August 1, 2012, amounts in this item
2648 shall be used for the MassWorks infrastructure program established in section 63 of chapter 23A
2649 of the General Laws; provided further, that any uncommitted balance as of August 1, 2012 from
2650 this item or its successor item established as a result of chapter 25 of the acts of 2009 shall be
2651 transferred to item 7002-8050 within the executive office of housing and economic development;

2652 provided further, that any unexpended balance as of September 1, 2012 from this item shall be
2653 transferred to the executive office of housing and economic development; provided further, that
2654 before October 1, 2012, the executive office of housing and economic development shall submit
2655 a report on the amount of authorization expended from this item before August 1, 2012; provided
2656 further, that the report shall detail awards expected to utilize this authorization after August, 1,
2657 2012 and the schedule plan for completing awards; and provided further, that the report shall be
2658 submitted to the house and senate committees on ways and means and the house and senate
2659 committees on bonding, capital expenditures and state assets.

2660 SECTION 66. Item 6001-0817 of said section 2C of said chapter 303 is hereby amended
2661 by adding the following words:- ; provided further, that after August 1, 2012, amounts in this
2662 item shall be expended for the MassWorks infrastructure program established in section 63 of
2663 chapter 23A of the General Laws; provided further, that any uncommitted balance as of August
2664 1, 2012 from this item or its successor item established as a result of chapter 25 of the acts of
2665 2009 shall be transferred to item 7002-8055 within the executive office of housing and economic
2666 development; provided further, that any unexpended balance as of September 1, 2012 from this
2667 item shall be transferred to the executive office of housing and economic development; provided
2668 further, that before October 1, 2012, the executive office of housing and economic development
2669 shall submit a report on the amount of authorization expended from this item before August 1,
2670 2012; provided further, that the report shall detail awards expected to utilize this authorization
2671 after August, 1, 2012 and the schedule plan for completing awards; and provided further, that the
2672 report shall be submitted to the house and senate committees on ways and means and the house
2673 and senate committees on bonding, capital expenditures and state assets.

2674 SECTION 67. Item 1100-8020 of section 2C of chapter 304 of the acts of 2008, is hereby
2675 amended by adding the following words:- ; provided further, that after August 1, 2012, amounts
2676 in this item shall be used for the MassWorks infrastructure program established in section 63 of
2677 chapter 23A of the General Laws; provided further, that any uncommitted balance as of August
2678 1, 2012 from this item or its successor item established as a result of chapter 25 of the acts of
2679 2009 shall be transferred to item 7002-8060 within the executive office of housing and economic
2680 development; provided further, that any unexpended balance as of September 1, 2012 from this
2681 item shall be transferred to the executive office of housing and economic development; provided
2682 further, that before October 1, 2012, the executive office of housing and economic development
2683 shall submit a report on the amount of authorization expended from this item before August 1,
2684 2012; provided further, that the report shall detail awards expected to utilize this authorization
2685 after August, 1, 2012 and the schedule plan for completing awards; and provided further, that the
2686 report shall be delivered to the house and senate committees on ways and means and the house
2687 and senate committees on bonding, capital expenditures and state assets.

2688 SECTION 68. Item 6001-0816 of section 2B of chapter 240 of the acts of 2010, as
2689 amended by section 1 of chapter 412 of the acts of 2010 is hereby amended by adding the
2690 following words:- ; provided further, that after August 1, 2012 amounts in this item shall be used
2691 for the MassWorks infrastructure program established in section 63 of chapter 23A of the
2692 General Laws; provided further, that any uncommitted balance as of August 1, 2012 from this
2693 item shall be transferred to item 7002-8060 within the executive office of housing and economic
2694 development; provided further, that any unexpended balance as of September 1, 2012 from this
2695 item shall be transferred to the executive office of housing and economic development; provided
2696 further, that before October 1, 2012, the executive office of housing and economic development

2697 shall submit a report on the amount of authorization expended from this item before August 1,
2698 2012; provided further, that the report shall detail awards expected to utilize this authorization
2699 after August, 1, 2012 and the schedule plan for completing awards; and provided further, that the
2700 report shall be delivered to the house and senate committees on ways and means and the house
2701 and senate committees on bonding, capital expenditures and state assets.

2702 SECTION 69. Section 171 of said chapter 240 is hereby amended by striking out, in lines
2703 4 and 5, the words “\$25,000,000 and not more than \$50,000,000 in banks or financial
2704 institutions” and inserting in place thereof the following words:- \$50,000,000 and not more than
2705 \$100,000,000 in banks, financial institutions or other investment funds.

2706 SECTION 70. Subsection (a) of section 173 of said chapter 240, as amended by section
2707 42 of chapter 9 of the acts of 2011, is hereby further amended by striking out the definition of
2708 “Tolling period” and inserting place thereof the following definition:-

2709 “Tolling period”, the period from August 15, 2008 to August 15, 2012, inclusive.

2710 SECTION 71. Subsection (b) of said section 173 of said chapter 240, as so amended, is
2711 hereby further amended by striking out, in line 2, the figure “2” and inserting in place thereof the
2712 following figure:- 4.

