

# SENATE . . . . . No. 2435

Senate, July 14, 2016– Text of the Senate amendment to the House Bill relative to job creation, workforce development and infrastructure investment (House, No. 4483) (being the text of Senate, No. 2423, printed as amended)

## The Commonwealth of Massachusetts

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

An Act relative to job creation, workforce development and infrastructure investment.

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

1           SECTION 1. To provide for a program of economic development and job creation, the  
2 sums set forth in sections 2A, 2B and 2C, for the several purposes and subject to the conditions  
3 specified in this act, are hereby made available, subject to the laws regulating the disbursement  
4 of public funds. These sums shall be in addition to any amounts previously authorized and made  
5 available for these purposes.

6           SECTION 2A.

7           EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

8   Office of the Secretary

9           7002-8006     For the MassWorks infrastructure program established in section 63 of  
10 chapter 23A of the General Laws ..... \$330,000,000

11           7002-8007    For matching grants to enable institutions of higher education, including  
12 state and municipal colleges and universities, to participate in and receive federal funding from  
13 the National Network for Manufacturing Innovation..... \$71,000,000

14           7002-8008    For a program to be administered by the Massachusetts Development  
15 Finance Agency for site assembly, site assessment, predevelopment permitting and other  
16 predevelopment and marketing activities that enhance a site’s readiness for commercial,  
17 industrial or mixed-use development; provided, that a portion of the funds shall be used to  
18 facilitate the expansion or replication of successful industrial parks; and provided further, that a  
19 portion of the funds shall be used to support the revitalization of downtown  
20 centers..... \$15,000,000

21           7002-8009    For a program to be administered by the Massachusetts Development  
22 Finance Agency: (i) to make grants to private property owners, nonprofit entrepreneur support  
23 organizations and business operators; (ii) to make grants and loans to municipalities for design,  
24 construction and improvement of buildings and for equipment to spur innovation and  
25 entrepreneurship across the commonwealth including, but not limited to, co-working spaces,  
26 innovation centers, maker spaces, post-incubation start-ups and artist spaces; provided, that  
27 \$200,000 shall be expended to DevelopSpringfield Corporation for the construction and  
28 expansion of the Springfield Innovation Center in the city of Springfield..... \$15,200,000

29           7002-8011    For the Transformative Development Fund established in section 46 of  
30 chapter 23G of the General Laws ..... \$45,000,000

31           7002-8012    For the Scientific and Technology Research and Development Matching  
32 Grant Fund established in section 4G of chapter 40J of the General Laws .....\$15,000,000

33           7002-8013    For the Advanced Manufacturing, Technology and Hospitality Training  
34 Trust Fund established in section 20000 of chapter 29 of the General Laws.....\$30,000,000

35           7002-8014    For the Massachusetts Food Trust Program established in section 65 of  
36 chapter 23A of the General Laws; provided, that \$250,000 shall be expended to the Franklin  
37 County Community Development Corporation for costs associated with the expansion of the  
38 Western Massachusetts Food Processing Center..... \$6,250,000

39           7002-8016    For the funding of the Designated Port Area Fund established in section 16G  
40 of chapter 6A of the General Laws toward costs incurred or arising out of the design,  
41 construction, repair, renovation, rehabilitation or other capital improvements within designated  
42 port areas located outside Boston harbor.....\$25,000,000

43           7002-8017    For the Massachusetts Technology Park Corporation established in section 3  
44 of chapter 40J of the General Laws and doing business as the Massachusetts Technology  
45 Collaborative, to create a cybersecurity and data analytics technology development and training  
46 center of excellence pursuant to section 107 ..... \$4,500,000

47           7002-8018    For public infrastructure grants to municipalities and other public  
48 instrumentalities for design, construction, building, land acquisition, rehabilitation, repair and  
49 other improvements to publicly-owned infrastructure; provided, that \$350,000 shall be expended  
50 for the acquisition, design, engineering and construction of the Riverwalk along the Sudbury  
51 river in the town of Ashland; provided further, that \$500,000 shall be expended for infrastructure  
52 improvements in the Town of Holbrook to support economic development in the town center  
53 area and improve access to the regional commuter rail station; provided further, that \$150,000  
54 shall be expended for improvements to the downtown area in the town of Framingham to

55 enhance the pedestrian access to public and private facilities including train and bus stations;  
56 provided further, that \$375,000 shall be expended for the design, permitting and construction of  
57 Americans with Disabilities Act compliance work, including the construction of an elevator to  
58 the upper floor theater spaces in town hall in the town of Royalston; provided that \$500,000 shall  
59 be expended for the restoration, rehabilitation and renovation of the Lowell Memorial  
60 Auditorium in order to ensure compliance with the Americans with Disabilities Act in the city of  
61 Lowell; provided further, that \$463,665 shall be expended for the relocation and rehabilitation of  
62 Stearns Tavern in the city of Worcester; provided further, that \$250,000 shall be expended for  
63 design and construction of the Watertown-Cambridge greenway project in the city known as the  
64 town of Watertown and the city of Cambridge; provided further, that \$400,000 shall be expended  
65 for handicapped accessibility improvements and crosswalks to Centre street at Rambler road,  
66 Westchester road and Whitcomb avenue in the Jamaica Plain section of the city of Boston;  
67 provided further, that \$100,000 shall be expended for repairs to park pathways and entrances to  
68 Franklin Park in the city of Boston; provided further, that \$125,000 shall be expended to make  
69 structural improvements and repairs at the Academy of Music in the town of Northampton;  
70 provided, further, that not less than \$300,000 shall expended for the economic redevelopment of  
71 King Phillip Mills in the city of Fall River including, but not limited to, environmental  
72 remediation, preparation and site cleanup; provided further, that not less than \$250,000 shall be  
73 expended for a regional indoor ice rink and recreation center located in the town of Norwood;  
74 provided further, that not less than \$250,000 shall be expended for facility improvements to the  
75 Alexander S. Bajko Memorial Rink in the Hyde Park section of the city of Boston ; provided  
76 further, that \$200,000 shall be expended for the design and construction of the Halifax Council  
77 on Aging building ; provided further, that \$300,000 shall be expended for the design and

78 construction of the expansion of the Brockton Council on Aging Senior Center ; provided  
79 further, that \$300,000 shall be expended to the Central Massachusetts Center for Business and  
80 Enterprise, Inc. to support infrastructure improvements at a higher learning institution within the  
81 Blackstone Valley ; provided further, that not less than \$250,000 shall be expended for the  
82 creation, design and construction of a roadway and further development at the former Medfield  
83 State Hospital property in the town of Medfield; provided further, that the further development  
84 shall prioritize adaptive recreational activities, inclusion and accessibility for those with physical,  
85 mental and emotional disabilities ; provided further, that not less than \$236,335 shall be  
86 expended for the sanitary sewer capacity improvement project in the town of Northborough ;  
87 provided further, that not less than \$250,000 shall be expended for repairs, enhancements and  
88 improved pedestrian access in the city of Melrose downtown business and historic district;  
89 rovided further, that \$250,000 shall be expended for design and construction of playing fields  
90 and public recreation space at the Beachmont School in the city of Revere ; provided further, that  
91 \$250,000 shall be expended for road, safety, sidewalk and aesthetic improvements at or near the  
92 intersection of Neponset Valley parkway and Brush Hill road in the town of Milton ; provided  
93 further, that \$500,000 shall be expended for improvements to the Main street traffic rotary in the  
94 downtown area in the town of Hudson to improve and enhance access to the area ; provided  
95 further, that not less than \$250,000 shall be expended to establish a facade improvement program  
96 for the city of Malden ; provided further, that \$250,000 shall be expended to the town of Milton  
97 to promote economic development or recreational opportunities at or near the Town Landing at  
98 or near the Neponset River and Wharf Street in the town of Milton provided further, that  
99 \$200,000 shall be expended for a signage and wayfinding program in the town of Chelmsford as  
100 part of a project improving the pedestrian, bicycle and public parking areas, and multi-use

101 pathways in Chelmsford center in the town of Chelmsford ; provided further, that not less than  
102 \$500,000 shall be expended for the Miracle League of Western Massachusetts, Inc. for the  
103 renovation and construction of recreational facilities ; provided further, that \$250,000 shall be  
104 expended for the engineering cost of replacing the West Park Street Bridge in the town of Lee ;  
105 provided further, that not less than \$300,000 shall be expended for the sampling and permitting  
106 of the dredging of Plymouth harbor in the town Plymouth ; provided further, that not less than  
107 \$250,000 shall be expended for the design and development of a small business incubator at the  
108 site of the former Winthrop Middle School in the town of Winthrop ; provided further, that  
109 \$100,000 shall be expended for the design and architectural costs for a building at the Blossom  
110 Street Extension ferry terminal location in the city of Lynn ; provided further, that \$400,000 shall  
111 be expended for the cost or reimbursement of cost for the city of Lynn’s share of the feasibility  
112 study and design and construction for the dredging of Lynn harbor in the city of Lynn ; provided  
113 further, that \$250,000 shall be expended for capital improvements in the city of Westfield in  
114 celebration of its three hundred and fiftieth anniversary ; provided further, that not less than  
115 \$150,000 shall be expended for a feasibility study to improve parking in Falmouth village in the  
116 town of Falmouth ; provided further, that \$200,000 shall be expended for transportation  
117 improvements along the Arsenal street corridor in the city known as the town of Watertown;  
118 provided further, that \$300,000 shall be expended for a façade improvement program for  
119 Watertown square and Coolidge square in the city known as the town of Watertown ; provided  
120 further, that \$200,000 shall be expended to Historic Newton, Inc. for a plaque to commemorate  
121 George Washington’s passage through Newton corner and other historic improvements ;  
122 provided further, that \$250,000 shall be expended for design and reconstruction of traffic signals  
123 at the intersections of Mystic avenue and Main street, Main street and South street and Main

124 street and the westbound off ramp of the Mystic Valley parkway, state highway route 16, in the  
125 city of Medford ; provided further, that \$300,000 shall be expended for capital improvements to  
126 the Coolidge Corner branch of the Brookline public library ; provided further, that not less than  
127 \$250,000 shall be expended for upgrades to the Swan Street park tot lot in the city of Everett;  
128 provided further, that the Food Allergy Science Initiative shall be eligible to receive matching  
129 grant funds for research and outreach on food allergies ; provided further, that not less than  
130 \$250,000 shall be expended for the replacement of sidewalks on Hawthorne street from Congress  
131 avenue to Marginal street in the city of Chelsea ; provided further, that not less than \$200,000  
132 shall expended for environmental remediation, preparation and site cleanup of the former police  
133 station on Bedford Street in the city of Fall River to support economic development in the Bank  
134 Street Neighborhood Association/downtown area ; provided further, that \$250,000 shall be  
135 expended to rehabilitate, finish or expand facilities related to the Center for the Arts in the town  
136 of Natick ; provided further, that \$200,000 be expended for critical infrastructure improvements  
137 in the city of Fitchburg in order to support economic development on Main street and Airport  
138 road by installing access to high speed internet ; provided further, that not less than \$250,000  
139 shall be expended for repairs to the carriage house at Lynch park in the city of Beverly ; provided  
140 further, that not more than \$200,000 shall be expended to expand the current park and ride  
141 facility at exit 6 off United States highway route 6 in the city known as the town of Barnstable or  
142 to build a new park and ride facility in the city known as the town of Barnstable ; provided  
143 further, that \$250,000 shall be expended to the town of Plainville for public safety improvements  
144 ; provided further, that \$300,000 shall be expended for the acquisition of property on rear Main  
145 street in the city of Gardner ; provided further, that \$500,000 shall be expended for a dredging  
146 project and to improve, manage and protect the water quality of Lake Wickaboag in the town of

147 West Brookfield ; provided further, that not less than \$300,000 be provided to the county of  
148 Barnstable for the design, engineering, installation, piloting and assessment of the nitrogen  
149 removal capabilities of soil based innovative Title V septic systems developed by the Barnstable  
150 County Health Department to meet the objectives of an approved 208 region-wide water quality  
151 plan ; provided further, that \$500,000 be expended for a grant program to be administered by the  
152 Massachusetts office of business development to assist minority-owned businesses, women-  
153 owned businesses and veteran-owned businesses with capital and infrastructure improvements  
154 aimed at growing and expanding their business capacity ; provided further, that \$250,000 shall  
155 be expended to the town of Hingham to finance structural improvements and expansions to the  
156 state highway route 3A rotary ; provided further, that not less than \$250,000 shall be expended  
157 for infrastructure improvements at Attleboro High School for the expansion of the career and  
158 technical education department ; provided further, that not less than \$250,000 shall be expended  
159 for a children’s museum or other economic redevelopment at the city-owned property located at  
160 2-12 Washington Street in the city of Peabody ; provided further, that not less than \$200,000  
161 shall be expended for development along the state highway route 133 corridor in the town of  
162 Andover ; provided further, that not less than \$150,000 shall be expended for sidewalks on state  
163 highway route 38 in the town of Dracut , provided further, that not less than \$150,000 shall be  
164 expended for road and sidewalk construction and improvements along Main street in the town of  
165 Tewksbury ; provided further, that not less than \$500,000 shall be expended for design and other  
166 related services for corridor improvements and related work on Broadway, state highway route  
167 138, from Taunton Green northerly to Purchase street in the city of Taunton ; provided further,  
168 that not less than \$250,000 shall be expended for sidewalks and bicycle paths in the town of  
169 Blackstone ; provided further, that not less than \$250,000 shall be expended for infrastructure



170 improvements at Oxford Crossing in the town of Oxford ; provided further, that \$300,000 shall  
 171 be expended for downtown improvements including, but not limited to, the planning and design  
 172 of a public safety facility in the town of Ipswich ; provided further, that \$200,000 shall be  
 173 expended for downtown improvements including, but not limited to, the planning and design of a  
 174 public safety facility in the town of Essex ; provided further, that \$250,000 shall be expended to  
 175 the town of Marshfield to finance construction, renovations and new developments to the Brant  
 176 Rock esplanade for increased tourist accessibility and flood management; provided further, that  
 177 not less than \$300,000 shall be expended for the study and design of a full service consolidated  
 178 campus for Bristol Community College located in the downtown area of the city of New Bedford  
 179 to fulfill economic development and workforce training demands in the economy of the south  
 180 coast of the commonwealth ; provided further, that not less than \$200,000 shall be used to  
 181 facilitate commercial, industrial or mixed-use development of waterfront sites in the city of New  
 182 Bedford; and provided further, that a waterfront site shall be a Phase IV site that is subject to an  
 183 enforceable activity and use limitation submitted after June 1, 2012 in accordance with the  
 184 Massachusetts Contingency Plan, 310 CMR 40.00..... \$17,650,000

185           7002-8021 For the Brownfields Redevelopment Fund established by section 29A of  
 186 chapter 23G of the General Laws ..... \$45,000,000

187           SECTION 2B.

188           EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

189           Department of Housing and Community Development

190           7004-8016 For the Smart Growth Housing Trust Fund established by section 35AA of  
 191 chapter 10 of the General Laws..... \$10,000,000

192           7004-8018     For a Workforce Housing Production Trust Fund, which shall support a  
193 program administered by the secretary of housing and economic development for the benefit of  
194 projects that are eligible for certification under section 4 of chapter 40V and qualify for the  
195 Massachusetts historic rehabilitation tax credit under section 38R of chapter 63 of the General  
196 Laws; provided, however, that dispensed funds may be issued up to an amount of the project's  
197 full eligibility under said chapter 40V and said section 38R of said chapter 63; provided further,  
198 that to receive the funds the project developer shall agree to return to the trust fund 25 per cent of  
199 the project's annual cash flow and 25 per cent of the profit received by the developer for the sale  
200 or refinancing of the project; provided further, that the payments required of the developer shall  
201 not exceed the total amount dispensed from the trust fund to the project; and provided further,  
202 that the secretary shall direct the agencies under the secretary's purview to issue additional  
203 regulations and guidance, as necessary, for the implementation of this program ... \$25,000,000

204           SECTION 2C.

205           EXECUTIVE OFFICE OF EDUCATION

206           Office of the Secretary

207           7009-2005     For a competitive grant program to be administered by the executive  
208 office of education, in consultation with the executive office of housing and economic  
209 development and the executive office of labor and workforce development, to provide funding  
210 for the purchase and installation of equipment and any related improvements and renovations to  
211 facilities necessary for the installation and use of such equipment, in order to establish, upgrade  
212 and expand career technical education and training programs that are aligned to regional  
213 economic and workforce development priorities; provided, that grant applications may facilitate

214 collaboration to provide students enrolled in eligible vocational technical schools with  
215 postsecondary opportunities consistent with clause (o) of the first paragraph of section 22 of  
216 chapter 15A of the General Laws and section 37A of chapter 74 of the General Laws; provided  
217 further, that innovation centers that receive funds from the Massachusetts Life Sciences Center  
218 shall also be eligible for funds from this program; provided further, that the executive office of  
219 education, in consultation with the executive office of housing and economic development and  
220 the executive office of labor and workforce development, shall adopt additional guidelines as  
221 necessary for the administration of the program; provided further, that \$100,000 shall be  
222 expended for materials and equipment to establish an engineering and science, technology,  
223 engineering and mathematics program at Belchertown High School in the town of Belchertown;  
224 provided further, that \$200,000 shall be expended for equipment, materials and transportation for  
225 the carpentry and electric, machine tool technology and auto technology programs at Chicopee  
226 Comprehensive High School in the city of Chicopee; and provided further, that not less than  
227 \$250,000 shall be allocated for the purpose of job training at Holyoke Works  
228 ..... \$45,550,000

229           7009-2006     For competitive grants to cities, towns, regional school districts and  
230 institutions of public higher education, including state and municipal colleges and universities,  
231 for capital investment to support the establishment and implementation of early college high  
232 school programs which may include, but shall not be limited to, design, engineering and  
233 construction costs to create or improve facilities, equipment costs or information technology  
234 costs associated with the programs; provided, that the programs shall support students who work  
235 simultaneously on the completion of a high school diploma from the partnering school district  
236 while also earning free college credits towards an associate degree or certificate at the partnering

237 institution of higher education; provided further, that the programs shall provide full access to  
238 college support services, student activities and tutoring and shall ensure holistic wrap-around  
239 support which meets the academic, social and emotional needs of the student and shall ensure  
240 full access to the same for students with physical or learning disabilities; provided further, that in  
241 awarding these grants, preference shall be given to innovative joint proposals developed by  
242 partnering school districts, colleges and local and regional nonprofits, where appropriate; and  
243 provided further, that the grants shall be awarded, to the extent feasible, in a manner that reflects  
244 geographic and demographic diversity..... \$2,400,000

245 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

246 Office of the Secretary

247 6720-1340 For mitigation of or contribution toward any costs associated with or arising  
248 out of improvements to the Paul W. Conley terminal in the South Boston section of the city of  
249 Boston to accommodate mega ships for the continued competitiveness of the terminal, including  
250 costs related to berth construction and crane procurement; provided, that the secretary, in  
251 coordination with the chief executive officer of the Massachusetts Port Authority, shall seek to  
252 maximize federal funds and reimbursement to offset, to the extent feasible, costs incurred under  
253 this item; provided further, that the Massachusetts Port Authority shall submit an annual report  
254 not later than October 1 to the clerks of the senate and house of representatives who shall  
255 forward the report to the chairs of the house and senate committees on bonding, capital  
256 expenditures and state assets and the report shall include, but shall not be limited to: (i) the  
257 progress on the dredging of the Boston harbor; (ii) updates on the berth construction and crane  
258 procurement authorized under this item; (iii) progress on efforts to seek federal funds and

259 reimbursements; (iv) the feasibility of obtaining private funding; and (vi) the economic benefit  
260 derived from this investment ..... \$107,500,000

261 SECTION 3. Chapter 3 of the General Laws is hereby amended by inserting after section  
262 23 the following section:-

263 Section 23A. (a) For the purposes of this section, “tax expenditures” shall have the  
264 meaning assigned to it in section 1 of chapter 29.

265 (b) Each petition or other legislative proposal for new or revised tax expenditures shall  
266 include:

267 (i) a clearly specified public policy purpose and desired outcome;

268 (i) a finding that the tax expenditure is expected to be highly effective at  
269 achieving the identified public policy purpose and desired outcome consistent with clause (i);

270 (i) estimates of the anticipated foregone revenue such that these estimates can be  
271 considered by the executive office for administration and finance, the department of revenue, the  
272 general court and the governor in the course of their subsequent periodic evaluations of tax  
273 expenditures;

274 (iv) for discretionarily awarded grant-like tax expenditures, an overall annual  
275 dollar cap on foregone revenue;

276 (v) a provision requiring that the tax expenditure either sunset or be reviewed  
277 periodically;

278 (vi) for discretionarily-awarded grant-like tax expenditures, criteria to be applied  
279 by the administering agency in making discretionary awards within the cap; and

280 (vii) for discretionarily awarded grant-like tax expenditures, provisions for  
281 administration in accordance with best practices and for specific enforcement mechanisms,  
282 including: (1) clear written conditions and commitments; (2) if conditions are not met, thresholds  
283 for further review and enforcement, including the possibility of clawbacks, where appropriate;  
284 (3) public disclosure of recipients and tax benefits; and (4) a competitive award process.