2713 SECTION 71A. Item 7007-0150 of section 2 of chapter 139 of the acts of 2012 is hereby
2714 amended by adding the following words:-; provided further, that when awarding contracts the
2715 office shall seek to identify regions that provide services to as many municipalities as possible
2716 with the 12 contracts authorized by paragraph (1) of subsection (a) of section 3K of chapter 23A
2717 of the General Laws; and provided further, that priority in awarding contracts shall be given to
2718 applications that evidence cooperation and collaboration among the various organizations and

2719 municipalities engaged in economic development activities within the identified region; and
2720 provided further, that the office shall report to the house and senate committees on ways and
2721 means by September 30, 2012 on its plan to prioritize the delivery of the services established in
2722 subsection (c) of said section 3K of said chapter 23A, on the formula used to determine funding
2723 for contractual reimbursements under subsection (f) of said section 3K of said chapter 23A and
2724 on the funding needed to fully implement a program throughout the commonwealth in fiscal year
2725 2014.

2726 SECTION 72. To meet expenditures necessary in carrying out section 2, the state
2727 treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth in an
2728 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
2729 \$25,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their
2730 face, the Massachusetts Technology Park Corporation Scientific and Technology Research and
2731 Development Matching Grant Fund, Act of 2011, and shall be issued for a maximum term of
2732 years, not exceeding 30 years, as the governor may recommend to the general court under
2733 section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not
2734 later than June 30, 2048. All interest and payments on account of principal on these obligations
2735 shall be payable from the General Fund. Bonds and interest on bonds issued under this section
2736 shall, notwithstanding any other provision of this act, be general obligations of the
2737 commonwealth.

2738 SECTION 73. Notwithstanding any general or special law to the contrary, the University
2739 of Massachusetts Building Authority may enter into long-term leases for the purposes of
2740 alleviating educational space overcrowding at university campuses and for the purpose of
2741 stimulating economic development. The University of Massachusetts Building Authority shall

2742 report annually to the house and senate committees on ways and means a list of any square
2743 footage leased under this section, the educational programs offered in that square footage and the
2744 economic development projects leveraged by the individual leases in each municipality.

2745 SECTION 74. Notwithstanding the last paragraph of section 2H of chapter 29 of the
2746 General Laws, \$4,000,000 received from proceeds of one-time settlements or judgments that
2747 would otherwise be transferred to the Commonwealth Stabilization Fund shall instead be
2748 deposited in the Smart Growth Housing Trust Fund established in section 35AA of chapter 10 of
2749 the General Laws.

2750 SECTION 75. Notwithstanding any general or special law to the contrary, the
2751 comptroller shall transfer \$5,000,000 from the General Fund to the Workforce Competitiveness
2752 Trust Fund established in section 2WWW of chapter 29 of the General Laws.

2753 SECTION 76. Notwithstanding any general or special law to the contrary, the
2754 commissioner of capital asset management and maintenance, in consultation with the president
2755 of Massasoit Community College and the department of higher education, may enter into a lease
2756 or other contractual arrangement with Marine and Environmental Education Alliance, Inc., a not-
2757 for-profit corporation, to allow the college to utilize facilities now or hereafter owned, leased or
2758 operated by the corporation for the purpose of providing post-secondary career and training
2759 opportunities in marine and environmental studies. The lease or other contractual arrangement
2760 shall be for a term, including extensions, of up to 30 years, and shall be on such terms and
2761 conditions as the commissioner of capital asset management and maintenance, in consultation
2762 with the president of Massasoit community college and the department of higher education,
2763 deems appropriate.

2764 SECTION 77. Notwithstanding any general or special law to the contrary, the
2765 comptroller may, on or before June 30, 2014, transfer not more than \$200,000,000 to the General
2766 Fund from the Commonwealth Stabilization Fund; provided, however, the Commonwealth
2767 Stabilization Fund shall be reimbursed the full amount of the transfer by December 31, 2014.
2768 The comptroller, in consultation with the secretary of administration and finance, may take the
2769 overall cash flow needs of the commonwealth into consideration in determining the timing of
2770 any transfer of funds. The comptroller shall provide a schedule of transfers to the secretary of
2771 administration and finance and to the house and senate committees on ways and means.

2772 SECTION 78. (a) Notwithstanding any general or special law to the contrary, for the days
2773 of August 11, 2012 and August 12, 2012, an excise shall not be imposed upon nonbusiness sales
2774 at retail of tangible personal property as defined in section 1 of chapter 64H of the General Laws.
2775 For the purposes of this section, tangible personal property shall not include telecommunications,
2776 tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam,
2777 electricity, motor vehicles, motorboats, meals or a single item the price of which is in excess of
2778 \$2,500.

2779 (b) Notwithstanding any general or special law to the contrary, for the days of August
2780 11, 2012 and August 12, 2012, a vendor shall not add to the sales price or collect from a
2781 nonbusiness purchaser an excise upon sales at retail of tangible personal property, as defined in
2782 section 1 of chapter 64H of the General Laws. The commissioner of revenue shall not require a
2783 vendor to collect and pay excise upon sales at retail of tangible personal property purchased on
2784 August 11, 2012 and August 12, 2012. An excise erroneously or improperly collected during the
2785 days of August 11, 2012 and August 12, 2012, shall be remitted to the department of revenue.
2786 This subsection shall not apply to the sale of telecommunications, tobacco products subject to the

2787 excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles,
2788 motorboats, meals or a single item the price of which is in excess of \$2,500.

2789 (c) Reporting requirements imposed upon vendors of tangible personal property, by law
2790 or by regulation, including, but not limited to, the requirements for filing returns required by
2791 chapter 62C of the General Laws, shall remain in effect for sales for the days of August 11, 2012
2792 and August 12, 2012.

2793 (d) On or before December 31, 2012, the commissioner of revenue shall certify to the
2794 comptroller the amount of sales tax forgone, as well as new revenue raised from personal and
2795 corporate income taxes and other sources, under this section. The commissioner shall file a
2796 report with the joint committee on revenue and the house and senate committees on ways and
2797 means detailing by fund the amounts under general and special laws governing the distribution of
2798 revenues under chapter 64H of the General Laws which would have been deposited in each fund
2799 without this section.

2800 (e) The commissioner of revenue shall issue instructions or forms, or promulgate rules or
2801 regulations, necessary for the implementation of this section.

2802 (f) Eligible sales at retail of tangible personal property under subsections (a) and (b)
2803 shall be restricted to those transactions occurring on August 11, 2012 and August 12, 2012.
2804 Transfer of possession of or payment in full for the property shall occur on 1 of those days and
2805 prior sales or layaway sales shall be ineligible.

2806 SECTION 78A. Notwithstanding any general or special law to the contrary, the secretary
2807 of energy and environmental affairs shall, on or before January 1, 2013, promulgate regulations
2808 providing small dealers as defined in section 321 of chapter 94 of the General Laws with the

2809 ability to seek exemptions from accepting empty deposit containers. The regulations shall
2810 consider at least the health and safety of the public, the convenience for the public, including
2811 standards governing distribution of centers by population or by distance or both, the size and
2812 storage capacity of the dealers to be served by the redemption center and the size and storage
2813 capacity of the redemption center. The order approving a local redemption center license shall
2814 state the dealers to be served and the kinds, sizes and brand names of empty beverage containers
2815 that the center accepts.

2816 SECTION 78B. (a) As used in this section, the following terms shall have the following
2817 meanings unless the context clearly requires otherwise:

2818 "Board of directors", the board of directors of the North Shore Community Assistance
2819 Corporation created by this section

2820 "Board of higher education", the board of higher education established pursuant to
2821 section 4 of chapter 15A of the General Laws.

2822 "Board of trustees", the board of trustees of the North Shore Community College.

2823 "Code", the Internal Revenue Code of 1986, as may be amended from time to time.

2824 "College", the North Shore Community College or, if the North Shore Community
2825 College shall be dissolved or fails to qualify either as a political subdivision of the
2826 commonwealth or an educational institution exempt from federal income tax under Section
2827 501(c)(3) of the Code, then such other educational institution of higher learning established and
2828 operating in the commonwealth as shall be designated by the board of higher education, which is
2829 either such a political subdivision or such an exempt organization.

2830 "Corporation", the North Shore Community College Assistance Corporation established
2831 in subsection (b).

2832 "Educational institution", an educational organization within the meaning of section
2833 170(b) (I)(A)(ii) of the Code.

2834 (b) There shall be a body politic and corporate to be known as the North Shore
2835 Community College Assistance Corporation. The corporation shall not be a public agency or
2836 state agency as those terms are described in chapter 7 of the General Laws. The corporation shall
2837 be governed by a board of directors consisting of: the chairman of the board of trustees of the
2838 college, the president of the college, the mayor of the city of Lynn, the president of the Lynn city
2839 council, the director of the Economic Development and Industrial Corporation of Lynn, or a
2840 successor thereto, the mayor of the city of Peabody, the president of the Peabody city council,
2841 the town manager of the town of Danvers, the chairman of the Danvers board of selectmen, 3
2842 members to be appointed by the governor, at least 1 of whom shall be experienced in the
2843 financial aspects of real estate development and management and at least 1 of whom shall be
2844 experienced in planning, and 4 members to be appointed by the president of the college, at least
2845 2 of whom shall be experienced in higher education administration.

2846 (c) The appointed members of the board of directors shall serve 3-year terms. Of those
2847 initially appointed by the governor, 1 shall be appointed for 1 year, 1 shall be appointed for 2
2848 years and 1 shall be appointed for 3 years. Of those initially appointed by the president of the
2849 college, 1 shall be appointed for 1 year, 1 shall be appointed for 2 years and 2 shall be appointed
2850 for 3 years. Vacancies arising from other than the expiration of the term shall be filled by the
2851 person designated as the appointing authority for the initial appointment. Directors shall serve

2852 without compensation but may be reimbursed for expenses necessarily incurred in the
2853 performance of their duties.

2854 (d) The board of directors from time to time shall elect from among themselves a
2855 chairman, a vice chairman and a secretary. The secretary shall be the custodian of all books,
2856 documents and papers of the corporation and its minute book and seal. Unless otherwise
2857 provided in by-laws adopted by the board of directors, the number of directors required to
2858 constitute a quorum shall be a majority of the directors then in office. If a quorum is present, a
2859 majority of the directors may take any action on behalf of the board of directors except to the
2860 extent that a larger number is required by this section, or other applicable laws or by by-laws
2861 adopted by the board of directors.