285 SECTION 4. Section 7 of chapter 4 of the General Laws, as so appearing, is hereby  
286 amended by striking out clause Tenth and inserting in place thereof the following clause:-

287 Tenth, “Illegal gaming”, a banking or percentage game played with cards, dice, tiles or  
288 dominoes or an electronic, electrical or mechanical device or machine for money, property,  
289 checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the  
290 state lottery commission under sections 24, 24A and 27 of chapter 10; (ii) a game conducted  
291 under chapter 23K; (iii) pari-mutuel wagering on horse races and greyhound races under chapter  
292 128D; (iv) a game of bingo conducted under chapter 271; and (v) charitable gaming conducted  
293 under said chapter 271.

294 SECTION 5. Section 16G of chapter 6A of the General Laws, as so appearing, is hereby  
295 amended by adding the following subsection:-

296 (n) There shall be a Designated Port Area Fund within the executive office of housing  
297 and economic development. The fund shall be administered and managed by a fund director,  
298 who shall be appointed by the secretary. The agency may adopt guidelines that are necessary to

299 implement the program. The fund may coordinate with other agencies, community development  
300 organizations and instrumentalities of the commonwealth to effectuate this section.

301 Money in or received for the fund may be deposited with and invested by an institution  
302 designated by the executive office and paid as the fund director shall direct. A return on an  
303 investment received by the fund shall be deposited and held for the use and benefit of the fund.  
304 The executive office may make payments from a deposit account for use under this section.

305 The executive office shall use the fund to make grants, loans or a combination thereof for  
306 the design, construction, repair, renovation, rehabilitation, or other capital improvements of  
307 existing commercial and marine industrial infrastructure and public maritime transportation  
308 infrastructure in designated port areas. In making a loan, the executive office shall consider: (i)  
309 the impacts on future economic growth, commercial and industrial development and wastewater  
310 and wastewater pretreatment within the designated port area and on the commercial fishing  
311 industry; and (ii) the attendant economic benefits to the commonwealth.

312 The executive office shall submit an annual report to the clerks of the senate and the  
313 house of representatives, who shall forward the report to the chairs of the senate and house  
314 committees on ways and means, the chairs of the senate and house committees on rules and the  
315 senate and house chairs of the joint committee on economic development and emerging  
316 technologies on or before December 31. The report shall include a current assessment of the  
317 progress of each project funded through the program.

318 SECTION 6. Chapter 7 of the General Laws is hereby amended by inserting after section  
319 23B the following section:-

320 Section 23B ½. For the purposes of this chapter, it shall be the official goal of the  
321 commonwealth to achieve minority business enterprise and women business enterprise  
322 contracting goals within state procurement that are reflective of the diverse racial, ethnic, and  
323 gender makeup of the population.

324 SECTION 7. Section 61 of said chapter 7, as appearing in the 2014 Official Edition, is  
325 hereby amended by striking out subsection (r) and inserting in place thereof the following 2  
326 subsections:-

327 (r) The SDO shall, in consultation with the Massachusetts office on disability, develop  
328 standards to identify and recruit, with the intent to hire, qualified applicants with disabilities. The  
329 standards shall apply to all contractors and sub-contractors providing goods and services under  
330 contracts or grants funded by state agencies within the executive offices. Those standards shall  
331 include, but shall not be limited to, a commitment to hiring persons with a disability and  
332 providing training and education to all state employees involved in hiring decisions pursuant to  
333 42 USC 12111 et seq.

334 The SDO shall submit to the clerks of the senate and the house of representatives a report  
335 on the standards and recruitment efforts of the preceding year by not later than February 15 of  
336 each year. The clerks of the senate and the house of representatives shall forward the same to the  
337 joint committee on children, families and persons with disabilities and the joint committee on  
338 labor and workforce development. The report shall, at a minimum, describe the office's efforts  
339 and progress in developing and implementing the standards and detail the number of persons  
340 with a disability employed by state agencies within the executive offices at the beginning and  
341 end of each contract period.



342 (s) The director shall adopt regulations necessary to implement this section.

343 SECTION 8. Section 24 of chapter 10 of the General Laws, as so appearing, is hereby  
344 amended by striking out the first paragraph and inserting in place thereof the following  
345 paragraph: -

346 The commission may conduct a state lottery, including a lottery conducted online, over  
347 the internet or through the use of mobile applications. The commission shall determine: (i) the  
348 types of lottery to be conducted; (ii) the prices of tickets, games or shares in the lottery; (iii) the  
349 numbers and sizes of the prizes on the winning tickets, games or shares: (iv) the manner of  
350 selecting the winning tickets, games or shares; (v) the manner of payment of prizes to the holders  
351 of winning tickets, games or shares; (vi) the frequency of the drawings or selections of winning  
352 tickets, games or shares; (vii) the types of locations at which tickets, games or shares may be  
353 sold; (viii) the method to be used in selling tickets, games or shares; (ix) the licensing of agents  
354 to sell tickets, games or shares; provided, however, that no person under the age of 18 shall be  
355 licensed as an agent; (x) the manner and amount of compensation, if any, to be paid to licensed  
356 sales agents; provided, however, that the amount of compensation, if any, to be paid to licensed  
357 sales agents as commission shall be calculated on the total face value of each ticket, game or  
358 share sold and not on the discounted price of any ticket, game or share sold; and (xi) such other  
359 matters that the commission deems necessary or desirable for the efficient and economical  
360 operation and administration of the lottery, for the convenience of the purchasers of tickets,  
361 games or shares and for the convenience of the holders of winning tickets, games or shares. The  
362 commission may operate the daily numbers game 7 days a week. Each lottery ticket, game or  
363 share that is not played online shall have imprinted thereon the seal of the commonwealth and a  
364 serial number. The commission may establish and from time to time revise such rules and

365 regulations as it deems necessary or desirable and shall file the same with the office of the state  
366 secretary.

367 The commission shall establish rules and regulations for lotteries conducted online, over  
368 the internet or through use of mobile applications that shall, at a minimum:

369 (i) require age verification measures to be reasonably designed to block access to and  
370 prevent sales of lottery tickets, games or shares online, over the internet or through the use of a  
371 mobile application to persons under the age of 18;

372 (ii) limit sales of lottery tickets, games or shares online, over the internet or through the  
373 use of mobile applications to transactions initiated and received or otherwise made within the  
374 commonwealth;

375 (iii) allow any player to voluntarily prohibit or otherwise exclude themselves from  
376 purchasing a lottery ticket, game or share online, over the internet or through the use of a mobile  
377 application; provided, however, that a third party may also request to exclude or set deposit or  
378 loss limits for a player holding an online lottery account;

379 (iv) establish maximum limits for account deposits and transactions of lottery tickets,  
380 games or shares conducted online, over the internet or through the use of a mobile application  
381 and allow players to reduce their own deposit or transaction limit at any time;

382 (v) limit any electronic deposits made in an online lottery account to the use of a verified  
383 bank account, prepaid gift card or debit card; provided, however, that the commission shall not  
384 accept credit card payments or deposits for the purchase of any ticket, game or share online, over  
385 the internet or through the use of a mobile application;

386 (vi) clarify that money in an online lottery account belongs solely to the owner of the  
387 account and may be withdrawn by the owner at any time; and

388 (vii) require the commission to implement promotional activities to encourage the  
389 purchase of lottery tickets, games or shares through licensed sales agents including, but not  
390 limited to, the sale of prepaid gift cards for online transactions through licensed sales agents.

391 The commission shall advise and make recommendations to the director regarding the  
392 operation and administration of the lottery. The commission shall report monthly to the  
393 governor, the attorney general and the general court on the total lottery revenues, prize  
394 disbursements and other expenses for the preceding month. The commission shall make an  
395 annual independently-audited financial report to the governor, the attorney general and the  
396 general court which shall include a full and complete statement of lottery revenues, prize  
397 disbursements and other expenses, including such recommendations as it may deem necessary or  
398 advisable, and the report shall be made available electronically to the general public not later  
399 than the earliest date established for reports in section 12 of chapter 7A. The commission shall  
400 report immediately to the governor and the general court on any matters that require immediate  
401 changes in the law in order to prevent abuses and evasions of the laws relative to lotteries or to  
402 rectify undesirable conditions in connection with the administration or operation of the state  
403 lottery.

404 Notwithstanding any general or special law to the contrary, the name, address, transaction  
405 history, account balance or other personal or identifying information of an individual who  
406 purchases lottery tickets, games or shares online, over the internet or through the use of mobile  
407 applications shall not be deemed public records of the commission and shall not be subject to

408 section 10 of chapter 66; provided, however, that this section shall not prohibit the commission  
409 from maintaining, using or sharing such information in the course of an investigation by law  
410 enforcement or in compliance with sections 28A or 28B.

411 SECTION 9. Section 24A of said chapter 10, as so appearing, is hereby amended by  
412 inserting after the word “games”, in line 8, the following words: - , including multi-jurisdictional  
413 lottery games to be conducted online, over the internet or through the use of mobile applications  
414 provided that such lotteries games to be conducted online, over the internet or through the use of  
415 mobile applications have been properly authorized by each state or other jurisdiction that is part  
416 of the group.

417 SECTION 10. Chapter 12A of the General Laws is hereby amended by adding the  
418 following section:-

419 Section 16. (a) There shall be a tax expenditure review unit in the office which shall  
420 examine and evaluate the administration, effectiveness and fiscal impact of tax expenditures as  
421 defined in section 1 of chapter 29. The unit shall develop a schedule to conduct a review of tax  
422 expenditures and shall update the schedule annually.

423 (b) Pursuant to the schedule developed under subsection (a), the unit shall:

424 (i) evaluate the particular public policy purposes of the various tax expenditures  
425 and whether existing tax expenditures are an effective means of accomplishing those public  
426 policy purposes;

427 (ii) utilize best practices and standardized criteria used by other states for  
428 measuring the effectiveness of tax expenditures;

429 (iii) measure the economic impact of each tax expenditure including, but not  
430 limited to, revenue loss compared to economic gain, jobs created or retained and any  
431 administrative requirements for taxpayers and the commonwealth; provided, however, that the  
432 unit may collaborate with the department of revenue for such analysis;

433 (iv) identify, in consultation with the department of revenue and other appropriate  
434 stakeholders, metrics for assessing the effectiveness of tax expenditures to achieve identified  
435 purposes and outcomes and collect the necessary data based on such metrics, including foregone  
436 revenue, beneficiaries, distribution of amounts received and other appropriate data depending on  
437 the metrics selected;

438 (v) analyze clawback provisions, including a review of clawback provisions in  
439 other jurisdictions, the general economic impact on taxpayers and the amount of money that may  
440 be subject to clawback for failure to fulfill the stated goals, benchmarks or conditions of a tax  
441 expenditure and make recommendations for effective clawback provisions for current and future  
442 tax expenditures; and

443 (vi) recommend, where appropriate, the simplification, expansion, reduction,  
444 modification or elimination of certain tax expenditures.

445 (c) The department of revenue shall provide information as requested by the unit. The  
446 unit, in collaboration with the department of revenue, shall develop policies and procedures to  
447 ensure taxpayer confidentiality and shall limit requests to information necessary to perform its  
448 duties under this section. Notwithstanding any general or special law to the contrary, any other  
449 agency involved in the administration of any tax expenditures shall provide documents and  
450 information as requested by the unit.

451 (d) The unit shall have access to documents and information, including tax returns and  
452 related documents maintained by the department of revenue, necessary for the performance of  
453 the unit's duties under this section, but excluding information provided to the commonwealth by  
454 other federal and state tax agencies where such access is prohibited by law; provided, however,  
455 that tax returns and related documents shall not include a taxpayer's personal identifying  
456 information and such returns and documents shall be confidential and exempt from disclosure as  
457 a public record at all times.

458 (e) Annually, not later than January 31, the unit shall report the results of its findings and  
459 activities of the preceding year and its recommendations to the clerks of the senate and house of  
460 representatives who shall forward the report to the house and senate committees on ways and  
461 means and the joint committee on revenue. The report shall include, but not be limited to: (i) the  
462 date a tax expenditure was enacted; (ii) the statutory citation or federal law reference; (iii) the  
463 public policy purpose and desired outcome; (iv) the updated tax expenditure review schedule  
464 required by subsection (a); and (v) recommendations, if any, for the simplification, expansion,  
465 reduction, modification or elimination of any tax expenditures to more effectively achieve their  
466 identified public policy purposes. The annual report shall be posted on the website of the office  
467 of inspector general.

468 SECTION 11. Chapter 19A of the General Laws is hereby amended by inserting after  
469 section 4C the following section:-

470 Section 4D. (a) As used in this section, the following terms shall have the following  
471 meanings:

472 "Home care worker", a person employed by a home care agency to provide home health,  
473 homemaker, personal care, companion and chore services.

474 "Home care agency", an entity that provides designated and approved home care program  
475 services under contract with an agency designated as an aging services access point pursuant to  
476 section 4B.

477 (b) The department shall, subject to appropriation, establish and maintain a home care  
478 worker registry of individuals who are currently employed by a home care agency to provide  
479 assistance to consumers and consumer surrogates in finding a home care worker. The registry  
480 shall be sufficiently and promptly accessible to meet the needs of the public. A home care  
481 agency shall only hire or employ, on a paid, unpaid, temporary or permanent basis, a home care  
482 worker who is listed in the registry as having demonstrated competency as defined by the  
483 department and who is not currently serving a suspension under subsection (c).

484 (c) If a home care worker is alleged to have abused, mistreated or neglected a patient or  
485 misappropriated patient property, the department shall make a finding as to the accuracy of the  
486 allegation after providing the home care worker with notice of the allegation and a reasonable  
487 opportunity to rebut the allegation at a hearing. If the department finds that a home care worker  
488 has abused, mistreated or neglected a patient or misappropriated patient property, the department  
489 shall notify the home care worker. The finding shall be documented in the registry and the home  
490 care worker's employer shall be notified of the finding. The department shall not make a finding  
491 that an individual has neglected a patient if the individual demonstrates that the neglect was  
492 caused by factors beyond the control of the individual. Upon making a specific documented  
493 finding of abuse, mistreatment or neglect of a patient or misappropriation of patient property the

494 department may suspend the right of the individual to work as a home care worker. The  
495 department shall include the terms of a suspension in the registry and a home care agency shall  
496 not hire a suspended individual until the suspension has been served to its completion.

497 (d) The registry shall include: (i) an individual's full name and information that the  
498 department deems necessary to identify the individual; (ii) any specific documented findings  
499 made under this section of abuse, mistreatment or neglect of a patient or misappropriation of  
500 patient property by an individual listed on the registry; and (iii) any statement by the individual  
501 disputing these findings. In response to a request for information from the registry, the  
502 department shall provide the specific documented findings, if any, and the statement disputing  
503 the findings, if any, or a clear and accurate summary of the statement.

504 (e) A home care agency shall contact the registry prior to hiring an employee to ascertain  
505 whether a finding of abuse, mistreatment, or neglect of a patient or misappropriation of patient  
506 property has been entered in the registry against the perspective employee. A home care agency  
507 shall not hire an individual that is serving a suspension imposed by the department under  
508 subsection (c).

509 SECTION 12. Section 6C of chapter 20 of the General Laws, as appearing in the 2014  
510 Official Edition, is hereby amended by striking out, in line 3, the figure "17" and inserting in  
511 place thereof the following figure:- 18.

512 SECTION 13. Said section 6C of said chapter 20, as so appearing, is hereby further  
513 amended by inserting after the word "designee", in line 14, the following words:- ; 1 of whom  
514 shall be the commissioner of fish and game, or the commissioner's designee.



515 SECTION 14. Said section 6C of said chapter 20, as so appearing, is hereby further  
516 amended by inserting after the word “assistance”, in line 50, the following words:- ; 1 of whom  
517 shall represent an organization or entity engaged in hydroponic farming or in research related to  
518 hydroponic farming; 1 of whom shall represent an organization or entity engaged in aquaponic  
519 farming or in research related to aquaponic farming.

520 SECTION 15. Section 18 of chapter 21A of the General Laws, as so appearing, is hereby  
521 amended by striking out, in line 269, the figure “3D” and inserting in place thereof the following  
522 figure:- 3G.

523 SECTION 16. Section 2 of chapter 21E of the General Laws, as so appearing, is hereby  
524 amended by striking out, in line 80, the figure “3D” and inserting in place thereof the following  
525 figure:-3G.

526 SECTION 17. Chapter 23A of the General Laws is hereby amended by striking out  
527 sections 3A to 3G, inclusive, as so appearing, and inserting in place thereof the following 7  
528 sections:-

529 Section 3A. (a) There shall be an economic development incentive program, or EDIP,  
530 which shall be administered by the EACC, under the oversight of the secretary of housing and  
531 economic development, to provide incentives that stimulate job creation and investment of  
532 private capital and to promote economic growth and expand economic opportunity to all areas of  
533 the commonwealth. EDIP tax credits and other incentives shall be administered to stimulate job  
534 creation, attract new business activity and promote investment that would not otherwise occur in  
535 the commonwealth.

536 (b) As used in this section and sections 3B to 3H, inclusive, the following words shall  
537 have the following meanings unless the context clearly requires otherwise:

538 “Affiliate”, a business which directly or indirectly controls another business, a business  
539 which is controlled by another business or a business which is under direct or indirect common  
540 control of at least 1 other business including, but not limited to, a business with whom a business  
541 is merged or consolidated or which purchases all or substantially all of the assets of a business.

542 “Business”, a corporation, partnership, firm, unincorporated association or other entity  
543 engaging or proposing to engage in economic activity within the commonwealth and any affiliate  
544 thereof which is subject to taxation under chapter 62 or 63.

545 “Certified project”, a proposed project that is certified by the EACC pursuant to section  
546 3C.

547 “Controlling business”, a business that owns, leases or has the power to direct the  
548 operation or management of all or a portion of a facility at which the business employs or intends  
549 to employ permanent full-time employees.

550 “EDIP contract”, a written agreement between MOBD and the recipient of EDIP tax  
551 credits setting forth the amount of credits awarded, the schedule on which the credits may be  
552 claimed, any restriction on the carryover of unused credits, the consequences for failing to  
553 produce the projected new jobs or new investment and such other terms and conditions as  
554 MOBD may in its discretion require.

555 “EDIP tax credits”, the tax credits authorized by the EACC pursuant to section 3D and  
556 claimed by a taxpayer pursuant to subsection (g) of section 6 of chapter 62 or section 38N of  
557 chapter 63.

558 “Expansion of an existing facility”, the relocation of business functions and employees  
559 from 1 location in the commonwealth to another location in the commonwealth or the expansion  
560 of an existing facility located in the commonwealth if such relocation or expansion results in a  
561 net increase in the number of permanent full-time employees at the relocated or expanded  
562 facility.

563 “Facility”, the real property, which may include multiple buildings or locations, owned or  
564 leased, on which a business is undertaking or will undertake a commercial, manufacturing or  
565 industrial activity.

566 “Gateway municipality”, a municipality with a population greater than 35,000 and less  
567 than 250,000 with a median household income below the commonwealth’s average and a rate of  
568 educational attainment of a bachelor’s degree or above that is below the commonwealth’s  
569 average.

570 “Material noncompliance”, the failure of a controlling business to substantially achieve  
571 the capital investment, job creation, job retention or other economic benefits set forth in the  
572 EDIP contract or any other act, omission or misrepresentation by the controlling business that  
573 frustrates the public purpose of the economic development incentive program.

574 “Municipal project endorsement”, an endorsement, by vote of the city council with the  
575 approval of the mayor in a city and by vote of the board of selectmen in a town, of a proposed  
576 project by the municipality in which a proposed project will be located which shall include: (i) a

577 finding by the municipality that the proposed project will be consistent with the municipality's  
578 economic development objectives; (ii) a finding by the municipality that the proponent of the  
579 proposed project has the means to undertake and complete the proposed project; (iii) a finding by  
580 the municipality that the proposed project will have a reasonable chance of increasing or  
581 retaining employment opportunities as advanced in the proposal; (iv) a determination by the  
582 municipality that the proposed project will not overburden the municipality's infrastructure and  
583 other supporting resources; and (v) a description of the local tax incentive, if any, offered by the  
584 municipality in support of the proposed project, together with a copy of the fully executed tax  
585 increment financing agreement or the fully executed agreement setting forth the terms of the  
586 special tax assessment, as applicable.

587 "Municipality", a city or town or, in a case in which 2 or more cities or towns agree to act  
588 jointly for some purpose pursuant to a collaborative agreement, all cities and towns participating  
589 in the collaborative agreement.

590 "Permanent full-time employee", an individual who is paid wages by a controlling  
591 business and who: (i) at the inception of the employment relationship, does not have a  
592 termination date which is either a date certain or determined with reference to the completion of  
593 some specified scope of work; (ii) works at least 35 hours per week; and (iii) receives employee  
594 benefits at least equal to those provided to other full-time employees of the controlling business;  
595 provided, however, that "permanent full-time employee" shall not include contractors or part-  
596 time employees who may be included in a calculation of the controlling business' full-time  
597 equivalent workforce.

598           “Proportion of compliance”, a fraction which has as its numerator the number of actual  
599 permanent full-time employees at a facility and which has as its denominator the number of  
600 permanent full-time employees required to be employed at the facility under the terms of an  
601 EDIP contract.

602           “Proposed project”, a proposal submitted by a controlling business to the EACC for  
603 designation as a certified project.