2862 (e) The purposes of the corporation shall be to: (i) promote the orderly growth and
2863 development of the college; and (ii) to assist the college in securing physical and financial
2864 resources necessary for the acquisition and development of sites for use by the college. In
2865 furtherance of such purpose, the corporation shall, subject only to the restrictions and limitations
2866 hereinafter provided, have the following powers:

2867 (1) to make and execute contracts and any other instruments necessary or convenient for
2868 the exercise of its powers or the discharge of its duties and incur liabilities for any other purposes
2869 of the corporation;

2870 (2) to have a corporate seal which it may alter at its pleasure;

2871 (3) to adopt by-laws for the regulation of its affairs;

2872 (4) to accept, acquire, receive, take and hold by bequest, devise, grant, gift, purchase,
2873 exchange, lease, transfer, judicial order or decree or otherwise, for any of its objects and
2874 purposes, any property both real and personal, reasonably related to the acquisition and
2875 development of sites for use by the college and to develop such sites including, but not limited
2876 to, the construction, renovation, operation and maintenance of buildings thereon;

2877 (5) to sue or be sued; provided, however, that a director or officer of the corporation shall
2878 not be liable for the performance of the director's duties if the director acts in compliance with
2879 section 6C of chapter 180 of the General Laws;

2880 (6) to sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of any such
2881 property, both real and personal, as the objects and purposes of the corporation may require;

2882 (7) to borrow money and, from time to time, to make, accept, endorse, execute and issue
2883 promissory notes, bills of exchange and other obligations of the corporation for monies borrowed
2884 or in payment for property acquired or for any of the other purposes of the corporation and to
2885 secure the payment of any such obligation by mortgage, pledge, deed, agreement or other
2886 instrument of trust or other lien upon, assignment of or agreement in regard to all or any part of
2887 the property rights or privileges of the corporation, whether now owned or hereafter to be
2888 acquired;

2889 (8) to receive stocks, bonds, donations and gifts and to otherwise raise money for the
2890 corporation's purposes;

2891 (9) to elect, appoint and employ officers, agents and employees, to fix their compensation
2892 and define their duties and obligations and to indemnify corporate personnel;

2893 (10) to enter into agreements or other transactions with any person including, without
2894 limitation, any governmental instrumentalities or agencies in connection with any of its powers
2895 or duties and any governmental agency may enter into such agreements or other transactions
2896 with the corporation; and

2897 (11) to do all acts and things necessary or convenient to the exercise of any power or the
2898 discharge of any duty provided for in this subsection.

2899 (f) The corporation shall be an institution for higher education solely for the purposes
2900 such term is used in chapter 614 of the acts of 1968. Any acquisition of property by purchase,
2901 lease or otherwise by the corporation shall be deemed a project as such term is used in said
2902 chapter 614. The corporation shall be fully eligible to receive any assistance from the
2903 Massachusetts Health and Education Facilities Authority established in said chapter 614 in the
2904 same manner as any other institution for higher education.

2905 (g)(1) The corporation shall assess the space needs of the college on a regular basis and
2906 may acquire sites for use by the college. The corporation may lease or rent land or space in any
2907 facility under the control of the corporation to any entities other than the college only after
2908 making a determination that the college does not have a foreseeable need for such space or land
2909 for the term of the lease or rental agreement.

2910 (2) The corporation shall not sell, convey, transfer, exchange or otherwise dispose of any
2911 real property without notifying, in writing and consulting with, the board of trustees and the
2912 board of higher education and, after such consultation, making a determination that such sale,
2913 conveyance, transfer or exchange is in the best interests of the college. Any such sale,

2914 conveyance, transfer or exchange shall require a vote of 2/3 of the members of the board of
2915 directors.

2916 (h) The college or any state agency or entity acting on the college's behalf may enter into
2917 an agreement to rent, lease or otherwise utilize any facility owned by or under the control of the
2918 corporation. The corporation shall be paid rent and costs for such facilities at a rate agreed to by
2919 the corporation and college or state agency or entity entering into an agreement on the college's
2920 behalf; provided, however, that such amount shall not exceed the fair market value for the use of
2921 such facilities at the time the agreement is made. Subject to such limitation, the college's
2922 determination to rent, lease or otherwise utilize any facility owned or under the control of the
2923 corporation and any agreement related thereto shall not be subject to chapter 7 of the General
2924 Laws.

2925 (i)(1) The corporation shall not engage in any activities which are not in furtherance of its
2926 corporate purposes or to support or benefit any organization other than the college and all of the
2927 powers granted under this section to the corporation shall be exercised in a manner consistent
2928 therewith.

2929 (2) Notwithstanding any other provision of this section, neither the directors and officers
2930 of the corporation nor the corporation shall participate in any prohibited transaction within the
2931 meaning of Section 503 of the Code, nor shall the corporation be operated at any time for the
2932 primary purpose of carrying on a trade or business for profit.

2933 (j) Subject to this section, the corporation shall use or distribute all property from time to
2934 time held by the corporation solely in the furtherance of its corporate purposes in such manner as
2935 the board of directors shall determine. No part of the assets or net earnings, if any, of the

2936 corporation shall inure to the benefit of, or be distributable to, its directors or officers or private
2937 individuals, except that the corporation may pay reasonable compensation for services rendered
2938 and make payments and distributions in furtherance of its corporate purposes. The corporation
2939 shall not directly or indirectly participate in or intervene in, including the publishing or
2940 distributing of statements, any political campaign on behalf of or in opposition to any candidate
2941 for public office. No substantial part of the activities of the corporation shall be for the carrying
2942 on of propaganda or otherwise attempting to influence legislation, except to the extent the
2943 corporation makes expenditures for purposes of influencing legislation in conformity with the
2944 requirements of Section 501(h) of the Code. If the corporation is deemed to be a private
2945 foundation as defined in Section 509 of the Code, chapter 68A of the General Laws shall apply
2946 to it.

2947 (k)(1) The operation and maintenance of projects by the corporation shall constitute the
2948 performance of an essential governmental function and the corporation shall not be required to
2949 pay any taxes or special, betterment or other assessments within the commonwealth including,
2950 without limitation, taxes on real or personal property and any ad valorem taxes, upon any
2951 property owned, constructed, acquired, leased or used by it under this section. The corporation
2952 shall not be subject to any taxes based upon or measured by income which may be enacted by the
2953 commonwealth. Obligations issued by the corporation under this section and any income derived
2954 therefrom, including any sale, exchange or transfer of such obligation, shall be free from taxation
2955 within the commonwealth.

2956 (2) Land, buildings and tangible personal property of the corporation if leased to the
2957 extent permitted under this section for any activity or transaction entered into by the lessee for
2958 financial profit or gain shall be taxed or assessed by the city or town in which such land,

2959 buildings and tangible personal property is situated to the lessees thereof respectively in the same
2960 manner as such land, buildings and tangible personal property would be taxed or assessed to such
2961 lessees if they were owners thereof, except as follows:

2962 (A) the payment of the tax or assessment shall not be enforced by any lien upon or
2963 sale of such land or buildings, but for the purpose of enforcing the payment of such taxes or
2964 assessments by such lessees to the city or town in which such land or buildings are situated, a
2965 sale of the leasehold interest therein may be made by the collector of the city or town in the
2966 manner provided by law for selling real estate for the nonpayment of real estate taxes;

2967 (B) such land, buildings and tangible personal property leased to any political
2968 subdivision of the commonwealth or to any public charity described in section 8 of chapter 12 of
2969 the General Laws for its charitable purposes shall not be taxed or assessed to any such lessees;

2970 (C) in lieu of taxes and any betterment or special assessments, the host
2971 community may determine a sum to be paid to it annually in any year or period of years, such
2972 sum to be in any year equal to or less than the amount that would be levied at the then current tax
2973 rate upon the then current assessed value of such real estate, including buildings and other
2974 structures, the valuation for each year being reduced by all abatements thereon; provided,
2975 however, that no amount shall be due prior to the first year in which the corporation has leased
2976 some portion of the real property to a third party and has received rental payments for fees in
2977 return therefor and any amount so due shall be prorated based upon the percentage of the
2978 property for which rental payments or fees have been received;

2979 (D) if any such lessee is subject to the excise levied under sections 30 to 42B,
2980 inclusive, of chapter 63 of the General Laws, such tangible personal property shall be treated as

2981 though it were owned by such lessee for the purposes of such excise and it shall be valued at 8
2982 times its annual rental rate, unless and to the extent that such property is treated by the lessee as
2983 owned by it for federal income tax purposes, in which case, its value shall be its adjusted basis,
2984 as defined in the applicable provisions of the Code; and

2985 (E) all tangible property, real or personal, so leased shall be considered tangible
2986 property owned or rented and used in the commonwealth by such lessee for the purposes of
2987 section 38 of chapter 63 of the General Laws.

2988 (l)(1) The corporation shall not exercise any of the following powers, duties, actions,
2989 responsibilities or authorities in the absence of review and comment by the inspector general and
2990 such review and comment shall be provided within 2 weeks after submission by the corporation
2991 of a plan setting forth the power, duty, action, responsibility or authority proposed to be taken:

2992 (A) entering into a contract requiring an annual expenditure in excess of \$100,000
2993 by the corporation; provided, however, that the corporation may enter into those contracts
2994 necessary to acquire sites, without further review by the inspector general, but pursuant to a
2995 memorandum of understanding with the secretary of administration and finance with respect to
2996 the acquisition, renovation, operation and potential disposition of sites;

2997 (B) borrowing monies such that the outstanding amount of monies borrowed by
2998 the corporation exceeds \$100,000;

2999 (C) entering into a contract requiring the sale of an asset of the corporation
3000 purchased with monies appropriated by the commonwealth; and

3001 (D) entering into a contract requiring the sale of all or substantially all of the
3002 assets of the corporation.

3003 (2) In carrying out this section, the inspector general shall have access to all the
3004 corporation's records, reports, audits, reviews, papers, books, documents, recommendations,
3005 correspondence, including information relative to the purchase of services or anticipated
3006 purchase of services from any contractor by the corporation, and any other data and material that
3007 is maintained by or available to the corporation which in any way relates to the programs and
3008 operations with respect to which the inspector general has duties and responsibilities under this
3009 section, except any record to which section 18 of chapter 66 of the General Laws applies.