604           “Real estate project”, the construction, rehabilitation or improvement of any building or  
605 other structure on a parcel of real property which, when completed, will result in at least a 100  
606 per cent increase in the assessed value of the real property over the assessed value of the real  
607 property prior to the project.

608           “Refundable credit”, a tax credit awarded pursuant to this chapter that is not limited by  
609 the amount of the controlling business’ tax liability and which may result in a payment from the  
610 department of revenue to the controlling business or a reimbursement of costs incurred for  
611 capital investments made as a part of a certified project.

612           “Replacement of an existing facility”, the relocation of business functions and personnel  
613 from 1 facility located in the commonwealth to another facility located in the commonwealth or  
614 the improvement of an existing facility provided that such relocation or improvement does not  
615 qualify as an expansion of the existing facility.

616           “Special tax assessment”, a temporary reduction in real property tax offered by a  
617 municipality and approved by the EACC in accordance with subsection (c) of section 3E.

618 “Tax increment financing agreement”, an agreement between a municipality and a real  
619 property owner consistent with subsection (b) of section 3E and section 59 of chapter 40.

620 “TIF”, tax increment financing.

621 Section 3B. (a) There shall be an economic assistance coordinating council, or EACC,  
622 established within MOBD which shall consist of: the secretary of housing and economic  
623 development or the secretary’s designee who shall serve as co-chairperson; the director of  
624 housing and community development or a designee who shall serve as co-chairperson; 1 person  
625 to be appointed by the secretary of housing and economic development; the director of career  
626 services or a designee; the secretary of labor and workforce development or a designee; the  
627 director of business development or a designee; the president of the Commonwealth Corporation  
628 or a designee; and 8 persons to be appointed by the governor, 1 of whom shall be from the  
629 western region of the commonwealth, 1 of whom shall be from the central region of the  
630 commonwealth, 1 of whom shall be from the eastern region of the commonwealth, 1 of whom  
631 shall be from the northeastern region of the commonwealth, 1 of whom shall be from the  
632 southeastern region of the commonwealth, 1 of whom shall be from Cape Cod or the Islands, 1  
633 of whom shall be a representative of a higher educational institution in the commonwealth and 1  
634 of whom shall be from the Merrimack Valley. The persons appointed by the governor shall have  
635 expertise in issues pertaining to training, business relocation or inner city and rural development  
636 and shall be knowledgeable in public policy or international and state economic and industrial  
637 trends. Each member appointed by the governor shall serve at the pleasure of the governor. The  
638 council shall adopt by-laws to govern its affairs.

639 (b) The EACC shall administer the economic development incentive program and may:

640 (i) promulgate regulations and adopt policies and guidances to effectuate the  
641 purposes of sections 3A to 3H, inclusive;

642 (ii) certify projects for participation in the economic development incentive  
643 program and establish regulations for evaluating the proposals of those projects;

644 (iii) certify and approve tax increment financing agreements and special tax  
645 assessments pursuant to section 3E of this chapter and section 59 of chapter 40;

646 (iv) authorize municipalities to apply to the United States Foreign Trade Zone  
647 Board for the privilege of establishing, operating and maintaining a foreign trade zone in  
648 accordance with section 3G;

649 (v) assist municipalities in obtaining state and federal resources and assistance for  
650 certified projects and other job creation and retention opportunities;

651 (vi) provide appropriate coordination with other state programs, agencies,  
652 authorities and public instrumentalities to enable certified projects and other job creation and  
653 retention opportunities to be more effectively promoted by the commonwealth; and

654 (vii) monitor the implementation of the economic development incentive  
655 program.

656 (c) The secretary of housing and economic development shall appoint within the MOBD  
657 a director of economic assistance who shall be responsible for administering the EDIP in  
658 consultation with the secretary of housing and economic development, the director of MOBD  
659 and the EACC. The director of economic assistance shall advise the EACC on matters related to  
660 the EDIP but shall not serve as a member of the EACC. The MOBD shall annually submit to the

661 governor, the chairs of senate and the house committees on ways and means and the senate and  
662 house chairs of the joint committee on economic development and emerging technologies within  
663 90 days after the end of its fiscal year a report setting forth its operations and accomplishments,  
664 including a listing of all projects certified under the EDIP. The report shall also include  
665 recommended policies or actions, if any, to improve the effectiveness of the EDIP.

666 Section 3C. (a) A controlling business may petition the EACC to certify a proposed  
667 project that will create new permanent full-time employees within the commonwealth. Each  
668 proposed project submitted by a controlling business to the EACC for review and certification  
669 shall include: (i) a detailed description of the proposed project; (ii) a representation by the  
670 controlling business regarding the amount of capital investment to be made, the number of new  
671 jobs to be created and the number of existing jobs to be retained; (iii) a representation by the  
672 controlling business regarding any other economic benefits or other public benefits expected to  
673 result from the construction of the proposed project; (iv) a municipal project endorsement; and  
674 (vi) any other information that the EACC shall require by regulation, policy or guidance.

675 (b) Upon receipt of a completed project proposal and municipal project endorsement, the  
676 EACC may certify the proposed project, deny certification of the proposed project or certify the  
677 proposed project with conditions. In order to certify a proposed project, with or without  
678 conditions, the EACC shall make the following required findings based on the project proposal,  
679 the municipal project endorsement and any additional investigation that the EACC shall make  
680 and incorporate in its minutes:

681 (i) the proposed project is located or will be located within the commonwealth;



682 (ii) (A) if the controlling business has at least 1 existing facility in the  
683 commonwealth, then the proposed project shall be an expansion of an existing facility and not  
684 merely the replacement of an existing facility except in the case of a proposed project that will  
685 enable a controlling business to retain jobs in a gateway city as provided in subclause (2) of  
686 clause (B) ; or

687 (B) the proposed project will either: (1) enable the controlling business to  
688 hire new permanent full-time employees in the commonwealth; or (2) enable the controlling  
689 business to retain at least 50 permanent full-time jobs at a facility located in a gateway city or in  
690 an adjacent city or town that is accessible by public transportation to residents of a gateway city  
691 and such jobs otherwise would be relocated outside of the commonwealth;

692 (iii) the controlling business has committed to maintaining new and retained jobs for a  
693 period of at least 5 years after the completion of the proposed project;

694 (iv) the proposed project appears to be economically feasible and the controlling business  
695 has the financial and other means to undertake and complete the proposed project;

696 (v) unless the proposed project will be located in a gateway municipality, a duly  
697 authorized representative of the controlling business has certified to the EACC that the  
698 controlling business would not have undertaken the proposed project but for the EDIP tax credits  
699 and local tax incentives available to it under this chapter; and

700 (vi) the proposed project complies with all applicable statutory requirements and  
701 with any other criteria that the EACC may from time to time prescribe by regulation, policy or  
702 guidance.

703           The EACC shall, by regulation, policy or guidance, provide for the contents of an  
704 application for project certification which may include a requirement that the controlling  
705 business provide written evidence to support the certification provided for in clause (v).

706           (c) A certified project shall retain its certification for the period specified by the EACC in  
707 its certification decision; provided, however, that such specified period shall be not less than 5  
708 years or more than 20 years from the date of certification.

709           Section 3D. (a) The EACC may award to the controlling business of a certified project or  
710 to its affiliate tax credits available under subsection (g) of section 6 of chapter 62 or under  
711 section 38N of chapter 63. The amount of any such credits awarded and the schedule on which  
712 those credits may be claimed shall be determined by the EACC based on:

713                   (i) the degree to which the certified project is expected to increase employment  
714 opportunities for residents of the commonwealth, with consideration given to the number of new  
715 full-time jobs to be created, the number of full-time jobs to be retained, the salary or other  
716 compensation that will be paid to the employees and the amount of new state income tax to be  
717 generated;

718                   (ii) the timeframe within which new jobs will be created and the commitment of  
719 the controlling business for how long they will be maintained, with preference given to certified  
720 projects in which a significant portion of the new jobs shall be created within 2 years;

721                   (iii) the amount of capital to be invested by the controlling business in the  
722 certified project;

723 (iv) the degree to which the certified project is expected to generate net new  
724 economic activity within the commonwealth by generating substantial sales from outside of the  
725 commonwealth;

726 (v) the extent to which the certified project is expected to contribute to the  
727 economic revitalization of a gateway municipality or increase employment opportunities to  
728 residents of a gateway municipality;

729 (vi) the economic need of the municipality or region in which the certified project  
730 is to be located as determined by income levels, employment levels or educational attainment  
731 levels; and

732 (vii) commitments, if any, made by the controlling business to use Massachusetts  
733 firms, suppliers and vendors or to retain women or minority-owned businesses during the  
734 construction of the certified project.

735 The EACC shall have discretion as to how to weigh and apply these criteria. When  
736 making an award of tax credits pursuant to subsection (g) of section 6 of chapter 62 or pursuant  
737 to section 38N of chapter 63, the EACC may, at its sole discretion: (i) limit the award to a  
738 specific dollar amount; (ii) specify the schedule on which the tax credits may be claimed; and  
739 (iii) limit or restrict the right of the controlling business to carry unused tax credits forward to  
740 subsequent tax years. When a controlling business expects that new jobs will be created over a  
741 period of multiple years, the EACC, in awarding tax credits, may allocate and make such credits  
742 available to the taxpayer on a schedule that ensures that the tax credits are claimed on or after the  
743 date that the jobs are created.

744 (b) The EACC may grant refundable tax credits to a certified project; provided, however,  
745 that the EACC shall not authorize more than \$5,000,000 in refundable tax credits for any single  
746 calendar year.

747 (c) The total amount of tax credits that may be authorized by the EACC under this section  
748 for any calendar year shall not exceed \$30,000,000 which shall be calculated in accordance with  
749 the relevant provisions of subsection (g) of section 6 of chapter 62 and section 38N of chapter  
750 63. The EACC may authorize an award of tax credits to a controlling business that spans  
751 multiple years if the total amount of credits due to be taken in any single calendar year does not  
752 exceed the applicable cap.

753 (d) The MOBD shall require the recipient of tax credits awarded pursuant to this section  
754 to execute an EDIP contract after the EACC awards tax credits under this section.

755 (e) The decision by the EACC to certify or deny certification of a proposed project  
756 pursuant to section 3C and the decision by the EACC to award or deny tax credits to the  
757 controlling business of a certified project pursuant to this section, including without limitation  
758 the amount of such award, and any conditions or limitations on such award, shall be decisions  
759 that are within the sole discretion of the EACC. Such decisions by the EACC shall be final and  
760 shall not be subject to administrative appeal or judicial review under chapter 30A or give rise to  
761 any other cause of action or legal or equitable claim or remedy.

762 Section 3E. (a) A municipality may offer a local tax incentive to the owner or controlling  
763 business of a certified project, or to the owner of a real estate project, if the municipality  
764 determines that the project is consistent with the municipality's economic development

765 objectives and is likely to increase or retain employment opportunities for residents of the  
766 municipality.

767 (b) Tax increment financing may be offered by a municipality in accordance with section  
768 59 of chapter 40 to the controlling business of a certified project, or to any person or entity  
769 undertaking a real estate project or to any person or entity expanding a facility in an area  
770 designated by the EACC as a TIF-eligible area. The EACC may designate an area as a TIF-  
771 eligible area if it finds, upon petition from the municipality, that there is a strong likelihood that  
772 any of the following will occur within the area in question within a specific and reasonably  
773 proximate period of time: (i) a significant influx or growth in business activity; (ii) the creation  
774 of a significant number of new jobs and not merely a replacement or relocation of current jobs  
775 within the commonwealth; or (iii) a private project or investment that will contribute  
776 significantly to the resiliency of the local economy.

777 If a municipality offers tax increment financing to the owner of a certified project, the  
778 municipal project endorsement for the certified project shall include a fully executed copy of the  
779 tax increment financing agreement adopted pursuant to said section 59 of said chapter 40. Any  
780 tax increment financing agreement shall be approved by the EACC before it shall be valid and  
781 enforceable. The EACC may approve a tax increment financing agreement pursuant to  
782 regulations adopted by the EACC. Any approval shall include a finding, reflected in the EACC's  
783 minutes, that the tax increment financing agreement complies with said section 59 of said  
784 chapter 40 and will further the public purpose of encouraging increased industrial and  
785 commercial activity in the commonwealth.

786 (c) A municipality may offer a special tax assessment to the controlling business of a  
787 certified project, to a person or entity undertaking a real estate project or to a person or entity  
788 proposing to retain permanent full-time jobs at a facility that otherwise would be at risk of  
789 relocating outside of the commonwealth. Any special tax assessment shall be set forth in a  
790 written agreement between the municipality and the property owner. The agreement shall include  
791 the amount of the tax reduction and the period of time over which such reduction shall be in  
792 effect, which shall be for not less than 5 years or not more than 20 years. Every special tax  
793 assessment approved by the EACC shall provide for a reduction of the real property tax that  
794 otherwise would be due. The reduction shall be based upon a percentage reduction in the tax that  
795 otherwise would be due on the full assessed value of the affected property. The special tax  
796 assessment shall provide for tax reduction at least equal to the following: (i) in the first year, the  
797 tax reduction shall be not less than 50 per cent of the tax that would be due based on the full  
798 assessed value of the affected property; (ii) in the second and third years, the tax reduction shall  
799 be not less than 25 per cent of the tax that would be due based on the full assessed value of the  
800 affected property; and (iii) in the fourth and fifth years, the tax reduction shall be not less than 5  
801 per cent of the tax that would be due based on the full assessed value of the affected property.

802 The municipality may at its discretion provide for greater real property tax reductions  
803 than provided in clauses (i) to (iii).

804 A written agreement for a special tax assessment under this subsection shall be approved  
805 by the EACC before it is valid and enforceable. The EACC may approve special tax assessments  
806 pursuant to rules and regulations adopted by the EACC if the EACC determines that: (i) the  
807 municipality has made a formal determination that the property owner is either undertaking a  
808 project or making other investment that will contribute to economic revitalization of the

809 municipality and will significantly increase employment opportunities for residents of the  
810 municipality or is retaining permanent full-time employees that otherwise would be relocated to  
811 a facility outside of the commonwealth; (ii) the special tax assessment is reasonably necessary to  
812 enable the owner's investment in the project or to retain the jobs that otherwise would be  
813 relocated; and (iii) the total amount of local tax foregone is reasonably proportionate to the  
814 public benefits resulting from the special tax assessment. Any such approval shall include a  
815 finding, reflected in the EACC's minutes, that the special tax assessment complies with the  
816 requirements of this section.

817 (d) Any tax increment financing agreement or special tax assessment approved by the  
818 EACC shall not be amended without the approval of the EACC.

819 Section 3F. (a) Not later than 2 years after the initial certification of a project by the  
820 EACC, and annually thereafter, the controlling business or affiliate awarded EDIP tax credits  
821 shall file a report with MOBD, signed by an authorized representative of the controlling business  
822 or affiliate, certifying whether the controlling business or affiliate has achieved the job creation  
823 projections, job retention projections and other material obligations or representations set forth in  
824 the EDIP contract.

825 (b) In the event that MOBD finds that a controlling business or an affiliate is in material  
826 noncompliance with a representation made to the EACC in its application for project  
827 certification or the obligations set forth in an EDIP contract, MOBD may recommend to the  
828 EACC that it revoke the project certification. Prior to making a recommendation, MOBD shall  
829 provide written notice to the controlling business stating the basis for the recommended  
830 revocation and offering the controlling business an opportunity for a hearing at which the

831 controlling business may contest the basis for the recommendation or establish mitigating  
832 circumstances which may be relevant to the recommendation.

833 (c) The EACC may revoke a project certification if it determines that a controlling  
834 business or affiliate is in material noncompliance with a representation made in its application  
835 for project certification or the obligations set forth in an EDIP contract. The EACC shall have the  
836 discretion to determine whether material noncompliance shall result in revocation of a project  
837 certification, taking into account: (i) the conduct of the controlling business subsequent to the  
838 project certification; (ii) the extent to which the material noncompliance is the result of  
839 unforeseen conditions that are outside the control of the controlling business; (iii) the potential  
840 impact on the municipality in which the certified project is located; and (iv) other considerations  
841 as the EACC shall establish by regulation or policy.

842 Where the EACC determines that material noncompliance is due to factors outside the  
843 control of the controlling business, the EACC may elect to provide the controlling business with  
844 reasonable opportunity to cure the material noncompliance. If the EACC revokes a project's  
845 certification, it shall determine the proportion of compliance with job creation requirements  
846 applicable to the certified project, and shall report the proportion of compliance to the controlling  
847 business and to the department of revenue.

848 (d) Revocation of a project certification shall take effect on the first day of the tax year in  
849 which the material noncompliance occurred, as determined by the EACC. If the EACC revokes a  
850 project certification, then: (i) all EDIP tax credits available to the controlling business shall be  
851 recaptured in accordance with subsection (g) of section 6 of chapter 62 and subsection (i) of  
852 section 38N of chapter 63; and (ii) the local tax incentive, if any, shall terminate unless the



853 written agreements between the municipality and the controlling business provide otherwise. In  
854 the event of such termination, the municipality may, at its discretion, preserve the local tax  
855 incentive by amending the written agreement with the controlling business in the same manner as  
856 the municipality approved it and submitting such amendment to the EACC for approval in  
857 accordance with this section.

858 (e) If a controlling business has claimed tax credits awarded under this chapter prior to  
859 the date on which the EACC makes a determination to revoke project certification, then the  
860 recapture provisions of subsection (g) of section 6 of chapter 62 and subsection (i) of section  
861 38N of chapter 63 shall apply. If a controlling business has benefited from a local tax incentive  
862 under this chapter prior to the revocation of a project certification, then notwithstanding any  
863 general law to the contrary, the municipality that offered the local tax incentive may recapture  
864 the value of the tax not paid by making a special assessment on the controlling business in the  
865 tax year that follows the EACC's decision to revoke project certification. The assessment,  
866 payment and collection of the special assessment shall be governed by procedures provided for  
867 the taxation of omitted property under section 75 of chapter 59 notwithstanding the time period  
868 set forth in said chapter 59 for which omitted property assessments may be imposed for each of  
869 the fiscal years included in the special assessment.

870 Section 3G. (a) The EACC may designate 1 or more areas as an economic target area or  
871 economic opportunity area in connection with an application from a municipality seeking the  
872 designation under the federal Empowerment Zones and Enterprise Communities Program or  
873 other local, state or federal programs that contemplate such designations. Designations of new  
874 economic target areas, if any, shall be made in accordance with the criteria in subsection (b).  
875 Designations of new economic opportunity areas, if any, shall be made at the discretion of the

876 EACC in accordance with regulations to be promulgated by the EACC, or rules or policies  
877 adopted by the EACC.

878 (b) The EACC may from time to time designate as an economic target area an area of the  
879 commonwealth comprised of 3 or more contiguous census tracts or 1 or more contiguous  
880 municipalities provided that the area proposed for designation meets 1 of the following criteria:

881 (i) the proposed economic target area has an unemployment rate that exceeds the  
882 statewide average by not less than 25 per cent;

883 (ii) if the proposed economic target area is located in a metropolitan area, then not  
884 less than 51 per cent of the households in the proposed economic target area have incomes that  
885 are below 80 per cent of the median income for households in the metropolitan area;

886 (iii) if the proposed economic target area is not located in a metropolitan area,  
887 then not less than 51 per cent of the households in the proposed economic target area have  
888 incomes that are below 80 per cent of the median income for households in the commonwealth;

889 (iv) the proposed economic target area has a poverty rate which is not less than 20  
890 per cent higher than the average poverty rate for the commonwealth;

891 (v) the area proposed for designation has heightened economic need due to: (i) an  
892 industrial or military base closure; (ii) the presence of underutilized maritime or electric  
893 generation facilities; or (iii) a commercial vacancy rate greater than 20 per cent; or

894 (vi) the area proposed for designation has exceptional potential for economic  
895 development as a result of: (i) the proposed redevelopment of blighted real estate or abandoned  
896 buildings totaling not less than 1,000,000 square feet; (ii) the proposed establishment of a

897 regional technology center of not less than 3,000,000 square feet; or (iii) the proposed  
898 development of a Class I renewable energy generating facility.

899 (c) A city or town with an economic opportunity area may make application to the United  
900 States Foreign Trade Zones Board under 19 U.S.C. 81(a) to 81(u), inclusive, for a grant to the  
901 city or town for the privilege of establishing, operating and maintaining a foreign trade zone  
902 within its economic opportunity area. Upon petition from a city or town, the EACC may  
903 authorize any other city or town to make application to the Foreign Trade Zones Board for a  
904 grant to the city or town for the privilege of establishing, operating and maintaining a foreign  
905 trade zone.

906 SECTION 18. Subsection (a) of section 3J of said chapter 23A, as so appearing, is hereby  
907 amended by striking out the first paragraph and inserting in place thereof the following  
908 paragraph:-

909 The Massachusetts office of business development shall partner with regional economic  
910 development organizations to establish a plan to support regionally-based efforts to grow and  
911 retain existing businesses and attract new business to the commonwealth. To implement the  
912 regional plan and to provide efficient and consistent responses to businesses seeking assistance  
913 from the commonwealth, the office shall create a regional economic development program. To  
914 implement the program, the office shall contract with regional economic development  
915 organizations, as defined in section 3K. The contracts and reimbursements shall be designed to  
916 support regionally-based efforts to stimulate, encourage, facilitate and nurture economic growth  
917 and prosperity in the commonwealth including, but not limited to, the identification of regional  
918 competitive strengths, challenges and opportunities, regional cluster development strategies,

919 long-range regional workforce skills, pipeline, transportation and land use planning and other  
920 systems-based activities related to the growth and retention of existing businesses and the  
921 attraction of new businesses into the commonwealth. The contracts shall support a network of  
922 partnerships between regional economic development organizations and the Massachusetts office  
923 of business development.