3010 (3) The inspector general may request such information, cooperation and assistance from
3011 the corporation as may be necessary for carrying out his duties and responsibilities under this
3012 section. Upon receipt of such request, the person in charge of the corporation's governing body
3013 shall furnish to the inspector general or the inspector general's authorized agent or representative
3014 such information, cooperation and assistance, including information relative to the purchase of
3015 services or anticipated purchase of services from any contractor by the corporation except any
3016 record to which said section 18 of said chapter 66 applies. The inspector general may make such
3017 investigation, audits and reports relating to the administration of the programs and operations of
3018 the corporation as are in the judgment of the inspector general necessary and may conduct an
3019 examination of any documents of the corporation to prevent or detect fraud, waste and abuse in
3020 the expenditure of public funds. The inspector general shall have direct and prompt access to the
3021 head of the corporation when necessary for any purpose pertaining to the performance of such
3022 person's duties and responsibilities under this section. The inspector general may request the

3023 production, on a voluntary basis, of testimony or documents from any individual firm or
3024 nongovernmental entity which relate to his duties and responsibilities under this section.

3025 (4) The inspector general may require, by summons, the production of all records,
3026 reports, audits, reviews, papers, books, documents, recommendations, correspondence and any
3027 other data and material relevant to any matter under audit or investigation pursuant to the this
3028 section, except records to which said section 18 of said chapter 66 apply. Such summons shall be
3029 served in the same manner as a summons for the production of documents in civil cases issued
3030 on behalf of the commonwealth and all laws relative to the issuance of summonses shall apply to
3031 a summons issued pursuant to this section. Any justice of the superior court department of the
3032 trial court may, upon application by the inspector general, issue an order to compel the
3033 production of records, reports, audits, reviews, papers, books, documents, recommendations,
3034 correspondence and any other data and material as aforesaid. Any failure to obey such order may
3035 be punished by such court as contempt. Any summons issued pursuant to this section shall not be
3036 made public by the inspector general or any officer or employee of the inspector general's office
3037 and no documents provided pursuant to this section shall be made public until such time as it is
3038 necessary for the inspector general to do so in the performance of the inspector general's duties
3039 under this section. The production of such books and papers pursuant to a summons issued under
3040 this subsection shall be governed by the same provisions with reference to secrecy which govern
3041 proceedings of a grand jury. Disclosure of such production, attendance and testimony may be
3042 made to such members of the staff of the inspector general as is deemed necessary by the
3043 inspector general to assist the inspector general in the performance of his duties and
3044 responsibilities under this section and such members of the staff may be present at the production
3045 of records.

3046 (5) The corporation shall submit annually an audited financial statement to the house and
3047 senate committees on ways and means and the joint committee on higher education.

3048 (m) Upon dissolution of the corporation after payment of all of the liabilities of the
3049 corporation or due provision therefor, all of the assets of the corporation shall be distributed to
3050 the board of higher education, to be held in trust for the benefit and purposes of the college, and
3051 shall not inure to the benefit of or be distributed to any private individual.

3052 SECTION 78C. The first biannual report required to be filed by the commissioner of
3053 conservation and recreation, in conjunction with the commissioner of fish and game, the division
3054 of fisheries and wildlife and the riverways program, or any successor agencies, under section 65
3055 of chapter 253 of the General Laws shall be filed on December 31, 2014.

3056 SECTION 78D. (a) For the purposes of this section, the following words shall, unless the
3057 context clearly requires otherwise, have the following meanings:-

3058 “Community investment plan”, an organizational business plan developed by a certified
3059 community development corporation that details its goals, outcomes, strategies, programs and
3060 activities for a 3 to 5-year period and its financial plans for supporting its strategy; provided,
3061 however, that the plan shall be designed to engage local residents and businesses to work
3062 together to undertake community development programs, projects and activities which develop
3063 and improve urban, rural or suburban communities in sustainable ways that create and expand
3064 economic opportunities for low and moderate income households; provided further, that the
3065 specific format and content of a community investment plan may be adapted to the particular
3066 organization and community, but shall include the following elements: (i) a description of the
3067 community to be served by the organization, including the neighborhoods, towns or cities to be

3068 served and any particular constituencies that the organization is dedicated to serving; (ii) a
3069 description of how community residents and stakeholders were engaged in the development of
3070 the plan and their role in monitoring and implementing the organization’s activities during the
3071 time period of the plan; (iii) the goals sought to be achieved during the time period of the plan,
3072 including how low and moderate income households or low and moderate income communities
3073 will benefit and how the entire community will benefit; (iv) the activities to be pursued to
3074 achieve those goals; (v) the manner in which success shall be measured and evaluated; (vi) a
3075 description of the collaborative efforts that shall support implementation of the plan, including
3076 collaborative efforts with nonprofit, for profit or public entities; (vii) a description of how the
3077 different activities within the plan fit together and how the entire plan fits into a larger strategy or
3078 vision for the community; (viii) the financial strategy to be deployed to support these activities;
3079 and (ix) other information regarding the history and track record of the organization as
3080 determined by the department.