924 SECTION 19. Said section 3J of said chapter 23A, as so appearing, is hereby further  
925 amended by adding the following subsection:-

926 (d) Contracts for services entered into under this section shall include, but not be limited  
927 to, the following services to be performed by the regional economic development organizations  
928 on behalf of the commonwealth: (i) assessing regional competitive strengths, weaknesses and  
929 opportunities; (ii) representing the regional business community in long-range workforce skills  
930 pipeline planning efforts to ensure robust skills and talent pipelines that meet regional needs; (iii)  
931 representing the regional business community in collaborative, long-range workforce skills,  
932 transportation and land use planning; (iv) promoting regionally significant industry clusters; (v)  
933 promoting connections across sectors of the regional economy; (vi) maintaining an inventory of  
934 key development parcels; (vii) marketing the region in coordination with the Massachusetts  
935 marketing partnership established under section 13A; and (viii) furnishing advice and assistance  
936 to businesses and industrial prospects which may locate in the region.

937 SECTION 20. Section 63 of said chapter 23A, as so appearing, is hereby amended by  
938 inserting after the word “parking”, in line 7, the following words:- “, dredging of waterways and  
939 the recapture and disposition of any useful sediment.

940 SECTION 21. Subsection (b) of section 63 of said chapter 23A, as so appearing, is  
941 hereby amended by adding the following sentence:- A project receiving EDIP tax credits under  
942 section 3D shall not be eligible for grants under this section in any year in which the project  
943 receives an EDIP tax credit.

944 SECTION 22. Said section 63 of said chapter 23A, as so appearing, is hereby further  
945 amended by inserting after the figure “(e)”, in line 40, the following words:- ; provided,  
946 however, that not less than 10 days prior to making such grants, the secretary shall provide notice  
947 of the intent to make a grant outside of the open solicitation period to the clerks of the senate and  
948 the house of representatives and the senate and house chairs of the committees on ways and  
949 means.

950 SECTION 23. Subsection (e) of said section 63 of said chapter 23A, as so appearing, is  
951 hereby amended by striking out the first sentence and inserting in place thereof the following  
952 sentence:- Within the program, at least 20 per cent of the grant funds shall annually be dedicated  
953 to assist towns with populations of not more than 30,000 people in undertaking projects that  
954 support economic development; provided, however, that not less than 10 per cent of such  
955 designated funds shall be dedicated to assist towns with populations of not more than 7,000  
956 people in undertaking projects to design, construct, reconstruct, widen, resurface, rehabilitate and  
957 otherwise improve roads and bridges or for the construction of chemical storage facilities that  
958 support economic development.

959 SECTION 24. Said section 63 of said chapter 23A, as so appearing, is hereby further  
960 amended by inserting after the word “all”, in line 79, the following words:- applications  
961 received, a list and description of all.

962 SECTION 25. Section 65 of said chapter 23A, inserted by section 12 of chapter 286 of  
963 the acts of 2014, is hereby amended by striking out subsection (j) and inserting in place thereof  
964 the following subsection:-

965 (j) The executive office of housing and economic development shall consult with the  
966 department of agricultural resources to develop and implement the Massachusetts Food Trust  
967 Program. To the maximum extent feasible, the community development financial institution and  
968 the executive office of housing and economic development shall seek to align efforts with the  
969 recommendations of the most recent Massachusetts local food action plan as accepted by the  
970 Massachusetts food policy council or subsequent plans accepted by the council.

971 SECTION 26. Section 65 of said chapter 23A, inserted by section 29 of chapter 287 of  
972 the acts of 2014, is hereby repealed.

973 SECTION 27. Said chapter 23A of the General Laws is hereby further amended by  
974 adding the following section:-

975 Section 67. (a) The secretary of housing and economic development shall establish a  
976 financial services advisory council in the executive office of housing and economic  
977 development, the purpose of which shall be to advise the governor or the governor's designee on  
978 policies, strategies and initiatives designed to preserve and advance the competitiveness and  
979 leadership of the commonwealth's financial services industry, including the banking, investment  
980 management and insurance sectors.

981 (b) The council shall be comprised of: the secretary of housing and economic  
982 development, who shall serve as chair; the house and senate chairs of the joint committee on  
983 economic development and emerging technologies; the house and senate chairs of the joint

984 committee on financial services; the commissioner of higher education; the executive director of  
985 the Massachusetts international trade office; and 8 representatives of the business community  
986 who shall be appointed by the secretary of housing and economic development, including not  
987 less than 2 business representatives from each of the following sectors: banking, investment  
988 management and insurance sectors; not less than 1 business representative from a company with  
989 its headquarters located in Suffolk, Middlesex, Essex, Norfolk or Worcester county or district;  
990 not less than 1 business representative from a company with its headquarters located in  
991 Hampshire, Hampden, Franklin or Berkshire county or district; and not less than 1 business  
992 representative from a company with its headquarters located in Bristol, Plymouth, Nantucket or  
993 Barnstable county or district or the county of Dukes County. The secretary, in making the  
994 appointments, shall consider the size of the business representative's company, including its  
995 employee base within the commonwealth and the amount of assets under management or  
996 premiums in force. Business representatives shall be appointed for 2-year terms and may be  
997 reappointed without limitation on the number of terms.

998 (c) The council shall convene at least 3 meetings per calendar year to exchange ideas and  
999 develop strategies for business and government to work together to strengthen the financial  
1000 services industry in areas such as public policy, workforce development, international trade and  
1001 direct foreign investment and industry promotion.

1002 SECTION 28. Subsection (c) of section 5 of chapter 23G of the General Laws, as  
1003 appearing in the 2014 Official Edition, is hereby amended by striking out clause (1) and inserting  
1004 in place thereof the following clause:-

1005 (1) that the loan is to be secured by a mortgage or security interest in real or personal  
1006 property, or a combination thereof, deemed satisfactory to the board.

1007 SECTION 29. Said subsection (c) of said section 5 of said chapter 23G, as so appearing,  
1008 is hereby further amended by striking out clause (8) and inserting in place thereof the following  
1009 clause:-

1010 (8) that the principal amount of the loan, excluding any portion thereof the proceeds of  
1011 which are to fund reserves and disregarding any other funds or other arrangements obtained for  
1012 reserve purposes, does not exceed the value of the sum of all assets securing the loan as  
1013 determined by the agency.

1014 SECTION 30. Section 7 of said chapter 23G, as so appearing, is hereby amended by  
1015 striking out, in line 31, the figure "\$500,000" and inserting in place thereof the following figure:-  
1016 \$1,000,000.

1017 SECTION 31. Section 29A of said chapter 23G, as so appearing, is hereby amended by  
1018 striking out, in line 17, the word "environmental" and inserting in place thereof the following  
1019 words:- demolition of vacant, abandoned or underutilized industrial or commercial property,  
1020 environmental.

1021 SECTION 32. Section 8 of chapter 23H of the General Laws, as so appearing, is hereby  
1022 amended by striking out, in lines 7 and 8, the words "persons residing in economic opportunity  
1023 areas,".



1024 SECTION 33. Section 5 of chapter 23I of the General Laws, as so appearing, is hereby  
1025 amended by striking out, in line 69, the words “in an economic opportunity area pursuant to  
1026 section 3F” and inserting in place thereof the following words:- as defined in section 3A.

1027 SECTION 34. Section 7 of chapter 23K of the General Laws is hereby repealed.

1028 SECTION 35. Section 49 of said chapter 23K, as appearing in the 2014 Official Edition,  
1029 is hereby amended by striking out, in line 3, the figure “3F” and inserting in place thereof the  
1030 following figure:- 3C.

1031 SECTION 36. Said section 49 of said chapter 23K, as so appearing, is hereby further  
1032 amended by striking out, in line 5, the figure “3E” and inserting in place thereof the following  
1033 figure:- 3G.

1034 SECTION 37. Said section 49 of said chapter 23K, as so appearing, is hereby further  
1035 amended by striking out, in lines 25 and 26, the words “the economic opportunity area” and  
1036 inserting in place thereof the following words:- EDIP tax.

1037 SECTION 38. Section 60 of chapter 23K of the General laws is hereby repealed.

1038 SECTION 39. Chapter 29 of the General Laws is hereby amended by striking out section  
1039 2III, as appearing in the 2014 Official Edition, and inserting in place thereof the following  
1040 section:-

1041 Section 2III. There shall be an Agricultural Resolve and Security Fund. The money in the  
1042 fund shall be expended to foster agriculture as defined in section 1A of chapter 128 and for  
1043 furthering other purposes and programs of the department of agricultural resources as set forth in  
1044 any general or special law including, but not limited to: (i) agricultural education; (ii) support for

1045 sustainable agriculture and pollution prevention; (iii) agricultural integrated pest management  
1046 programs; (iv) agricultural land preservation; (v) control of animal diseases; (vi) emergency  
1047 preparedness; (vii) agricultural innovation; (viii) the agricultural food safety improvement  
1048 program; (ix) the farm viability enhancement program; and (x) the urban agriculture program.

1049           The fund may receive money from: (i) gifts, grants and donations from public or private  
1050 sources; (ii) federal reimbursements and grants-in-aid; (iii) revenues retained equal to 10 per  
1051 cent, but not exceeding \$400,000, of the annual pesticide product registration fees collected  
1052 pursuant to section 7 of chapter 132B; (iv) any appropriations authorized by the general court  
1053 specifically designated to be credited to the fund; and (v) any interest earned on the fund. The  
1054 state treasurer shall be the custodian of the fund and shall receive, deposit and invest all money  
1055 transmitted under this section to ensure the highest interest rate available consistent with the  
1056 safety of the fund. The books and records of the fund shall be subject to an annual audit by the  
1057 state auditor. The department of agricultural resources may expend money in the fund and no  
1058 expenditure from the fund shall cause the fund to be in deficiency at the close of a fiscal year.

1059 The commissioner of agricultural resources shall report annually to the house and senate  
1060 committees on ways and means and the joint committee on environment, natural resources and  
1061 agriculture on income received into the fund and sources of that income, any expenditure from  
1062 the fund and the purpose of that expenditure and the fund's balance. Money in the fund at the  
1063 close of a fiscal year shall not revert to the General Fund, shall be available for expenditure in  
1064 the subsequent fiscal year and shall not be subject to section 5C of chapter 29.

1065           SECTION 40. Said chapter 29 is hereby further amended by inserting after section  
1066 2TTTT the following section:-

1067 Section 2UUUU. (a) There shall be a Massachusetts Veterans and Warriors to  
1068 Agriculture Program Fund to be administered by the department of agricultural resources.  
1069 Notwithstanding any general or special law to the contrary, there shall be credited to the fund  
1070 any revenue from appropriations or other money authorized by the general court and specifically  
1071 designated to be credited to the fund and any gifts, grants, private contributions or investment  
1072 income earned by the fund's assets and all other sources. No expenditure from the fund shall  
1073 cause the fund to be in deficiency at the close of a fiscal year. Money in the fund at the end of a  
1074 fiscal year shall not revert to the General Fund, shall be available for expenditure in the  
1075 subsequent fiscal year and shall not be subject to section 5C of chapter 29.

1076 (b) Funds may be expended to enhance the education, training, employment, income,  
1077 productivity and retention of veterans working or aspiring to work in the field of agriculture in  
1078 the commonwealth. The department of agricultural resources, in consultation with the  
1079 department of veterans' services, shall establish, develop and implement a veterans and warriors  
1080 to agriculture program. Amounts credited to the fund shall be used, without further  
1081 appropriation, for the costs associated with administering and implementing the program and  
1082 may also be used to provide grants or loans on a competitive basis to public, private and  
1083 charitable entities to finance projects in furtherance of the program. Expenditures from the fund  
1084 shall complement and not replace existing local, state, federal and private funding for related  
1085 training and educational programs.

1086 SECTION 41. Section 5A of chapter 30A of the General Laws, as appearing in the 2014  
1087 Official Edition, is hereby amended by striking out, in line 2, the figure "12" and inserting in  
1088 place thereof the following figure:- 6.

1089 SECTION 42. Section 59 of chapter 40 of the General Laws, as so appearing, is hereby  
1090 amended by striking out, in lines 11 to 15, inclusive, the words “an economic target area or an  
1091 area presenting exceptional opportunities for increased economic development, as defined by  
1092 section 3D of chapter 23A and as may be defined further by regulations adopted by the economic  
1093 assistance coordinating council” and inserting in place thereof the following words:- an  
1094 economic target area as defined in section 3G of chapter 23A or an area designated by the  
1095 economic assistance coordinating council as a TIF-eligible area pursuant to subsection (b) of  
1096 section 3E of said chapter 23A.

1097 SECTION 43. Said section 59 of said chapter 40, as so appearing, is hereby further  
1098 amended by striking out, in lines 84 and 88, the figure “3F” and inserting in place thereof, in  
1099 each instance, the figure:- 3E.

1100 SECTION 44. Section 60 of said chapter 40, as so appearing, is hereby amended by  
1101 striking out, in lines 5 to 7, inclusive, the words “the director of housing and community  
1102 development, in consultation with the department of economic development and” and inserting  
1103 in place thereof the following words:- the department of housing and community development,  
1104 in consultation with.

1105 SECTION 45. Said section 60 of said chapter 40, as so appearing, is hereby further  
1106 amended by striking out, in lines 15 to 18, inclusive, the words “characterized by a  
1107 predominance of commercial land uses, a high daytime or business population, a high  
1108 concentration of daytime traffic and parking” and inserting in place thereof the following words:-  
1109 located within an area of concentrated development characterized by a predominance of  
1110 commercial land uses.

1111 SECTION 46. Subsection (a) of said section 60 of said chapter 40, as so appearing, is  
1112 hereby amended by striking out clause (ii) and inserting in place thereof the following clause:-

1113 (ii) describe the construction, reconstruction, rehabilitation and related activities, public  
1114 and private, contemplated for such UCH-TIF zone as of the date of the adoption of the UCH-TIF  
1115 plan; provided, however, that in the case of public construction, the UCH-TIF plan shall include  
1116 a detailed projection of the costs and a betterment schedule for the defrayal of such costs;  
1117 provided, further, that the UCH-TIF plan shall provide that no costs of such public construction  
1118 shall be recovered through betterments or special assessments imposed on a party which has not  
1119 executed an UCH-TIF agreement in accordance with clause (v); and provided, further, that in the  
1120 case of private construction, the UCH-TIF plan shall include the types of affordable housing and  
1121 residential and commercial growth which are projected to occur within such UCH-TIF zone  
1122 together with such documentary evidence of the projected public benefits as are required by the  
1123 regulations;

1124 SECTION 47. Clause (iii) of said subsection (a) of said section 60 of said chapter 40, as  
1125 so appearing, is hereby amended by striking out subclauses (1) to (3), inclusive, and inserting in  
1126 place thereof the following 2 subclauses:-

1127 (1) the numerator of which shall be: (A) in an UCH-TIF zone where the property includes  
1128 primarily residential uses, the total assessed value of all parcels of all residential real estate that  
1129 are assessed at full and fair cash value for the current fiscal year minus the new growth  
1130 adjustment factor for the current fiscal year attributable to the residential real estate as  
1131 determined by the commissioner of revenue pursuant to paragraph (f) of section 21C of said  
1132 chapter 59; or (B) in an UCH-TIF zone where the property includes a mix of residential and

1133 commercial uses, the total assessed value of all parcels of all residential and commercial real  
1134 estate that are assessed at full and fair cash value for the current fiscal year minus the new  
1135 growth adjustment factor for the current fiscal year attributable to the residential and commercial  
1136 real estate as determined by the commissioner of revenue pursuant to said paragraph (f) of said  
1137 section 21C of said chapter 59; and

1138 (2) the denominator of which shall be the total assessed value for the preceding fiscal  
1139 year of all the parcels included in the numerator; provided, however, that such ratio should not be  
1140 less than 1.

1141 SECTION 48. Said subsection (a) of said section 60 of said chapter 40, as so appearing,  
1142 is hereby further amended by striking out clause (v) and inserting in place thereof the following  
1143 clause:-

1144 (v) state that each owner of property located in an UCH-TIF zone seeking to establish  
1145 eligibility for tax increment exemptions from annual property taxes pursuant to clause (iii) shall  
1146 execute an agreement, referred to as an UCH-TIF agreement, with the city or town, the form of  
1147 which shall be included as an attachment to the UCH-TIF plan. The UCH-TIF agreement shall  
1148 include, but not be limited to, the following: (1) all material representations of the parties which  
1149 served as a basis for the granting of a UCH-TIF exemption; (2) any terms deemed appropriate by  
1150 the city or town relative to compliance with the UCH-TIF agreement including, but not limited  
1151 to, what shall constitute a default by the property owner and what remedies shall be allowed  
1152 between the parties for any such defaults, including an early termination of the agreement; (3)  
1153 provisions requiring that one of the affordability thresholds described in subsection (b) is met;  
1154 (4) provisions stating that housing units that meet the affordability requirements of subsection (b)

1155 shall be subject to use restrictions as defined in this section; (5) a detailed recitation of the tax  
1156 increment exemptions and the maximum percentage of the cost of public improvements that can  
1157 be recovered through betterments or special assessments regarding a parcel of real property  
1158 pursuant to clauses (iii) and (iv); (6) a detailed recitation of all other benefits and responsibilities  
1159 inuring to and assumed by the parties to an agreement; and (7) a provision that the agreement  
1160 shall be binding upon subsequent owners of the parcel of real property; and.

1161 SECTION 49. Said section 60 of said chapter 40, as so appearing, is hereby further  
1162 amended by striking out subsections (b) to (e), inclusive, and inserting in place thereof the  
1163 following 6 subsections:-

1164 (b) As a condition of the granting of an UCH-TIF exemption, a property owner shall  
1165 satisfy 1 of the following affordability thresholds:

1166 (i) at least 15 per cent of the housing units assisted by the UCH-TIF agreement  
1167 shall be affordable to occupants or families with incomes that are not more than 80 per cent of  
1168 the area median income where the city or town is located, as defined by the United States  
1169 Department of Housing and Urban Development, hereinafter referred to as AMI; or

1170 (ii) Not less than 25 per cent of the housing units assisted by the UCH-TIF  
1171 agreement shall be affordable to occupants or families with incomes that are not more than 110  
1172 per cent of the AMI; or

1173 (iii) the property shall satisfy the requirements of an existing inclusionary zoning  
1174 ordinance or by-law in the city or town, under which the property owner is required to make a  
1175 portion of the housing units assisted by the UCH-TIF agreement affordable to low- and  
1176 moderate-income households.

1177 In addition, to support a finding of public benefit based on residential and commercial  
1178 growth in an urban center, at least 1 of the following conditions shall be met:

1179 (A) The UCH-TIF zone has either: (1) an unemployment rate that exceeds the  
1180 statewide average by not less than 25 per cent, (2) a commercial vacancy rate of not less than 15  
1181 per cent or (3) an average household income that is not more than 115 per cent of the AMI;

1182 (B) Not less than 51 per cent of the land area within the UCH-TIF zone is located  
1183 within a qualified census tract, as defined in section 42(d)(5) of the Internal Revenue Code; or

1184 (C) Not less than 51 per cent of the land area within the UCH-TIF zone  
1185 constitutes a: (1) blighted open area, (2) decadent area or (3) sub-standard area, as defined in  
1186 section 1 of chapter 121A.

1187 (c) The department of housing and community development shall review each UCH-TIF  
1188 plan to determine whether it complies with the terms of this section and regulations that may be  
1189 adopted by the department; provided, however, that the department shall certify, based upon the  
1190 information submitted in support of the UCH-TIF plan by the city or town and through such  
1191 additional investigation as the department may make, that the plan is consistent with the  
1192 requirements of this section and will further the public purpose of encouraging increased  
1193 residential growth, affordable housing and commercial growth; provided further, that a city or  
1194 town may, at any time, revoke its designation of a UCH-TIF zone and, as a consequence of that  
1195 revocation, shall immediately cease the execution of additional agreements pursuant to clause (v)  
1196 of subsection (a); and provided further, that a revocation shall not affect agreements relative to  
1197 property tax exemptions and limitations on betterments and special assessments pursuant to said



1198 clause (v) of said subsection (a), use restrictions or options to purchase and rights of first refusal  
1199 required by this section which were executed before the revocation.

1200 (d) The board, agency or officer of the city or town authorized pursuant to clause (vi) of  
1201 said subsection (a) to execute UCH-TIF agreements shall submit each executed UCH-TIF  
1202 agreement to the department of housing and community development for approval. The  
1203 department shall, as a condition of approval, certify that the UCH-TIF agreement complies with  
1204 the terms of this section and furthers the public purpose of encouraging increased residential  
1205 growth, affordable housing and commercial growth in the commonwealth. Upon receipt of the  
1206 department's certification, the board, agency or officer of the city or town authorized pursuant to  
1207 said clause (vi) of said subsection (a) to execute UCH-TIF agreements shall forward to the board  
1208 of assessors a copy of the approved UCH-TIF agreement, together with a list of the parcels  
1209 included therein. An executed and approved UCH-TIF shall be recorded in the registry of deeds  
1210 or the registry district of the land court wherein the land lies.

1211 (e) Notwithstanding any general or special law to the contrary, an affordable housing  
1212 development that benefits from a real estate tax exemption pursuant to this section that meets the  
1213 affordability requirements of subsection (b) and subclause (3) of clause (v) of subsection (a) shall  
1214 continue to meet those requirements for 30 years or for the term of any municipal bonds issued  
1215 to finance the construction, reconstruction or rehabilitation of such development, whichever is  
1216 shorter, as may be specified in the recorded restriction. The restriction shall be approved by the  
1217 department of housing and community development in accordance with section 32 of chapter  
1218 184 and shall be recorded in the registry of deeds or the registry district of the land court wherein  
1219 the land lies.

1220 (f) The owner of property subject to an UCH-TIF agreement shall certify to the city or  
1221 town the incomes of the families or occupants, upon initial occupancy, of the affordable housing  
1222 units designated in the UCH-TIF agreement and provide that certification to the department of  
1223 housing and community development on an annual basis. If the owner fails to provide  
1224 certification or otherwise fails to comply with the UCH-TIF agreement, including failing to  
1225 maintain the affordability of housing units assisted pursuant to this section, the city or town may  
1226 place a lien on the property in the amount of the real estate tax exemptions granted pursuant to  
1227 the UCH-TIF agreement for any year in which the owner is not in compliance with this  
1228 subsection. If the city or town determines, with the approval of the department of housing and  
1229 community development, that the owner is unlikely to come into compliance with the  
1230 affordability requirements of said subsection (b) and said subclause (3) of said clause (v) of said  
1231 subsection (a), the city or town may place a lien on the property in the amount of the total real  
1232 estate tax exemption granted pursuant to the UCH-TIF agreement. The lien shall be recorded in  
1233 the registry of deeds or the registry district of the land court wherein the land lies.

1234 (g) For the purposes of this section an “area of concentrated development” shall be a  
1235 center of commercial activity within a municipality, including town and city centers, other  
1236 existing commercial districts in towns and cities and existing rural village districts.

1237 SECTION 50. Section 4 of chapter 40G of the General Laws, as so appearing, is hereby  
1238 amended by striking out, in line 85, the words “as defined in section 3D” and inserting in place  
1239 thereof the following words:- designated pursuant to section 3G.

1240 SECTION 51. Section 2 of chapter 40H of the General Laws, as so appearing, is hereby  
1241 amended by striking out, in line 60, the words “3D of chapter 23A” and inserting in place thereof  
1242 the following words:- section 3G of chapter 23A or meeting the criteria for such designation.

1243 SECTION 36. Section 4G of chapter 40J of the General Laws, as so appearing, is hereby  
1244 amended by striking out, in lines 19 and 24, the figure “\$3”, and inserting in place thereof the  
1245 following figure:- \$1.

1246 SECTION 53. Section 6D of said chapter 40J, as so appearing, is hereby amended by  
1247 adding the following subsection:-

1248 (g) The institute shall, in consultation with the secretary of housing and economic  
1249 development and informal advisers from the public and private sectors, develop strategies and  
1250 action plans to facilitate the continued development and accelerating growth of the e-health  
1251 cluster in the commonwealth involving a range of products, services and systems at the  
1252 intersection of medicine, healthcare and information technology including, but not limited to: (i)  
1253 electronic health records; (ii) consumer wearable devices; (iii) care systems; (iv) payment  
1254 management systems; (v) healthcare robotics; (vi) telemedicine; and (vii) big data analytics, for  
1255 the purpose of improving health care quality, reducing costs and supporting the expansion of  
1256 economic opportunities for the citizens of the commonwealth. Without limiting the generality of  
1257 the foregoing, the institute may: (i) develop a market access program connecting provider and  
1258 payer needs with ideas and products through pilot programs; (ii) undertake a healthcare big data  
1259 initiative designed to improve healthcare data transparency and availability; (iii) create  
1260 opportunities for e-health cluster stakeholders, including investors, entrepreneurs and healthcare  
1261 providers, to convene to exchange ideas and make connections; and (iv) encourage the adoption

1262 of open-source software principles, which may include recommendations toward the  
1263 establishment of procurement rules that enable major technology systems, platforms and  
1264 products purchased by the state to remain open for the development of third party end-user  
1265 software and application designs that improve ease of access and utilization of those major  
1266 technology systems. In furtherance of the purposes of this subsection, the institute shall  
1267 coordinate and collaborate with such other agencies, authorities and public instrumentalities as  
1268 the secretary of housing and economic development may suggest and shall endeavor to identify  
1269 moneys and resources that could be made available for those purposes. The corporation may  
1270 expend moneys credited to the e-Health Institute Fund established in section 6E for the purposes  
1271 of this subsection, without compliance with any further restrictions contained in section 6E, and  
1272 to expend for the purposes of this subsection any other moneys available to the corporation that  
1273 are not expressly restricted by law.

1274 SECTION 54. Chapter 40J of the General Laws is hereby amended by inserting after  
1275 section 6I the following section:-

1276 Section 6J. There shall be established and set up on the books of the corporation a Digital  
1277 Health Internship Incentive Trust Fund which shall be administered by the executive director of  
1278 the corporation. The corporation shall hold the fund in an account separate from other funds,  
1279 including other funds established in this chapter. Amounts credited to the fund shall be available  
1280 for expenditure by the corporation without further appropriation for any activities consistent with  
1281 this section as the corporation deems appropriate; provided, however, that amounts credited to  
1282 the fund shall be used to provide stipends for internships in digital health fields for  
1283 undergraduate, graduate and postgraduate students and recent graduates at companies in the  
1284 commonwealth, with preference given to those employed by small businesses and start-up



1305 “CBD fee”, a payment for services or improvements specified by the initial management  
1306 plan and any management plan.

1307 “Initial management plan”, the strategic and operating plan for the CBD as approved by  
1308 the municipal governing body as part of the creation of the CBD.

1309 “Management plan”, any subsequent, updated version of the initial management plan that  
1310 is approved by the board of directors.

1311 “Memorandum of understanding with the municipality” or “MOU”, a document which  
1312 describes the standard government services and supplemental services to be provided within the  
1313 CBD and how the municipality will participate in the CBD as a property owner and member.

1314 “Municipal governing body”, the city council or board of aldermen in a city or the board  
1315 of selectmen or town council in a town.

1316 “Petition signer”, a property owner, or their designee, within the CBD who affirmatively  
1317 signs the petition to establish the CBD.

1318 “Property”, real property located within the CBD, whether commercial, tax exempt or  
1319 residential.

1320 “Property owner”, the owner of record of property; provided, however, that when a  
1321 property is owned by an entity other than a natural person, a petition signer for that property shall  
1322 include the petition-signer’s title and shall demonstrate its authority to sign as owner; and  
1323 provided further, that if a property is owned by multiple persons, the signature of 1 owner shall be  
1324 sufficient if that owner demonstrates authority to sign on behalf of the other owners.

1325 “Standard government services”, governmental functions, programs, activities, facilities,  
1326 improvements and other services that a municipality is authorized to perform or provide and that  
1327 are paid for out of the municipal government budget.

1328 “Supplemental services”, the provision of programs, public rights of way services,  
1329 activities, amenities or information in addition to the standard governmental services provided to  
1330 the CBD.

1331 Section 2. The rights and powers of a CBD corporation in a CBD approved by the  
1332 municipal governing body pursuant to section 4 shall include: retaining or recruiting business;  
1333 administering and managing central and neighborhood business districts; promoting economic  
1334 development; managing parking; designing, engineering, constructing, maintaining or operating  
1335 buildings, facilities, urban streetscapes or infrastructures to further economic development and  
1336 public purposes; conducting historic preservation activities; leasing, owning, acquiring, or  
1337 optioning real property; owning and managing parks, public spaces and community facilities;  
1338 supplementing maintenance, security, or sanitation; planning and designing services; formulating  
1339 a fee structure; accumulating interest; incurring costs or indebtedness; entering into contracts;  
1340 suing and being sued; employing legal and accounting services; undertaking planning, feasibility  
1341 and market analyses; developing common marketing and promotional activities; engaging in  
1342 placemaking, programming, and event management within the district; soliciting donations,  
1343 sponsorships and grants; operating transit services; and supporting public art, human and  
1344 environmental services related to the enhancement of the district or other supplemental services  
1345 or programs that would further the purposes of this chapter.

1346           Section 3. The organization of a CBD shall be initiated by a petition of the property  
1347 owners within the proposed CBD, which shall be filed in the office of the clerk of the  
1348 municipality and contain the following:

1349           (i) the signatures of the property owners or petition signers in the proposed district who  
1350 support the establishment of the district and who will pay more than 50 per cent of the  
1351 assessments proposed to be levied; provided, however, that the amount of the assessment  
1352 attributable to property owned by the same property owner that is in excess of 20 per cent of the  
1353 amount of all assessments proposed shall not be included in the calculation or, alternatively, if  
1354 there are not more than 4 property owners in the proposed district, all such property owners shall  
1355 sign the petition;

1356           (ii) a description of and a site map delineating the boundaries of the proposed CBD;

1357           (iii) the identity and address of the CBD corporation, including its initial set of directors  
1358 and officers and a copy of its by-laws;

1359           (iv) An initial management plan, which shall set forth the supplemental services and  
1360 programs, vision, strategy, budget and fee structures proposed for the CBD;

1361           (v) the criteria for waiving the fee for any property owner within the CBD who can  
1362 provide evidence that the imposition of such a fee would create a significant financial hardship;  
1363 and

1364           (vi) a staffing plan, which may include private nonprofit, for profit or public agency  
1365 contractors or subcontractors.



1366           A petition may include a mechanism for reimbursing the municipality for the costs  
1367 incurred in establishing the CBD, and for costs incurred in collecting the district fees. A copy of  
1368 the petition shall be filed with the undersecretary of housing and community development and  
1369 the secretary of housing and economic development not more than 30 days following receipt of  
1370 the petition by the clerk of the municipality.

1371           Section 4. (a) The municipal governing body shall hold a public hearing not more than  
1372 60 days following receipt of the petition by the clerk of the municipality. Written notification of  
1373 the hearing shall be sent to each property owner within the boundary of the proposed CBD not  
1374 more than 30 days before a hearing by mailing notice to the address listed in the property tax  
1375 records. Notification of the hearing shall be published for 2 consecutive weeks in a newspaper of  
1376 general circulation in the area, the last publication being not less than 14 days before the hearing  
1377 and listed on the municipality's website. The public notice shall contain the proposed boundaries  
1378 of the CBD, the proposed fee level, a summary of supplemental programs and services and  
1379 where the property owner may obtain a full copy of the initial management plan.

1380           (b) Prior to the public hearing, the municipal governing body shall direct the town clerk,  
1381 city clerk or a designee to determine that the establishment criteria have been met, as set forth in  
1382 section 3. In determining whether a signature is authentic, the clerk shall apply the same standard  
1383 used when certifying signatures for a petition to place a referendum on a local or state ballot.

1384           (c) Not more than 45 days after the public hearing, a municipal governing body, in its  
1385 sole discretion, may, by vote of the city council with approval of the mayor in a city and by vote  
1386 of the board of selectmen in a town, declare the district organized and describe the boundaries  
1387 and service area of the district; provided, however, that in a town with a population of not more

1388 than 10,000, the district shall not be declared organized without a vote by the board of selectmen  
1389 and a town meeting. The declaration shall include authorization to municipal staff to enter into  
1390 an agreement with the CBD corporation with respect to operations and funding consistent with  
1391 the approved initial management plan. Upon such declaration, the CBD may commence  
1392 operations.

1393 (d) Notice of the declaration of the organization of the CBD shall be mailed or delivered  
1394 to each property owner within the proposed CBD. The notice shall explain that membership in  
1395 the CBD is irrevocable unless the CBD is dissolved pursuant to section 10 and shall include a  
1396 description of the basis for determining the district fee, the projected fee level and the services to  
1397 be provided within the CBD. Such notice shall be published for 2 consecutive weeks in a  
1398 newspaper of general circulation in the area, the last publication being not more than 30 days  
1399 after the vote to declare the district organized.

1400 (e) Participation in the CBD shall be permanent unless the CBD is dissolved pursuant to  
1401 section 10. All property owners, including public, private and nonprofit entities, shall participate,  
1402 although each shall contribute in accordance with fee structures based upon the benefits  
1403 anticipated to be received, as outlined in the initial management plan.

1404 Section 5. (a) Each CBD corporation shall have a not for profit board of directors that  
1405 shall oversee its operations to insure the implementation of the initial management plan and any  
1406 management plan. At least 51 per cent of the board shall be composed of property owners or  
1407 their designees, and the remaining members may be a balanced group of stakeholders  
1408 representing the community, including residents, municipal government, business tenants and  
1409 nonprofits.

1410 (b) The initial management plan shall be updated at least once every 3 years by the CBD  
1411 board of directors and a copy thereof shall be mailed, emailed or delivered to each CBD member  
1412 and filed with the municipal governing body.

1413 (c) The CBD corporation shall comply with the public charity reporting requirements of  
1414 section 8F of chapter 12.

1415 Section 6. All real property located within a proposed CBD shall be considered in the fee  
1416 formula for supplemental services and programs as outlined in the initial management plan. The  
1417 CBD corporation, at its sole discretion, may grant a financial hardship waiver to any property  
1418 owner, pursuant to the waiver criteria established within the CBD. A waiver is not intended to be  
1419 permanent and shall be requested and granted on an annual basis, and shall be based upon  
1420 temporary, extraordinary circumstances. The CBD corporation may also, at its discretion,  
1421 approve in-kind contributions or services in addition to, or in lieu of, fees upon execution of a  
1422 memorandum of agreement with a property owner.

1423 Section 7. Upon formal approval of a CBD, the municipal governing body shall adopt the  
1424 district fee structure for the financing of items submitted in the initial management plan for the  
1425 CBD; provided, however, that the total fees assessed in any 1 year may not exceed 1/2 of 1 per  
1426 cent of the sum of the assessed valuation of the real property owned by participating members in  
1427 the CBD district.

1428 The basis of a district fee may be determined by a formula utilizing at least 1 or a  
1429 combination of the following methodologies:

1430 (i) different levels for varying classifications of real property;

- 1431 (ii) benefit zones;
- 1432 (iii) assessed valuation;
- 1433 (iv) building or parcel square footage;
- 1434 (v) street frontage; or
- 1435 (vi) any other formula which meets the objectives of the CBD.

1436 The CBD, through its management plan, shall have the option to limit or cap the  
1437 maximum annual fee derived from individual properties or the total annual revenue generated by  
1438 the CBD.

1439 The initial management plan may also propose a “phase-in” period of not more than 3  
1440 years, with assessments increasing over the stated period. The formula for determining the  
1441 district fee structure shall be set forth in the original petition as required by section 3.

1442 The CBD may change the formula or the assessment level set forth in the initial  
1443 management plan or management plan by 2/3 vote of its board of directors, ratified by vote of  
1444 the property owners who are required to pay more than 50 per cent of the assessments. Within 30  
1445 days after amendment of the formula or assessment level, the CBD shall file notice of the  
1446 changes with the municipal governing body, the undersecretary of housing and community  
1447 development and the secretary of housing and economic development.

1448 In addition to receiving funds from the district fee, the CBD corporation may receive  
1449 grants, donations, revenues generated from parking fees, CBD activities or gifts on behalf of the  
1450 CBD.

1451 Section 8. The collector or treasurer of the municipality may collect district fees in  
1452 designated CBDs and disburse the funds to the CBD corporation. In addition to the items  
1453 identified in section 3A of chapter 60, the collector or treasurer may include notices for district  
1454 fees in the envelope or electronic message in which a property bill is sent.

1455 District fees collected shall be used solely to fund items to further the goals identified and  
1456 approved in the initial management plan for the CBD.

1457 The collector or treasurer shall disburse fee revenues to the CBD corporation not later  
1458 than 30 days after the collection of such fees, together with any interest earned on those fees.

1459 Following establishment of the CBD, all fees billed by or on behalf of the CBD and  
1460 unpaid after 30 days from the date of billing shall become a lien on the property, which shall  
1461 have priority over all other liens except municipal liens and mortgages of record prior to the  
1462 recording of a notice of lien, if notice of the lien is duly recorded by the CBD corporation in the  
1463 appropriate registry of deeds or land court registry district.

1464 Section 9. At any time after the establishment of a CBD pursuant to this chapter, the  
1465 district boundaries upon which the establishment was based may, upon the recommendation of  
1466 the CBD corporation, be amended by the municipal governing body after compliance with the  
1467 procedures set forth in this section.

1468 The CBD corporation shall prepare a petition, consistent with the criteria described in  
1469 section 3; provided, however, that if the petition concerns an amendment to expand the district,  
1470 the petition shall be accompanied by signatures of the property owners who are required to pay  
1471 more than 50 per cent of the assessments in the expanded area. If the petition concerns an  
1472 amendment to reduce the size of the district, it shall be accompanied by signatures of the

1473 property owners who are required to pay more than 50 per cent of the assessments levied in the  
1474 existing district. The municipal governing body shall hold a public hearing not more than 60  
1475 days after its receipt of a petition to amend the district boundaries. In the case of an expansion  
1476 petition, written notification of the hearing shall be sent to each property owner within the  
1477 proposed expansion area of the CBD not more than 30 days before the hearing, by mailing notice  
1478 to the address listed in the property tax records. In the case of a reduction petition, the notice  
1479 shall be sent to each property owner in the existing district. For either an expansion or reduction  
1480 petition, notification of the hearing shall also be published for 2 consecutive weeks in a  
1481 newspaper of general circulation in the area with the last publication being not more than 14 days  
1482 before the hearing and shall be listed on the municipality's website. For an expansion petition,  
1483 the public notice shall contain the proposed expanded boundaries of the CBD, the fee level, a  
1484 summary of supplemental programs and services, and where the property owner may obtain a  
1485 full copy of the management plan. For a reduction petition, the public notice shall contain the  
1486 proposed reduced boundaries of the CBD and any changes in the fee level, supplemental  
1487 programs and services or other material aspects of the management plan that will occur as a  
1488 result of the boundary change. Not more than 30 days after the hearing, and upon determination  
1489 by the city or town clerk, or designee, that the petition has met the necessary criteria, the  
1490 municipal governing body, in its sole discretion, may by a vote declare the district boundaries  
1491 amended.

1492           Upon the adoption of an amendment to the district boundaries which increases the size of  
1493 the district, owners of property to be added to the district shall be notified of the new boundaries  
1494 of the district in accordance with section 4.

1495           Section 10. A CBD may be dissolved by petition to the municipal governing body and a  
1496 subsequent decision by that governing body to authorize dissolution.

1497           A petition to dissolve a CBD shall contain the signatures of the property owners who are  
1498 required to pay more than 50 per cent of the assessments levied in the district; provided,  
1499 however, that the amount of the assessment attributable to property owned by the same property  
1500 owner that is in excess of 20 per cent of the amount of all assessments proposed shall not be  
1501 included in the calculation.

1502           The municipal governing body shall hold a public hearing not more than 30 days after its  
1503 receipt of a petition on the issue of dissolution.

1504           After a public hearing, the municipal governing body may declare the CBD dissolved;  
1505 provided, however, that no CBD shall be dissolved until it has satisfied or paid in full all of its  
1506 outstanding indebtedness, obligations and liabilities; until funds are on deposit and available  
1507 therefore or until a repayment schedule has been formulated and municipally approved. Upon  
1508 dissolution, the CBD shall not incur any new or increased financial obligations.

1509           Any liabilities, either current or future, incurred as a result of action to accomplish the  
1510 purposes of the management plan shall not be an obligation of the municipality. Liabilities shall  
1511 be paid for entirely from revenue gained from the project or facilities authorized, or from the fees  
1512 on the properties in the CBD.

1513           Upon the dissolution of a CBD, any remaining revenues derived from the sale of assets  
1514 acquired with fees collected shall be refunded to the property owners in the CBD by applying the  
1515 same formula used to calculate the fee in the fiscal year in which the CBD is dissolved.

1516           Nothing in this section shall prevent the filing of a subsequent petition for a similar  
1517 community benefit district.

1518           Section 11. A CBD may include noncontiguous geographic areas within the municipality.  
1519 If the petition proposes such a district, each noncontiguous area shall separately qualify by  
1520 meeting the signature threshold in section 3. Once the clerk has determined that the  
1521 establishment criteria have been met, the municipality shall consider whether the CBD as a  
1522 whole should be approved. A petition to reduce or dissolve a CBD with noncontiguous areas  
1523 shall be signed by property owners representing at least 50 per cent of the assessments in the  
1524 CBD as a whole. A petition to expand such a CBD shall be signed by property owners  
1525 representing 50 per cent of the assessments in the expanded area only. A CBD that includes  
1526 noncontiguous areas may set services, programs and fees to take into account the differing  
1527 circumstances of each area.

1528           Section 12. A CBD may be located in more than 1 municipality if the petition in each  
1529 municipality separately complies with this chapter. Petitioners shall state in each petition  
1530 whether they will proceed with establishment if the other municipality or municipalities involved  
1531 do not approve the proposed CBD. A petition to reduce a CBD located in more than 1  
1532 municipality shall be signed by property owners with 50 per cent of the assessments in that  
1533 municipality's portion of the district. A petition to expand such a CBD shall be signed by  
1534 property owners representing 50 per cent of the assessments in the expanded area only. A  
1535 petition to dissolve the entire CBD located in more than 1 municipality shall be signed by  
1536 property owners representing 50 per cent of the assessments in each municipality. A CBD  
1537 located in more than 1 municipality may set services, programs and fees to take into account the  
1538 differing circumstances of each area.