3081 “Community partner”, a community development corporation or a community support
3082 organization selected by the department through a competitive process to receive a community
3083 investment grant.

3084 “Community support organization”, any nonprofit organization which is not a community
3085 development corporation but has a focus on and track record of providing capacity building
3086 services to community development corporations.

3087 “Department”, the department of housing and community development.

3088 “Gateway municipality”, a gateway municipality as defined in section 3A of chapter 23A.

3089 “Low and moderate income community”, an economic target area as defined in section
3090 3A of chapter 23A, an enhanced economic enterprise community or empowerment zone as
3091 designated by the United States Department of Housing and Urban Development or 1 or more
3092 contiguous census tracts as designated by a city or town, in which either: (i) a majority of the
3093 households are low and moderate income households; or (ii) the unemployment rate is at least 25
3094 per cent higher than the annual statewide average unemployment rate at a time when the
3095 statewide unemployment rate is less than or equal to 5 per cent or the unemployment rate is at
3096 least 10 per cent higher than the annual statewide average unemployment rate at a time when the
3097 statewide unemployment rate is greater than 5 per cent.

3098 “Low and moderate income households”, households which have incomes that do not
3099 exceed 80 per cent of the median income for the area, with adjustments made for smaller and
3100 larger families, as such median shall be determined from time to time by the secretary of the
3101 United States Department of Housing and Urban Development under 42 U.S.C. 1437(a)(B)(2) or
3102 any successor legislation and the regulations promulgated thereunder.

3103 (b) The department shall promulgate regulations concerning the process by which
3104 community development corporations apply to become a community partner; provided, however,
3105 that:

3106 (1) the department shall design a competitive process to review applications by
3107 community development corporations and community support organizations; provided, however,
3108 that community support organizations may qualify but not more than 2 such organizations may,
3109 at any given time, be awarded community investment grants;

3110 (2) the selection process shall favor community development corporations with the
3111 highest quality community investment plans and strong track records and shall strive to ensure
3112 that all regions of the commonwealth are able to fairly compete for allocations, including
3113 gateway municipalities, rural areas and suburban areas; provided, however, that at least 30 per
3114 cent of the community partners shall be located in or serving gateway municipalities and at least
3115 20 per cent of the community partners shall be located in or serving rural areas, as defined by the
3116 department, unless the department finds that there are not a sufficient number of qualified
3117 applications from those areas;

3118 (3) the department shall, subject to appropriation, implement at least 1 such allocation
3119 process each year; provided, however, that each grant shall be valid for up to 3 years, contingent
3120 upon the community partner satisfactorily meeting the reporting requirements of the department;
3121 provided further, that community partners who have not fully utilized their community
3122 investment grant within 3 years may apply to the department for a 1-year extension; provided
3123 further, that community investment grants may be revoked after 2 years from the date of the
3124 award by the department if: (i) the community partner is found to be in noncompliance with this
3125 section or the department's regulations promulgated hereunder; (ii) if the community partner is
3126 determined by the department to be making inadequate progress on its community investment
3127 plan; or (iii) for other good cause as determined by the department; and

3128 (4) no community partner shall, subject to appropriation, receive a community investment
3129 grant of less than \$25,000 or more than \$150,000 in any 1 fiscal year. No community partner
3130 shall receive a subsequent allocation unless it has utilized at least 95 per cent of the 3 year total
3131 of any prior allocation

3132 SECTION 78E. The commissioner of revenue, in consultation with the department of
3133 housing and community development and the office of commonwealth performance,
3134 accountability and transparency, shall review the community investment tax credit in section 6M
3135 of chapter 62 of the General Laws and section 38EE of chapter 63 of the General Laws and
3136 report on the estimate of the anticipated foregone revenue from the tax credit, whether this tax
3137 credit achieves the desired outcome and stated public policy purpose of the tax credit and if the
3138 tax credit is the most cost effective means of achieving this public policy purpose and whether
3139 the tax credit should be subject to a recapture if certain conditions are not met. The
3140 commissioner shall file a report, together with any recommendations regarding whether there
3141 should be legislative changes to the tax credit or whether the goals of the tax credit can better be
3142 served through other means, to the governor and to the clerks of the house and senate who shall
3143 forward the same to the joint committee on revenue, the joint committee on economic
3144 development and emerging technologies, the house and senate chairs of the joint committee on
3145 community development and small businesses and the house and senate ways and means
3146 committees not later than March 1, 2013.

3147 SECTION 78F. The commissioner of revenue, in consultation with the department of
3148 housing and community development, shall authorize annually an amount not to exceed
3149 \$3,000,000 in 2014 and \$6,000,000 in 2015 to 2019, inclusive, for the community investment tax
3150 credit in section 6M of chapter 62 of the General Laws and section 38EE of chapter 63 of the
3151 General Laws.

3152 SECTION 78G. Notwithstanding any general or special law to the contrary, the
3153 Massachusetts marketing partnership established under section 13A of chapter 23A of the
3154 General Laws shall submit a report on the partnership's activities in fiscal years 2011 and 2012.