1539 SECTION 56. Section 1 of chapter 40V of the General Laws, as appearing in the 2014  
1540 Official Edition, is hereby amended by striking out the definition of “Certified housing  
1541 development project”, and inserting in place thereof the following definition:-

1542 “Certified housing development project”, the new construction or substantial  
1543 rehabilitation of a housing development project that has been approved by the department for  
1544 participation in the housing development incentive program.

1545 SECTION 57. Said section 1 of said chapter 40V, as so appearing, is hereby further  
1546 amended by striking out the definitions of “Market rate residential unit” and “Qualified  
1547 substantial rehabilitation expenditure” and inserting in place thereof following 2 definitions:-

1548 “Market rate residential unit”, a residential unit priced consistently with prevailing rents  
1549 or sale prices in the municipality as determined based on criteria established by the department.

1550 “Qualified project expenditure”, an expenditure directly related to the construction or  
1551 substantial rehabilitation of a certified housing development project, including the cost of site  
1552 assessment and remediation of hazardous materials, but excluding the purchase of the property,  
1553 provided, however, that: (i) the department has certified that the proposed project meets the  
1554 definition of certified housing development project; (ii) prior to construction, the department has  
1555 certified that all or a portion of the project costs are for new construction or substantial  
1556 rehabilitation; and (iii) after the construction of the project has been completed, the department  
1557 has certified that the project has been completed in compliance with this chapter and the  
1558 requirements and conditions of any prior certifications.

1559 SECTION 58. Said section 1 of said chapter 40V, as so appearing, is hereby further  
1560 amended by inserting after the word “property,” in line 34, the following words:- including site  
1561 assessment and remediation of hazardous materials, but.

1562 SECTION 59. Section 4 of said chapter 40V, as so appearing, is hereby amended by  
1563 striking out, in line 12, the words “is a” and inserting in place thereof the following words:-  
1564 involves either new construction or the.

1565 SECTION 60. Said section 4 of said chapter 40V, as so appearing, is hereby further  
1566 amended by striking out, in line 13, the word “approve” and inserting in place thereof the  
1567 following word:- certify.

1568 SECTION 61. Said section 4 of said chapter 40V, as so appearing, is hereby further  
1569 amended by striking out, in line 35, the words “HDIP zone” and inserting in place thereof the  
1570 following words:- HD zone.

1571 SECTION 62. Said section 4 of said chapter 40V, as so appearing, is hereby further  
1572 amended by inserting after the word “certified”, in lines 44, 56, 57 and 83, each time it appears,  
1573 the following words:- housing development.

1574 SECTION 63. The introductory paragraph of section 5 of said chapter 40V, as so  
1575 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the  
1576 following sentence:- The department may award tax credits available under subsection (q) of  
1577 section 6 of chapter 62 or section 38BB of chapter 63 of not more than 25 per cent of the cost of  
1578 qualified project expenditures allocable to the market rate units in a project, as determined by the  
1579 department, to a sponsor of a certified housing development project.

1580 SECTION 64. Said section 5 of said chapter 40V, as so appearing, is hereby further  
1581 amended by striking out, in lines 9, 13 and 15, the word “project” and inserting in place thereof,  
1582 in each instance, the following words:- certified housing development project.

1583 SECTION 65. Section 3 of chapter 62 of the General Laws is hereby amended by striking  
1584 out, in lines 114 and 115, as so appearing, the words “established by section three B of chapter  
1585 twenty-three A” and inserting in place thereof the following words:- pursuant to section 3G of  
1586 chapter 23A.

1587 SECTION 66. Subparagraph (11) of paragraph (a) of part B of said section 3 of said  
1588 chapter 62, as so appearing, is hereby amended by adding the following sentence:- An individual  
1589 who is a nonresident for all or part of the taxable year shall not be eligible to claim this  
1590 deduction.

1591 SECTION 67. Paragraph (a) of part B of said section 3 of said chapter 62, as amended by  
1592 section 12 of chapter 10 of the acts of 2015, is hereby further amended by adding the following  
1593 subparagraph:-

1594 (19) An amount equal to the amount expended in the taxable year for the purchase of an  
1595 interest in, or the amount contributed in the taxable year to an account in, a prepaid tuition  
1596 program or college savings program established by the commonwealth or an instrumentality or  
1597 authority of the commonwealth; provided, however, that in the case of a single person or a  
1598 married person filing a separate return or as head of household, the total amount deducted in the  
1599 taxable year shall not exceed \$1,000; and provided further, that in the case of a married couple  
1600 filing a joint return, the total amount deducted in the taxable year shall not exceed \$2,000.

1601 Notwithstanding a statute of limitations on the assessment of an income tax under this  
1602 chapter, a deduction taken under this subparagraph shall be subject to recapture in the taxable  
1603 years in which a distribution or a refund is made for a reason other than: (i) to pay qualified  
1604 higher education expenses as defined in 26 U.S.C. 529(e)(3); or (ii) the beneficiary's death,  
1605 disability or receipt of a scholarship. For the purposes of this subparagraph, “purchaser” or  
1606 “contributor” shall mean the person shown as the purchaser or contributor on the records of the  
1607 qualifying prepaid tuition or college savings program as of December 31 of the taxable year. In  
1608 the case of a transfer of ownership of a prepaid tuition contract or savings trust account, the  
1609 transferee shall succeed to the transferor's tax attributes associated with the prepaid tuition  
1610 contract or savings trust account including, but not limited to, carryover and recapture of a  
1611 deduction.

1612 Annually, not later than October 15, the commissioner shall submit a report to the  
1613 secretary of administration and finance, the chairs of the senate and house committees on ways  
1614 and means and the senate and house chairs of the joint committee on revenue that provides the  
1615 following information: (i) the number of prepaid tuition contracts or savings trust accounts  
1616 entered into or opened by residents of the commonwealth during the prior year; (ii) the amount  
1617 of the allowable deductions claimed under this subparagraph during the prior year; and (iii) the  
1618 adjusted gross income of each taxpayer qualifying for the deduction allowed under this  
1619 subparagraph.

1620 SECTION 68. Section 6 of said chapter 62 is hereby amended by striking out subsection  
1621 (g), as appearing in the 2014 Official Edition, and inserting in place thereof the following  
1622 subsection:-

1623 (g) (1) As used in this subsection, “certified project”, “controlling business”,  
1624 “EACC”, “EDIP contract” and “proposed project” shall have the same meanings as ascribed to  
1625 them in section 3A of chapter 23A.

1626 (2) A credit shall be allowed against the tax liability imposed by this chapter on  
1627 the owner or lessee of a certified project, to the extent the credit is authorized by the EACC, up  
1628 to an amount equal to 50 per cent of the liability in a taxable year; provided, however, that the 50  
1629 per cent limitation shall not apply where the credit is refundable under paragraph (6). The  
1630 amount of the credit shall be determined by the EACC under section 3D of chapter 23A and  
1631 other criteria or guidance that the council shall from time to time adopt; provided further, that a  
1632 credit awarded in connection with a certified project that will retain permanent full-time  
1633 employees in a gateway municipality without creating a net increase in permanent full-time  
1634 employees shall not exceed \$5,000 per retained employee. A credit allowed under this section  
1635 shall be taken only after the taxpayer executes an EDIP contract under said section 3D of said  
1636 chapter 23A.

1637 (3) The total amount of credits that may be authorized by the EACC in a calendar  
1638 year pursuant to this section and section 38N of chapter 63 shall not exceed \$30,000,000  
1639 annually; provided, however, that the total amount shall not include credits granted pursuant to  
1640 subsection (q) of section of 6 of this chapter and section 38BB of said chapter 63; and provided  
1641 further, that the total amount shall include: (i) refundable credits granted during the year pursuant  
1642 to this section or said section 38N of said chapter 63; (ii) nonrefundable credits granted during  
1643 the year pursuant to this section or said section 38N of said chapter 63 to the extent that such  
1644 nonrefundable credits are estimated by the commissioner to offset tax liabilities during the year;  
1645 and (iii) carryforwards of credits from prior years under this section or said section 38N of said

1646 chapter 63 to the extent that the credit carryforwards, if any, are estimated by the commissioner  
1647 to offset tax liabilities during the year. A portion of the annual cap not awarded by the EACC in  
1648 a calendar year shall not be applied to an award in a subsequent year. The EACC shall provide  
1649 the commissioner with the documentation that the commissioner deems necessary to confirm  
1650 compliance with the annual cap and the commissioner shall provide a report confirming  
1651 compliance to the secretary of administration and finance and the secretary of housing and  
1652 economic development.

1653 (4) A taxpayer entitled to a credit under this subsection for a taxable year may, to  
1654 the extent authorized by the EACC, carry over and apply to the tax liability imposed by this  
1655 chapter for any of the next succeeding 10 taxable years the portion, as reduced from year to year,  
1656 of those credits that exceed the tax liability imposed by this chapter for the taxable year;  
1657 provided, however, that the taxpayer shall not apply the credit to the tax liability imposed by this  
1658 chapter for a taxable year beginning more than 5 years after the certified project ceases to qualify  
1659 as a certified project under chapter 23A; and provided further, that notwithstanding the  
1660 foregoing, the EACC may limit or restrict the carryover of credits under section 3D of said  
1661 chapter 23A.

1662 (5) For the purposes of this subsection, the commissioner may aggregate the  
1663 activities of entities, whether or not incorporated, under common control as established in 26  
1664 U.S.C. 41(f).

1665 (6) The commissioner shall promulgate the rules and regulations necessary to  
1666 implement this subsection including, but not limited to, provisions to prevent the generation of  
1667 multiple credits with respect to the same property.

1668                   (7) If a credit allowed under paragraph (2) is designated by the EACC as a  
1669 refundable credit, the credit shall first be applied against the tax liability of the taxpayer imposed  
1670 by this chapter and 100 per cent of the balance of the credit may, at the option of the taxpayer  
1671 and to the extent authorized by the EACC, be refundable to the taxpayer. In each case, the EACC  
1672 shall specify the timing of the refund which may be for the taxable year in which all or a portion  
1673 of the certified project is placed in service or the taxable year subsequent to the year in which the  
1674 required jobs are created. If the credit balance is refunded to the taxpayer, the credit carryover  
1675 provisions of paragraph (4) shall not apply.

1676                   (8) If the EACC revokes the certification of a project under section 3F of chapter  
1677 23A, a portion of the tax credit otherwise allowed by this section and claimed by the taxpayer  
1678 prior to the date on which EACC makes the determination to revoke its certification of the  
1679 project shall be added back as additional tax due and shall be reported as such on the return of  
1680 the taxpayer for the taxable period in which the EACC makes the determination to revoke the  
1681 certification of the project. The amount of credits subject to recapture shall be proportionate to  
1682 the taxpayer's compliance with the job creation requirements applicable to the certified project.  
1683 The taxpayer's proportion of compliance shall be determined by the EACC as part of its  
1684 revocation process and shall be reported to the taxpayer and the department of revenue at the  
1685 time that certification is revoked.

1686                   (9) If a certified project is sold or otherwise disposed of, a tax credit allowed  
1687 under this subsection may be transferred to the purchaser of the certified project; provided,  
1688 however, that the EDIP contract shall be assigned to and assumed by the purchaser of the  
1689 certified project and the assignment and assumption shall be approved in writing by the EACC.

1690 (10) Nothing in this subsection shall limit the authority of the commissioner to  
1691 make an adjustment to a taxpayer's liability upon audit.

1692 SECTION 69. Section 6 of said chapter 62 is hereby amended by striking out subsection  
1693 (h), as most recently amended by section 1 of chapter 52 of the acts of 2015, and inserting in  
1694 place thereof the following subsection:-

1695 (h) A taxpayer shall be allowed a credit against the taxes imposed by this chapter if the  
1696 taxpayer qualified for and claimed the earned income credit allowed under section 32 of the  
1697 Code, as amended and in effect for that tax year. With respect to a person who is a nonresident  
1698 for part of the taxable year, the credit shall be limited to 28 per cent of the federal credit  
1699 multiplied by a fraction, the numerator of which shall be the number of days in the tax year the  
1700 person resided in the commonwealth and the denominator of which shall be the number of days  
1701 in the taxable year. Persons who are nonresidents for the entire taxable year shall not be allowed  
1702 the credit. The credit allowed by this subsection shall equal 28 per cent of the federal credit  
1703 received by the taxpayer for the taxable year. If other credits allowed under this section are  
1704 utilized by the taxpayer for the taxable year, the credit afforded by this subsection shall be  
1705 applied last. If the amount of the credit allowed under this subsection exceeds the taxpayer's  
1706 liability, the commissioner shall treat such excess as an overpayment and shall pay the taxpayer  
1707 the amount of such excess, without interest.

1708 SECTION 70. Said section 6 of said chapter 62 is hereby further amended by striking  
1709 out, in line 893, as so appearing, the word "ten" and inserting in place thereof the following  
1710 figure:- 25.



1711 SECTION 71. Said section 6 of said chapter 62 is hereby further amended by striking  
1712 out, in line 894, as so appearing, the words “substantial rehabilitation” and inserting in place  
1713 thereof the following word:- project.

1714 SECTION 72. Said section 6 of said chapter 62 is hereby further amended by striking  
1715 out, in line 905, and in lines 939 and 940, as so appearing, the word “rehabilitation” and inserting  
1716 in place thereof, in each instance, the following word:- project.

1717 SECTION 73. Said section 6 of said chapter 62 is hereby further amended by striking  
1718 out, in lines 923 and 935, as so appearing, the figure “5” and inserting in place thereof, in each  
1719 instance, the figure:- 10.

1720 SECTION 74. Said section 6 of said chapter 62, as most recently amended by section 1 of  
1721 chapter 52 of the acts of 2015, is hereby further amended by adding the following subsection:-

1722 (t)(1) As used in this subsection, the following words shall have the following meanings  
1723 unless the context clearly requires otherwise:-

1724 “Business”, a profession, sole proprietorship, trade partnership, corporation, general  
1725 partnership, limited liability company, limited partnership, joint venture, business trust, public  
1726 benefit corporation, non-profit entity or other business entity.

1727 “Gateway municipality”, a gateway municipality as defined in section 3A of chapter 23A.

1728 “Qualifying business”, a business which: (i) has its principal place of business in the  
1729 commonwealth; (ii) has at least 50 per cent of its employees located in the business’s principal  
1730 place of business; (iii) has a fully developed business plan that includes all appropriate long-term  
1731 and short-term forecasts and contingencies of business operations, including research and

1732 development, profit, loss and cash flow projections and details of angel investor funding; (iv)  
1733 employs 20 or fewer full-time employees at the time of the taxpayer investor’s initial qualifying  
1734 investment as provided for in paragraph (2); (v) has a federal tax identification number; and (vi)  
1735 has gross revenues equal to or less than \$500,000 in the fiscal year prior to eligibility.

1736 “Qualifying investment”, a monetary investment that is at risk and is not secured or  
1737 guaranteed; provided, however, that a qualifying investment shall not include venture capital  
1738 funds, hedge funds or commodity funds with institutional investors or investments in a business  
1739 involved in retail, real estate, professional services, gaming or financial services.

1740 “Taxpayer investor”, an accredited investor, as defined by the United States Securities  
1741 and Exchange Commission pursuant to 15 USC section 77b(15)(ii) who is not the principal  
1742 owner of the qualifying business and who is involved in the qualifying business as a full-time  
1743 professional activity.

1744 (2) A taxpayer investor who makes a qualifying investment in a qualifying business shall  
1745 be allowed a credit against the taxes imposed by this chapter in an amount equal to 20 per cent of  
1746 the amount of the taxpayer’s qualifying investment. A taxpayer investor who makes a qualifying  
1747 investment in a qualifying business with its principal place of business located in a gateway  
1748 municipality shall be allowed a credit against the taxes imposed by this chapter in an amount  
1749 equal to 30 per cent of the amount of the taxpayer’s qualifying investment. Taxpayer investors  
1750 may invest up to \$125,000 per qualifying business per year with a \$250,000 maximum for each  
1751 qualifying business. The total of all tax credits available to a taxpayer investor pursuant to this  
1752 subsection shall not exceed \$50,000 in a single calendar year.

1753           (3) Qualifying investments may be used by a qualifying business for the following  
1754 purposes: (i) capital improvements; (ii) plant equipment; (iii) research and development; and (iv)  
1755 working capital. Qualifying investments shall not be used to pay dividends, fund or repay  
1756 shareholders' loans, redeem shares, repay debt or pay wages or other benefits of the taxpayer  
1757 investor.

1758           (4) The credits allowed pursuant to paragraph (2) may be taken against income tax due in  
1759 either the tax year of the initial investment or in any of the 3 subsequent taxable years. Any  
1760 amount of the tax credit that exceeds the tax due for a taxable year may be carried forward by the  
1761 taxpayer investor to any of the 3 subsequent taxable years. If the qualifying business ceases to  
1762 have its principal place of business in the commonwealth within that 3 year period, the taxpayer  
1763 investor shall not claim any further credits and shall repay the total amount of credits claimed to  
1764 the commonwealth.

1765           (5) The Massachusetts Life Sciences Center, in consultation with the executive office of  
1766 housing and economic development and the commissioner, shall authorize, administer and  
1767 determine eligibility for this tax credit and allocate the credit in accordance with the standards  
1768 and requirements set forth in regulations promulgated pursuant to this subsection, and with the  
1769 goal of creating and maintaining jobs including, but not limited to, jobs in the following sectors:  
1770 digital e-health, information technology and healthcare. Tax credits authorized pursuant to this  
1771 subsection shall be subject to the annual cumulative cap pursuant to subsection (d) of section 5 of  
1772 chapter 23I.

1773 (6) The commissioner, the Massachusetts Life Sciences Center and the executive office  
1774 of housing and economic development shall promulgate regulations necessary to carry out this  
1775 subsection.

1776 SECTION 75. Subsection (a) of section 6I of said chapter 62, as appearing in the 2014  
1777 Official Edition, is hereby amended by inserting after the definition of “Median income” the  
1778 following definition:-

1779 “Qualified donation”, real or personal property given to a sponsor for the use of  
1780 purchasing, constructing or rehabilitating a qualified Massachusetts project.

1781 SECTION 76. Said subsection (a) of said section 6I of said chapter 62, as so appearing,  
1782 is hereby amended by inserting after the definition of “Regulatory agreement” the following  
1783 definition:-

1784 “Sponsor”, a nonprofit organization which: (i) has been issued a ruling from the United  
1785 States Internal Revenue Service that the organization is exempt from income taxation pursuant to  
1786 section 501(c)(3) of the Internal Revenue Code; (ii) has material control over the operations of a  
1787 qualified Massachusetts project; and (iii) either: (1) is a certified Community Development  
1788 Corporation as defined in chapter 40H; (2) is a certified Community Housing Development  
1789 Organization pursuant to 24 CFR section 92.2; or (3) is determined by the department to have a  
1790 history of successful development of affordable housing projects in the commonwealth.

1791 SECTION 77. Subsection (b) of said section 6I of said chapter 62, as so appearing, is  
1792 hereby amended by adding the following paragraph:-

1793 (4) The department may allocate Massachusetts low-income housing tax credits pursuant  
1794 to this section for a qualified donation by a taxpayer. The total Massachusetts low-income  
1795 housing tax credit available to a taxpayer for a qualified donation shall be equal to 50 per cent of  
1796 the donation's value as determined by the department; provided, however, that the department  
1797 may increase the amount of available credit for a qualified donation to not more than 65 per cent  
1798 of the donation's value if it deems the increase to be necessary to the project's viability.

1799 For the purposes of counting an authorization of a Massachusetts low-income housing tax  
1800 credit towards the total sum that the department may authorize annually pursuant to part (i) of  
1801 paragraph (1) of subsection (b), the department and the commissioner shall count any amount of  
1802 Massachusetts low-income housing tax credit authorized to a taxpayer for a qualified donation as  
1803 1/5 of the amount authorized for the qualified donation.

1804 SECTION 78. Said section 6I of said chapter 62, as so appearing, is hereby further  
1805 amended by inserting after the word "project", in line 81, the following:-

1806 , whether by qualified donation or otherwise.

1807 SECTION 79. Subsection (c) of said section 6I of said chapter 62, as so appearing, is  
1808 hereby amended by striking out paragraph (3) and inserting in place thereof the following  
1809 paragraph:-

1810 (3) The Massachusetts low-income housing tax credit authorized to a taxpayer with  
1811 respect to a qualified Massachusetts project other than a qualified donation shall be taken against  
1812 the taxes imposed pursuant to this chapter, claimed equally for 5 years and subtracted from the  
1813 amount of state tax otherwise due for each taxable period and shall not be refundable.

1814           The Massachusetts low-income housing tax credit authorized to a taxpayer with respect  
1815 to a qualified Massachusetts project attributable to a qualified donation shall be taken against the  
1816 taxes imposed pursuant to this chapter, claimed in a single year and subtracted from the amount  
1817 of state tax otherwise due for the taxable year and shall not be refundable.