3155 The report shall include, but shall not be limited to: (i) the partnership's efforts to implement
3156 chapter 240 of the acts of 2010; (ii) efforts to promote common, coordinated, and concerted
3157 marketing efforts on behalf of the commonwealth; (iii) efforts to work in collaboration with
3158 governmental entities, regional economic development organizations established under sections
3159 3J and 3K of said chapter 23A, local entities, local authorities, public bodies and private
3160 corporations to advanced the commonwealth's interests and investments in travel and tourism,
3161 international trade and economic development; (iv) development of a common internet portal;
3162 and (v) the partnership's plans for marketing and collaboration efforts in fiscal years 2013 and
3163 2014. The partnership shall submit the report to the executive office of housing and economic
3164 development, the house and senate committees on ways and means and the joint committee on
3165 economic development and emerging technologies not later than December 30, 2012.

3166 SECTION 78H. There shall be a special commission to conduct an investigation and
3167 study of the activities and efficacy of the adjudication of unemployment insurance claims by the
3168 department of unemployment assistance under the executive office of labor and workforce
3169 development. The commission shall consist of 11 members: 2 of whom shall be appointed by the
3170 state auditor, both of whom shall have experience with the adjudication of unemployment
3171 disputes, and 1 of whom shall serve as chair; 2 of whom shall be members of the senate, 1 of
3172 whom shall be appointed by the minority leader; 2 of whom shall be members of the house of
3173 representatives, 1 of whom shall be appointed by the minority leader; the director of the
3174 department of unemployment assistance, or a designee; the president of the Massachusetts
3175 taxpayer's foundation, or a designee; the executive vice-president of the AFL-CIO, or a
3176 designee; the executive vice-president of Associated Industries of Massachusetts, or a designee;
3177 and the executive director of the Massachusetts Municipal Association, or a designee.

3178 The study shall include, but not be limited to, an analysis of: (1) the number of claims
3179 received by the department quarterly since January 1, 2008 and the resulting status of all claims,
3180 including any information pertinent to the description of the status of said claims, including, but
3181 not limited to (i) the results of all initial determinations of claims, (ii) the results of any appeals
3182 resulting from said initial determination, (iii) the number of rulings reversed through the appeals
3183 and review process, (iv) the number of claims arising from paragraphs (1) and (2) of subsection
3184 (e) of section 25 of chapter 151A of the General Laws, and (v) the number of claims settled in
3185 favor of the claimant and in favor of the employer; (2) the average length of time of the appeals
3186 and review process of a claim from initial determination to final disposition; (3) the procedures
3187 through which the department hires and trains new employees to implement sections 39 to 41,
3188 inclusive, of said chapter 151A, including a determination as to whether or not employment
3189 procedures have been followed under section 9K of chapter 23 of the General Laws.

3190 The study shall also include recommendations relative to: (1) procedures through which
3191 the department may produce a quarterly report, to be posted on the department's website, of the
3192 number of active claims and the status of said claims; (2) procedures through which any current
3193 backlog of cases may be fairly and efficiently resolved and avoided in future department
3194 proceedings; (3) procedures through which oversight and quality control principles may be
3195 implemented to ensure the continuing prompt, equitable and transparent application of current
3196 law by the commissioner and the board of review; (4) a complete review of current statute and
3197 regulations relative to the implementation of said chapter 151A and any recommendations as to
3198 possible legislative reform and streamlined procedures, including, but not limited to,
3199 recommendations and procedures for the uniform and effective implementation of said section
3200 25 of said chapter 151A.

3201 The commission may request from all state agencies such information and assistance as
3202 the commission may require. The commission shall report the results of its investigation and
3203 study, together with drafts of legislation, if any, necessary to carry its recommendations into
3204 effect, by filing the report with the clerks of the senate and house of representatives, who shall
3205 forward the report to the joint committee on public health and the house and senate committees
3206 on ways and means not later than December 31, 2013.

3207 SECTION 79. The searchable website established under subsection (c) of section 3 of
3208 chapter 23A of the General Laws shall be accessible to the public not later than February 1,
3209 2013.

3210 SECTION 80. The first annual report required by clause (8) of subsection (c) of section
3211 6M of chapter 62 of the General Laws and by clause (8) of subsection (c) of section 38EE of
3212 chapter 63 of the General Laws shall be completed not later than April 30, 2015.

3213 SECTION 81. The credit allowed in sections 29, 30 and 34 of this act and the credit
3214 allowed in section 38DD of chapter 63 of the General Laws shall apply to companies that first
3215 begin to pay the excise due under sections 2, 2B and 39 of said chapter 63 in tax year 2014 or
3216 any year thereafter.

3217 SECTION 82. Section 6M of chapter 62 of the General Laws, inserted by section 28B,
3218 and section 38EE of chapter 63 of the General Laws, inserted by section 33, shall take effect on
3219 January 1, 2014.

3220 SECTION 83. Sections 28C and 33A shall take effect on December 31, 2019.

3221 SECTION 84. Sections 35 to 43, inclusive, shall be effective for tax years beginning on
3222 or after January 1, 2014.

3223 SECTION 85. The exemption allowed in sections 44 and 45 shall take effect on July 1,
3224 2013.

3225 SECTION 86. Sections 45C to 45N, inclusive, and 78A shall take effect on January 15,
3226 2013.

3227 SECTION 87. Section 51 shall take effect on December 1, 2012.