1818           Any amount of the low-income housing tax credit, whether by qualified donation or  
1819 otherwise, that exceeds the tax due for a taxable year may be carried forward to any of the 5  
1820 subsequent taxable years.

1821           SECTION 80. Section 6M of said chapter 62, inserted by section 29 of chapter 238 of the  
1822 acts of 2012, is hereby amended by striking out, in line 89, the words “as defined in section 3A”  
1823 and inserting in place thereof the following words:- designated under section 3G.

1824           SECTION 81. Paragraph (4) of subsection (c) of said section 6M of said chapter 62, as so  
1825 inserted, is hereby amended by striking out, in lines 155 and 156, the words “it has utilized at  
1826 least 95 per cent of the 3 year total of” and inserting in place thereof the following words:- the  
1827 department has determined that it has made satisfactory progress toward utilizing.

1828           SECTION 82. Subsection (a) of section 31H of chapter 63 of the General Laws, as  
1829 appearing in the 2014 Official Edition, is hereby amended by inserting after the definition of  
1830 “Median income”, the following definition:-

1831           “Qualified Donation”, real or personal property given to a sponsor to purchase, construct,  
1832 or rehabilitate a qualified Massachusetts project.

1833 SECTION 83. Said subsection (a) of section 31H of said chapter 63, as so appearing, is  
1834 hereby further amended by inserting after the definition of “Regulatory agreement” the following  
1835 definition:-

1836 “Sponsor”, a nonprofit organization which: (i) has been issued a ruling from the United  
1837 States Internal Revenue Service that the organization is exempt from income taxation pursuant to  
1838 section 501(c)(3) of the Internal Revenue Code; (ii) has material control over the operations of a  
1839 qualified Massachusetts project; and (iii) either (A) is a certified Community Development  
1840 Corporation, as defined in chapter 40H; (B) is a certified Community Housing Development  
1841 Organization pursuant to 24 CFR section 92.2; or (C) is determined by the department to have a  
1842 history of successful development of affordable housing projects in the commonwealth.

1843 SECTION 84. Subsection (b) of said section 31H of said chapter 63, as so appearing, is  
1844 hereby amended by adding the following paragraph:-

1845 (4) The department may allocate Massachusetts low-income housing tax credits pursuant  
1846 to this section for a qualified donation by a taxpayer. The total Massachusetts low-income  
1847 housing tax credit available to a taxpayer for a qualified donation shall be equal to 50 per cent of  
1848 the donation’s value, as determined by the department; provided, however, that the department  
1849 may increase the amount of available credit for a qualified donation to not more than 65 per cent  
1850 of the donation’s value if it deems the increase to be necessary to the project’s viability.

1851 For the purposes of counting an authorization of Massachusetts low-income housing tax  
1852 credit towards the total sum that the department may authorize annually pursuant to part (i) of  
1853 paragraph (1) of subsection (b), the department and the commissioner shall count any amount of

1854 Massachusetts low-income housing tax credit authorized to a taxpayer for a qualified donation as  
1855 1/5 of the amount authorized for the qualified donation.

1856 SECTION 85. Said section 31H of said chapter 63, as so appearing, is hereby further  
1857 amended by inserting after the word “project”, in line 83, the following words:- , whether by  
1858 qualified donation or otherwise.

1859 SECTION 86. Subsection (c) of said section 31H of said chapter 63, as so appearing, is  
1860 hereby amended by striking out paragraph (3) and inserting in place thereof the following  
1861 words:-

1862 (3) The Massachusetts low-income housing tax credit authorized to a taxpayer with  
1863 respect to a qualified Massachusetts project other than a qualified donation shall be taken against  
1864 the taxes imposed pursuant to this chapter, claimed equally for 5 years and subtracted from the  
1865 amount of state tax otherwise due for each taxable period and shall not be refundable.

1866 The Massachusetts low-income housing tax credit authorized to a taxpayer with respect  
1867 to a qualified Massachusetts project attributable to a qualified donation shall be taken against the  
1868 taxes imposed pursuant to this chapter, claimed in a single year and subtracted from the amount  
1869 of state tax otherwise due for the taxable year and shall not be refundable.

1870 Any amount of the low-income housing tax credit, whether by qualified donation or  
1871 otherwise, that exceeds the tax due for a taxable year may be carried forward to any of the 5  
1872 subsequent taxable years.

1873 SECTION 87. Said chapter 63 is hereby further amended by striking out section 38N, as  
1874 so appearing, and inserting in place thereof the following section:-



1875 Section 38N. (a)(l) As used in this section, “Certified project”, “EACC”, “EDIP  
1876 contract” and “Gateway municipality” shall have the same meanings as ascribed to them in  
1877 section 3A of chapter 23A.

1878 (b) A corporation subject to tax under this chapter that is the controlling business of a  
1879 certified project, or an affiliate of a controlling business, may take a credit against the excise  
1880 imposed by this chapter to the extent that the credit is authorized by the EACC, up to an amount  
1881 equal to 50 per cent of the liability in a taxable year; provided, however, that the 50 per cent  
1882 limitation shall not apply where the credit is refundable under subsection (d). The amount of the  
1883 credit shall be determined by EACC under section 3D of said chapter 23A and other criteria or  
1884 guidelines that the council shall from time to time adopt; provided, however, that a credit  
1885 awarded in connection with a certified project that will retain permanent full-time employees in a  
1886 gateway municipality without creating a net increase in permanent full-time employees shall not  
1887 exceed \$5,000 per retained employee. A credit allowed under this section shall be taken only  
1888 after the corporation executes an EDIP contract under said section 3D of said chapter 23A.

1889 (c) The total amount of credits that may be authorized by the EACC in a calendar year  
1890 pursuant to this section and subsection (g) of section 6 of chapter 62 shall not exceed  
1891 \$30,000,000 annually; provided, however, that the total amount shall not include credits under  
1892 section 38BB of this chapter or subsection (q) of said section 6 of said chapter 62; and provided  
1893 further, that the total amount shall include: (i) refundable credits granted during the year under  
1894 this section or said subsection (g) or said section (6) of said chapter 62; (ii) nonrefundable credits  
1895 granted during the year under this section or said subsection (g) or said section (6) of said  
1896 chapter 62 to the extent that such nonrefundable credits are estimated by the commissioner of  
1897 revenue to offset tax liabilities during the year; and (iii) carryforwards of credits from prior years

1898 under this section or said subsection (g) of said section 6 of said chapter 62 to the extent that  
1899 such credit carryforwards, if any, are estimated by the commissioner of revenue to offset tax  
1900 liabilities during the year. A portion of the annual cap not awarded by the EACC in a calendar  
1901 year shall not be applied to awards in a subsequent year.

1902 The economic assistance coordinating council shall provide the commissioner of revenue  
1903 with the documentation that the commissioner deems necessary to confirm compliance with the  
1904 annual cap and the commissioner shall provide a report confirming compliance to the secretary  
1905 of administration and finance and the secretary of housing and economic development.

1906 The credit allowed under this section may be taken by an eligible corporation; provided,  
1907 however, that the credit allowed by section 31A or 31H shall not be taken by such a corporation.

1908 (d) A corporation entitled to a credit under this section for a taxable year may, to the  
1909 extent authorized by the EACC, carry over and apply to the tax liability imposed by this chapter  
1910 for any of the next succeeding 10 taxable years the portion, as reduced from year to year, of  
1911 those credits that exceed the tax liability imposed by this chapter for the taxable year; provided,  
1912 however, that the corporation shall not apply the credit to the tax liability imposed by this  
1913 chapter for a taxable year beginning more than 5 years after the certified project ceases to qualify  
1914 as a certified project under chapter 23A; and provided further, that notwithstanding the  
1915 foregoing, the economic assistance coordinating council may limit or restrict carryover of credits  
1916 under section 3D of said chapter 23A.

1917 (e) If a credit allowed under subsection (b) is designated by the EACC as a refundable  
1918 credit, the credit shall first be applied against the tax liability of the corporation under this  
1919 chapter and 100 per cent of the balance of the credit may, at the option of the corporation and to

1920 the extent authorized by the EACC, be refundable to the corporation. In each case, the EACC  
1921 shall specify the timing of the refund which may be for the taxable year in which all or a portion  
1922 of the certified project is placed in service or the taxable year subsequent to the year in which the  
1923 required jobs are created. If the credit balance is refunded to the corporation, the credit carryover  
1924 provisions of subsection (d) shall not apply.

1925 (f) If a corporation is subject to a minimum excise under this chapter, the amount of the  
1926 credit allowed by this section shall not reduce the excise to an amount less than the minimum  
1927 excise.

1928 (g) If corporations file a combined return of income under section 32B, a credit generated  
1929 by an individual member corporation under this section shall first be applied against the  
1930 separately determined excise attributable to that member except as otherwise provided in this  
1931 section. A member corporation with an excess credit may apply its excess credit against the  
1932 excise of another group member to the extent that the other member corporation can use  
1933 additional credits. An unused, unexpired credit generated by a member corporation shall be  
1934 carried over from year to year by the individual corporation that generated the credit to the extent  
1935 authorized by the EACC.

1936 (h) The commissioner of revenue may promulgate rules and regulations necessary to  
1937 implement this section including, but not limited to, provisions to prevent the generation of  
1938 multiple credits with respect to the same property.

1939 (i) If the EACC revokes the certification of a project under section 3F of chapter 23A, a  
1940 portion of the tax credit otherwise allowed by this section and claimed by the corporation prior to  
1941 the date on which the EACC makes the determination to revoke its certification of the project

1942 shall be added back as additional tax due and shall be reported as such on the return of the  
1943 corporation for the taxable period in which the EACC makes the determination to revoke the  
1944 certification of the project. The amount of credits subject to recapture shall be proportionate to  
1945 the corporation's compliance with the job creation requirements applicable to the certified  
1946 project. The corporation's proportion of compliance shall be determined by the EACC as part of  
1947 its revocation process and shall be reported to the corporation and the department of revenue at  
1948 the time certification is revoked.

1949 (j) If a certified project is sold or otherwise disposed of, a tax credit allowed under this  
1950 section may be transferred to the purchaser of the certified project; provided, however, that the  
1951 EDIP contract shall be assigned to and assumed by the purchaser of the certified project and the  
1952 assignment and assumption shall be approved in writing by the EACC.

1953 (k) Nothing in this section shall limit the authority of the commissioner of revenue to  
1954 make an adjustment to a corporation's liability upon audit.

1955 SECTION 88. Section 38O of said chapter 63, as so appearing, is hereby amended by  
1956 striking out, in lines 4 and 5, the words "as defined by section 3A," and inserting in place thereof  
1957 the following words:- designated under section 3G.

1958 SECTION 89. Section 38R of said chapter 63, as so appearing, is hereby amended by  
1959 inserting after the word "criteria", in line 45, the following words:- ; provided, however, that the  
1960 Massachusetts historical commission shall ensure the award of tax credits pursuant to this section  
1961 to allow a taxpayer that acquires a qualified historic structure to receive a tax credit for qualified  
1962 rehabilitation expenditures previously awarded to the transferor of the qualified historic structure  
1963 if: (A) the rehabilitation was not placed in service by the transferor; (B) a credit has not been

1964 claimed by anyone other than the acquiring taxpayer as verified by the department of revenue to  
1965 the commission; (C) the taxpayer completes the rehabilitation and obtains certification under this  
1966 section; and (D) the taxpayer conforms with the other requirements of this section; and provided  
1967 further, that in the case of a multi-phase project, a tax credit may be transferred for any phase  
1968 that meets the criteria in subclauses (A) to (D), inclusive.

1969 SECTION 90. Section 38BB of said chapter 63, as so appearing, is hereby amended by  
1970 striking out, in line 5, the figure “10” and inserting in place thereof the following figure:- 25.

1971 SECTION 91. Said section 38BB of said chapter 63, as so appearing, is hereby further  
1972 amended by striking out, in line 6, the words “substantial rehabilitation” and inserting in place  
1973 thereof the following word:- project.

1974 SECTION 92. Said section 38BB of said chapter 63, as so appearing, is hereby further  
1975 amended by striking out, in line 17, and in lines 38 and 39, the word “rehabilitation” and  
1976 inserting in place thereof, in each instance, the following word:- project.

1977 SECTION 93. Said section 38BB of said chapter 63, as so appearing, is hereby further  
1978 amended by striking out, in lines 23 and 34, the figure “5” and inserting in place thereof, in each  
1979 instance, the following figure:- 10.

1980 SECTION 94. Section 38EE of said chapter 63, as so appearing, is hereby amended by  
1981 striking out, in line 76, the words “as defined in section 3A” and inserting in place thereof the  
1982 following words:- designated under section 3G.

1983 SECTION 95. Said section 38EE of said chapter 63, as so appearing, is hereby further  
1984 amended by striking out, in lines 141 and 142, the words “it has utilized at least 95 per cent of

1985 the 3-year total of” and inserting in place thereof the following words:- the department has  
1986 determined that it has made satisfactory progress toward utilizing.

1987 SECTION 96. Chapter 64G of the General Laws is hereby amended by striking out  
1988 sections 1 to 12, inclusive, as so appearing, and inserting in place thereof the following 12  
1989 sections:-

1990 Section 1. As used in this chapter, the following words shall have the following meanings  
1991 unless the context clearly requires otherwise:

1992 “Bed and breakfast establishment”, a house where 1 or more rooms are let and a breakfast  
1993 is included in the rent.

1994 “Commissioner”, the commissioner of revenue.

1995 “Hosting platform”, a person who provides a service through any website, software,  
1996 online-enabled application, mobile phone application or some other similar process which  
1997 provides a means for: (i) an operator to advertise, list or offer the use of any accommodation  
1998 subject to the excise under this chapter in exchange for rent; (ii) an operator to collect the  
1999 payment of rent on any accommodation; and (iii) a person to arrange, book, reserve or rent a  
2000 transient accommodation.

2001 “Hotel”, a building used for the feeding and lodging of guests licensed or required to be  
2002 licensed under section 6 of chapter 140.

2003 “Lodging house”, a house where lodgings are let to 4 or more persons not within the  
2004 second degree of kindred to the person conducting it, licensed or required to be licensed under  
2005 section 23 of chapter 140.

2006 “Motel”, a building or portion of a building, other than a hotel or lodging house, in which  
2007 persons are lodged for hire with or without meals and which is licensed or required to be licensed  
2008 under section 32B of chapter 140 or is a private club.

2009 “Occupancy”, the use or possession or the right to the use or possession of any room in a  
2010 bed and breakfast establishment, hotel, lodging house, transient accommodation or motel  
2011 designed and normally used for sleeping and living purposes or the right to the use or possession  
2012 of the furnishings or the services and accommodations, including breakfast in a bed and  
2013 breakfast establishment, accompanying the use and possession of such room for a period of not  
2014 more than 31 consecutive calendar days, regardless of whether such use and possession is as a  
2015 lessee, tenant, guest or licensee.

2016 “Occupant”, a person who, for rent, uses, possesses or has a right to use or possess a  
2017 room in a bed and breakfast establishment, hotel, lodging house, transient accommodation or  
2018 motel under a lease, concession, permit, right of access, license or agreement.

2019 “Operator”, a person operating a bed and breakfast establishment, hotel, lodging house,  
2020 transient accommodation or motel including, but not limited to, the owner or proprietor of such  
2021 premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise  
2022 operating such bed and breakfast establishment, hotel, lodging house, transient accommodation  
2023 or motel.

2024 “Operator’s agent”, a person, including, but not limited to, a property manager, property  
2025 management company or real estate agent who is not a hosting platform and on behalf of an  
2026 operator of a bed and breakfast establishment, lodging house or transient accommodation: (i)

2027 manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a  
2028 property offered for rent.

2029 “Person”, includes an individual, partnership, trust or association, with or without  
2030 transferable shares, joint-stock company, corporation, society, club, organization, institution,  
2031 estate, receiver, trustee, assignee or referee and any other person acting in a fiduciary or  
2032 representative capacity, whether appointed by a court or otherwise or any combination of  
2033 individuals acting as a unit.

2034 “Rent”, the consideration received for occupancy valued in money, whether received in  
2035 money or otherwise, including all receipts, cash, credits and property or services of any kind or  
2036 nature and also any amount for which credit is allowed by the operator to the occupant without  
2037 any deduction from the consideration.

2038 “Transient accommodation” a vacation, leisure or short-term rental accommodation  
2039 offering occupancy in exchange for rent including, but not limited to an apartment, single or  
2040 multiple family housing, cottage, condominium, time-share unit or any furnished residential  
2041 accommodation within any area zoned for residential or commercial use that is not a hotel,  
2042 motel, lodging house or bed and breakfast establishment.

2043 Section 2. This chapter shall not be construed to include: (i) lodging accommodations at  
2044 federal, state or municipal institutions, except as provided for in clause (ii); (ii) lodging  
2045 accommodations, including dormitories, at religious, charitable, philanthropic and public and  
2046 private educational institutions; provided, however, that this exemption shall not apply to  
2047 accommodations provided in a manner ancillary to the achievement of the religious, charitable,  
2048 philanthropic or educational purposes of such institutions; and provided further, that lodging



2049 accommodations provided by a public or private college or university that are not ancillary to the  
2050 institution's educational purposes; (iii) privately owned and operated convalescent homes for the  
2051 aged, infirm, indigent or chronically ill; (iv) religious or charitable homes for the aged, infirm,  
2052 indigent or chronically ill; (v) summer camps for children not more than 18 years of age or  
2053 individuals with developmental disabilities; provided, however, that such summer camp which  
2054 offers its facilities off-season to individuals not less than 60 years of age for a period not to  
2055 exceed 31 days in any calendar year shall not lose its exemption under this section; (vi) lodging  
2056 accommodations provided to seasonal employees by employers; and (vii) tenancies at will or  
2057 month to month leases.

2058           For the purposes of this section, an individual with a developmental disability shall mean  
2059 an individual who has a severe chronic disability which: (A) is attributable to a mental or  
2060 physical impairment or combination of mental and physical impairments; (B) is likely to  
2061 continue indefinitely; (C) results in substantial functional limitations in 3 or more of the  
2062 following areas of major life activity: (1) self-care; (2) receptive and expressive language; (3)  
2063 learning; (4) mobility; (5) self-direction; (6) capacity for independent living; and (7) economic  
2064 self-sufficiency; and (D) reflects the individual's need for a combination and sequence of special,  
2065 interdisciplinary or generic care, treatment or other services which are of lifelong or extended  
2066 duration and are individually planned and coordinated.

2067           Section 3. An excise shall be imposed upon the transfer of occupancy of a room in a bed  
2068 and breakfast establishment, hotel, lodging house, transient accommodation or motel by an  
2069 operator at the rate of 5 per cent of the total amount of rent for each such occupancy. An excise  
2070 shall not be imposed if the total amount of rent is less than \$15 per day or its equivalent.

2071           The operator shall pay the excise to the commissioner at the time provided for filing the  
2072 return required by section 16 of chapter 62C.

2073           Section 4. A city or town which accepts this section may impose a local excise tax upon  
2074 the transfer of occupancy of any room in a bed and breakfast establishment, hotel, lodging house,  
2075 transient accommodation or motel located within that city or town by an operator at a rate of not  
2076 more than 6 per cent of the total amount of rent for each such occupancy; provided, however,  
2077 that the city of Boston is hereby authorized to impose such local excise upon the transfer of  
2078 occupancy of a room in a bed and breakfast establishment, hotel, lodging house, transient  
2079 accommodation or motel located within the city of Boston by an operator at the rate of not more  
2080 than 6.5 per cent of the total amount of rent of each such occupancy. No excise shall be imposed  
2081 if the total amount of rent is less than \$15 per day or its equivalent or if the accommodation is  
2082 exempt under section 2. The operator shall pay the local excise tax imposed under this section to  
2083 the commissioner at the same time and in the same manner as the excise tax due to the  
2084 commonwealth. All sums received by the commissioner under this section as excise, penalties or  
2085 forfeitures, interest, costs of suit and fines shall at least quarterly be distributed, credited and paid  
2086 by the state treasurer upon certification of the commissioner to each city or town that has adopted  
2087 this section in proportion to the amount of such sums received from the transfer of occupancy in  
2088 each such city or town. This section shall only take effect in a city or town accepting this section  
2089 by a majority vote of the: city council with the approval of the mayor, in the case of a city with a  
2090 Plan A, Plan B or Plan F charter; city council, in the case of a city with a Plan C, Plan D or Plan  
2091 E charter; annual town meeting or a special meeting called for that purpose in the case of a  
2092 municipality with a town meeting form of government; or town council, in the case of a  
2093 municipality with a town council form of government. This section shall take effect on the first

2094 day of the calendar quarter following 30 days after such acceptance or on the first day of such  
2095 later calendar quarter as the city or town may designate. The city or town, in accepting this  
2096 section, may not revoke or otherwise amend the applicable local tax rate more often than once in  
2097 a 12-month period.

2098           The commissioner shall make available to a city or town requesting such information, the  
2099 total amount of room occupancy tax collected in the preceding fiscal year in the city or town  
2100 requesting the information.

2101           Section 5. Reimbursement for the excise under this chapter shall be paid by the occupant  
2102 of such a room to the operator and each operator shall add to the rent and shall collect from the  
2103 occupant the full amount of the excise imposed by this chapter or an amount equal as nearly as  
2104 possible or practical to the average equivalent thereof. Such excise shall be a debt from the  
2105 occupant to the operator, when so added to the rent, and shall be recoverable at law in the same  
2106 manner as other debts.

2107           Section 6. The commissioner may enter into a voluntary collection agreement with a  
2108 hosting platform or an operator's agent required to remit the excise under section 17, who is  
2109 willing to assume liability for the collection and remittance of the excise imposed under this  
2110 chapter on behalf of the operators that hosting platform or operator's agent represents. The  
2111 hosting platform or operator's agent shall not be liable for any faults in collecting or remitting  
2112 the excise caused by the hosting platform's or operator's agent's reasonable reliance on  
2113 representations made to it by the operator about the nature of the property being rented, the  
2114 duration of the occupancy or other similar misrepresentations made by the operator to the hosting  
2115 platform or operator's agent. The operator shall be liable for any unpaid excise resulting from

2116 any such misrepresentations. A hosting platform or operator's agent shall not be liable for any  
2117 over collection of the excise if the excise collected was remitted to the commissioner and if the  
2118 over collection resulted from the hosting platform's or operator's agent's reasonable reliance on  
2119 the operator's representations about the nature of the property being rented, about the nature of  
2120 the occupancy or whether such property was exempt from the excise. The operator shall be liable  
2121 for any monetary damages to the occupant resulting from any such misrepresentations.

2122           Section 10. The amount of the excise collected by the operator from the occupant under  
2123 this chapter shall be stated and charged separately from the rent and shown separately on any  
2124 record thereof at the time the transfer of occupancy is made or on any evidence of such transfer  
2125 issued or used by the operator.

2126           Section 12. A person shall not operate a bed and breakfast establishment, hotel, lodging  
2127 house, transient accommodation or motel unless a certificate of registration has been issued to  
2128 the person in accordance with section 67 of chapter 62C.

2129           Section 13. An operator who has paid the commissioner an excise under section 3 upon  
2130 an account later determined to be worthless shall be entitled to an abatement of the excise paid  
2131 on the worthless account. The claim for abatement shall annually be filed not later than April 15,  
2132 covering the amount of the excise on the accounts determined to be worthless in the prior  
2133 calendar year.

2134           An operator who shall recover an excise on an account previously determined to be  
2135 worthless, for which an application for abatement has been filed, shall report and include the  
2136 same in a monthly return at the time of recovery.

2137           Section 14. Every operator who fails to pay to the commissioner the sums required to be  
2138 paid by this chapter shall be personally and individually liable. The term “operator”, as used in  
2139 this section, includes an officer or employee of a corporation or a member or employee of a  
2140 partnership or a limited liability company who as such officer, employee or member is under a  
2141 duty to pay over the taxes imposed by this chapter.

2142           An operator who misrepresents to a hosting platform or operator’s agent required to remit  
2143 the excise under section 17, that the operator’s property is exempt from the excise imposed under  
2144 section 3 shall be liable for any unpaid excise under this section and shall have committed an  
2145 unfair trade practice under chapter 93A in making such a misrepresentation to the hosting  
2146 platform or operator’s agent.

2147           Section 15. No excise shall be imposed, pursuant to this chapter, upon the transfer of  
2148 occupancy of a room in a hotel, lodging house, transient accommodation or motel if the occupant  
2149 is an employee of the United States military traveling on official United States military orders  
2150 which encompass the date of that occupancy. Each operator shall maintain records as the  
2151 commissioner shall require to substantiate exemptions claimed under this section.

2152           Section 17. The operator may elect to allow a hosting platform or any operator’s agent to  
2153 collect rent or facilitate the collection or payment of rent on their behalf through a written  
2154 agreement on an accommodation subject to the excise under this chapter. A hosting platform or  
2155 operator’s agent that enters into a written agreement with the operator to collect rent or facilitate  
2156 the collection or payment of rent on behalf of the operator on an accommodation subject to the  
2157 excise under this chapter shall: (i) apply for and obtain a certificate of registration from the  
2158 commissioner in accordance with section 67 of chapter 62C on behalf of the operator; and (ii)

2159 assess, collect, report and remit the excise to the commissioner as described for operators in  
2160 sections 3, 5, 7, 8 and 9. The certificate of registration obtained from the commissioner under  
2161 this subsection shall identify and be in the name of the individual operator, not the hosting  
2162 platform or operator's agent.

2163 A hosting platform or an operator's agent collecting and remitting the excise on behalf of  
2164 the operator shall provide notification within a reasonable time to the operator that the excise has  
2165 been collected and remitted to the commissioner under section 3. The notification may be  
2166 delivered in-hand or by mail or conveyed by electronic message, mobile or smart phone  
2167 application or some other similar electronic process, digital media or communication portal. An  
2168 operator shall not be responsible for collecting and remitting the excise on any transaction for  
2169 which it has received notification from a hosting platform or operator's agent that the excise has  
2170 been collected and remitted to the commissioner on their behalf.

2171 The commissioner may promulgate rules and regulations for the assessing, reporting,  
2172 collecting, remitting and enforcement of the room occupancy excise under this section.

2173 SECTION 97. Section 5 of chapter 65C of the General Laws, as so appearing, is hereby  
2174 amended by striking out subsection (c) and inserting in place thereof the following 2  
2175 subsections:-

2176 (c) If the gross estate of a decedent includes real property devoted to use as a farm for  
2177 farming purposes, the estate may elect to either value the property in accordance with section  
2178 2032A of the Code, in effect on January 1, 1985, or, if the gross estate of a decedent includes  
2179 real property devoted to use for closely held agricultural land, value the property pursuant to the  
2180 valuation set by the farmland valuation advisory commission established in section 11 of chapter

2181 61A for the fiscal year of the most recent growing season. If a federal return is required to be  
2182 filed the election under this subsection shall be consistent with the election made for federal  
2183 estate tax purposes. All the substantive and procedural provisions of said section 2032A shall,  
2184 insofar as pertinent and consistent, apply to the election made under this subsection. The  
2185 commissioner shall promulgate regulations to carry out this subsection and subsection (d).

2186 (d) Land shall qualify for valuation as closely held agricultural land under subsection (c)  
2187 if it meets the definition of: (i) forest land pursuant to chapter 61; (ii) land in agricultural or  
2188 horticultural use pursuant to chapter 61A; (iii) land used for farming or agriculture pursuant to  
2189 section 1A of chapter 128 that is eligible pursuant to chapter 61B; provided, however, that the  
2190 land need not be classified by municipal assessors as forest land pursuant to said chapter 61, land  
2191 in agricultural or horticultural use pursuant to said chapter 61A or recreational land pursuant to  
2192 said chapter 61B to qualify for valuation as closely held agricultural land under said subsection  
2193 (c) if it otherwise meets the applicable definitions.

2194 When land valued as closely held agricultural land under subsection (c) no longer meets  
2195 the definition of forest land under chapter 61, land in agricultural or horticultural use under  
2196 chapter 61A, recreational land under chapter 61B that is used for farming or agriculture pursuant  
2197 to section 1A of chapter 128, the land shall be subject to roll-back taxes in the current tax year in  
2198 which it is disqualified and in those years of the 9 immediately preceding tax years in which the  
2199 land was so valued. Roll-back taxes shall be calculated pursuant to section 7 of chapter 61 for  
2200 forest land, pursuant to section 13 of chapter 61A for lands in agricultural or horticultural use  
2201 under chapter said chapter 61A or pursuant to section 8 of chapter 61B for land used for farming  
2202 or agriculture pursuant to said section 1A of said chapter 128 and eligible as recreational land  
2203 pursuant to chapter 61B.

2204 SECTION 98. Chapter 74 of the General Laws is hereby amended by adding the  
2205 following section:-

2206 Section 57. Subject to appropriation, the board of higher education shall establish and  
2207 maintain, in cooperation with local public and vocational school authorities, postsecondary  
2208 technical schools and the boards of trustees of community colleges, a program to support training  
2209 and education programs that address the workforce shortages of the advanced automotive and  
2210 diesel technician industry with the goal of training students, creating new jobs, retaining and  
2211 upgrading existing jobs, and retraining existing workers to implement new technologies and to  
2212 help meet the workforce and talent pipeline needs of employers including, but not limited to, a  
2213 person who has obtained a Class 1 license pursuant to sections 58 and 59 of chapter 140.

2214 There shall be, subject to appropriation, a grant program to implement this section to  
2215 which employers shall have access to:

2216 (i) identify, support or establish collaborative regional partnerships including, but not  
2217 limited to, employers, workforce development and education organizations, regional economic  
2218 development organizations established pursuant to sections 3J and 3K of chapter 23A and  
2219 economic development officials in every region where Class 1 licensees and related industries  
2220 demonstrate demand for automotive and diesel repair technicians;

2221 (ii) address critical workforce shortages in the automotive and diesel repair industry;

2222 (iii) improve and increase employment opportunities in the automotive and diesel repair  
2223 industry for low-income individuals, women and minorities;



- 2224 (iv) provide training and educational or career ladder services for employed or  
2225 unemployed automotive and diesel repair workers who are seeking new positions or  
2226 responsibilities within the automotive and diesel repair industry;
- 2227 (v) increase support for internship and apprentice training at facilities associated with  
2228 Class 1 licensees;
- 2229 (vi) boost industry-relevant instructor capacity for high school and postsecondary  
2230 programs; and
- 2231 (vii) direct support for succession planning, worker retention and upskilling strategies for  
2232 older and incumbent workers.

2233 For the purposes of the grant program, “eligible applicants” shall include, but not be  
2234 limited to: (i) employers and employer associations; (ii) local workforce investment boards; (iii)  
2235 institutions of higher education; (iv) kindergarten to grade 12, inclusive, and vocational  
2236 education institutions; (v) private for-profit and nonprofit organizations providing education and  
2237 workforce training; (vi) 1-stop career centers; (vii) local workforce development entities; and  
2238 (viii) any partnership or collaboration between eligible applicants. Any funds allocated through  
2239 the program shall complement and not replace existing local, state, private or federal funding for  
2240 training and educational programs.

- 2241 A grant proposal submitted pursuant to this section shall include, but not be limited to:
- 2242 (i) a plan that defines specific goals for advanced automotive and diesel repair technology  
2243 workforce training and educational improvements;
- 2244 (ii) the evidence-based programs the applicant shall use to meet the goals;

2245 (iii) a budget necessary to implement the plan, including a detailed description of any  
2246 funding or in-kind contributions that an applicant will be providing in support of the proposal;

2247 (iv) any other private funding or private sector participation that the applicant anticipates  
2248 in support of the proposal; and

2249 (v) the proposed number of individuals who would be enrolled, complete training and be  
2250 placed into employment in the targeted industries.

2251 The board of higher education shall, in consultation with the executive office of housing  
2252 and economic development, executive office of labor and workforce development, the  
2253 department of education and entities representing parties who are eligible to participate in the  
2254 grant program, develop guidelines for an annual review of the progress being made by each  
2255 grantee. A grantee shall participate in any evaluation or accountability process implemented by  
2256 or authorized by the commonwealth corporation. The board shall file annual reports for the  
2257 duration of the programs with the chairs of the house and senate committee on ways and means,  
2258 the chairs of the joint committee on labor and workforce development and the chairs of the joint  
2259 committee on economic development and emerging technologies not later than January 1;  
2260 provided, however, that the report shall include an overview of the activities of the programs, the  
2261 number of participants in the programs and the employment outcomes in the programs.

2262 SECTION 99. Section 32G of chapter 90 of the General Laws is hereby amended by  
2263 inserting after the word “person,” in line 1, as appearing in the 2014 Official Edition, the  
2264 following words:- no authority established under chapter 161B.

2265 SECTION 100. Said section 32G of said chapter 90 is hereby further amended by  
2266 inserting after the word “No”, in line 171, as so appearing, the following words:- authority  
2267 established under chapter 161B and no.

2268 SECTION 101. Chapter 94 of the General Laws is hereby amended by inserting after  
2269 section 13E the following section:-

2270 Section 13F. (a) A dairy farmer manufacturing raw milk for human consumption shall be  
2271 licensed under section 16A of this chapter and section 5 of chapter 94A. A licensed raw milk  
2272 farmer may deliver raw milk directly to a consumer, off site from the farm, if the raw milk  
2273 farmer has a direct, contractual relationship with the consumer. The raw milk farmer may  
2274 contract with a third party for such delivery; provided, however, that the raw milk farmer shall  
2275 maintain the contractual relationship with the consumer. The raw milk farmer may deliver raw  
2276 milk through a community supported agriculture, or CSA, delivery system; provided, however,  
2277 that the raw milk farmer shall maintain a contractual relationship with the consumer. Delivery  
2278 may be made directly to the consumer’s residence or to a pre-established receiving site. A  
2279 receiving site shall not be in a retail setting with the exception of a CSA delivery. In such  
2280 instances, raw milk shall be kept separate from retail items for sale and shall not be accessible to  
2281 the general public.

2282 (b) A raw milk farmer may sell raw milk from the farmer’s farm stands even if not  
2283 contiguous to the farmer’s raw milk dairy; provided, however, the farmer shall comply with  
2284 section 3 of chapter 40A.

2285 (c) The department of agricultural resources and the department of public health, acting  
2286 jointly, shall adopt and promulgate rules and regulations governing the handling, packaging,

2287 storage, testing and transportation of raw milk; provided, however, that any delivery vehicle  
2288 transporting raw milk shall comply with the inspection requirements of sections 33, 35 and 40.

2289 (d) The label on raw milk sold pursuant to this section shall contain: (i) the identity of the  
2290 farm where the raw milk was packaged, including the licensee's name, address and license  
2291 number; and (ii) the following warning: "Raw milk is not pasteurized. Pasteurization destroys  
2292 organisms that may be harmful to health."

2293 SECTION 102. Chapter 100A of the General Laws is hereby amended by adding the  
2294 following 2 sections:-

2295 Section 15. The commissioner of insurance shall set the minimum hourly labor rate that  
2296 insurers shall pay on insured claims for repairs made by registered motor vehicle repair shops.  
2297 The rate shall be the minimum rate paid by insurers on Massachusetts insured motor vehicle  
2298 damage claims and shall be the average of the hourly rates paid by insurers for motor vehicle  
2299 damage repairs in Connecticut, New York, New Hampshire, Rhode Island and Vermont. In  
2300 determining the average of rates, the commissioner shall utilize data available from independent  
2301 collision repair estimating services. Upon setting the rate, the commissioner shall have the  
2302 discretion to adjust the hourly rate by not more than 3 per cent greater or 3 per cent less than the  
2303 average. The commissioner shall review the hourly labor rate once every 3 years to make  
2304 readjustments as necessary; provided, however, that the commissioner shall provide a report of a  
2305 proposed new rate to the senate and house chairs of the joint committee on financial services 15  
2306 days before promulgation. The commissioner shall adopt regulations for the administration and  
2307 enforcement of this section.

2308 SECTION 103. Section 15 of said chapter 100A is hereby repealed.

2309 SECTION 104. Chapter 112 of the General Laws is hereby amended by inserting after  
2310 section 144A the following section:-

2311 Section 144B. (a) The board shall issue a provisional license as a speech-language  
2312 pathologist to each applicant who meets the requirements set forth in this section. The  
2313 provisional license shall permit the licensee to practice for the period of supervised professional  
2314 practice in the area for which a license is being sought and is required by the national certifying  
2315 body for speech-language pathology and established under section 144. A provisional license  
2316 shall not be valid for longer than the period of supervised professional practice.

2317 (b) To be eligible for a provisional license by the board as a speech-language pathologist,  
2318 an applicant shall: (i) be of good moral character; (ii) possess at a minimum: (A) a bachelor's  
2319 degree or its equivalent and (B) a master's degree or its equivalent in the area of speech-language  
2320 pathology granted by an educational institution which incorporates academic course work and  
2321 the minimum hours of supervised training required by the national certifying body for speech-  
2322 language pathology; and (iii) pass an examination approved by the board.

2323 (c) The applicant for the provisional license as a speech-language pathologist shall apply  
2324 to the board in writing on an application form prescribed and furnished by the board. At the time  
2325 of filing the application, an applicant for a provisional license shall pay a fee to the board as  
2326 determined by the secretary for administration and finance under section 3B of chapter 7.

2327 SECTION 105. Section 146 of said chapter 112, as appearing in the 2014 Official  
2328 Edition, is hereby amended by inserting after the figure "144", in line 3 and 11, each time it  
2329 appears, the following words:- or section 144B.

2330 SECTION 106. Section 1A of chapter 128 of the General Laws, as so appearing, is  
2331 hereby amended by adding the following sentence:- “Farmers’ market” shall include a building,  
2332 structure or market that is used by at least 2 farmers for the direct sale of food crops and other  
2333 farm-related or locally handcrafted items to the public that operates or occurs more than once per  
2334 year for the primary purpose of promoting goods produced in the commonwealth; provided,  
2335 however, that the origin of all products shall be clearly identified.

2336 SECTION 107. Section 2 of said chapter 128, as most recently amended by section 110  
2337 of chapter 46 of the acts of 2015, is hereby further amended by adding the following subsection:-

2338 (l) Promulgate regulations on product signage at farmers’ markets to identify the  
2339 producer or source of each product, including if the product was grown, raised or made  
2340 exclusively by the vendor and if the product was grown, raised or made exclusively in the  
2341 commonwealth. The commissioner may develop enforcement mechanisms to ensure compliance  
2342 with this subsection.

2343 SECTION 108. Chapter 128A of the General Laws is hereby repealed.

2344 SECTION 109. Chapter 128C of the General Laws is hereby repealed.

2345 SECTION 110. The General Laws are hereby amended by inserting after chapter 128C  
2346 the following chapter:-

2347 CHAPTER 128D

2348 HORSE RACING AND WAGERING

2349 Section 1. The following words shall have the following meanings unless the context  
2350 clearly requires otherwise:

2351           “Advance deposit wagering”, a form of pari-mutuel wagering in which an individual may  
2352 deposit money into an account established through an agreement with a holder of a racing  
2353 meeting license or simulcasting license and use the account balance to make and pay for wagers  
2354 by the holder of the account to the licensee either in person, by direct telephone call or by  
2355 communication through electronic media.

2356           “Breaks”, in the case of live horse racing meetings conducted by a racing meeting  
2357 licensee, the odd cents over any multiple of \$.10 of winnings per \$1 wagered; provided,  
2358 however, that in the case of a live horse racing meeting conducted at a race track outside the  
2359 commonwealth, the amount of the breaks shall be determined in accordance with the laws of the  
2360 state in which the race track is located.

2361           "Commission", the Massachusetts gaming commission established in chapter 23K.

2362           “Exotic wager”, a bet on the speed or ability of more than 1 horse in a single race.

2363           "Guest track", a racing meeting licensee or an out-of-state pari-mutuel wagering facility  
2364 which accepts a simulcast wager on a live race conducted at another track which is presented by  
2365 simulcast at the facility of the racing meeting licensee or the out-of-state pari-mutuel wagering  
2366 facility.

2367           "Host track", a racing meeting licensee or an out-of-state track which conducts a live race  
2368 which is the subject of intertrack simulcasting and simulcast wagering.

2369           “Pari-Mutuel wagering”, a form of wagering on the outcome of an event in which all  
2370 wagers are pooled and held by an association for distribution of the total amount, less the  
2371 deductions authorized by law, to holders of tickets on the winning contestants.

2372 "Premium", the amount paid to a racing meeting licensee in addition to a host track fee  
2373 for purposes of providing a simulcast signal.

2374 "Race track", a track where live horse racing meetings are held including, but not limited  
2375 to, grounds, auditoriums, amphitheaters and bleachers, if any, and adjacent places used in  
2376 connection therewith.

2377 "Racing license", an authorization awarded by the commission under specified conditions  
2378 to accept wagers on live horse racing meetings conducted on licensed premises in the  
2379 commonwealth.

2380 "Rebate", a portion of pari-mutuel wagers, otherwise payable to a racing licensee, that is  
2381 paid to a holder of a pari-mutuel wagering ticket and that reduces the amount otherwise payable  
2382 to the licensee.

2383 "Simulcast", the broadcast, transmission, receipt or exhibition, by any medium or manner,  
2384 of a live race conducted live at a race track other than the 1 at which it is being exhibited at,  
2385 whether inside or outside the commonwealth, including, but not limited to, a system, network or  
2386 programmer which transmits or receives television or radio signals by wire, satellite or  
2387 otherwise.

2388 "Simulcasting license", an authorization awarded by the commission under specified  
2389 conditions to accept simulcast wagers.

2390 "Takeout", money deducted from a pari-mutuel wager as required by the commission  
2391 prior to the payment of winnings.



2392 Section 2. The commission shall have all powers necessary or convenient to effectively  
2393 regulate horse racing, simulcasting and pari-mutuel wagering including, but not limited to, the  
2394 power to adopt, amend or repeal regulations for the implementation, administration and  
2395 enforcement of this chapter. The commission shall not issue a prohibition on horse racing or  
2396 simulcasting, or related wagering thereon; provided, however, that the commission may use its  
2397 powers to act on each individual licensing decision or in all other decisions in the best interest of  
2398 horse racing with the object of promoting its efficient operation and the honesty and integrity of  
2399 the wagering process related to it.

2400 The commission shall administer and enforce any general and special law related to pari-  
2401 mutuel wagering and simulcasting. The commission shall serve as a host racing commission and  
2402 an off-track betting commission for purposes of 15 U.S.C. 3001, et seq. The commission shall  
2403 have all requisite powers afforded in accordance with section 4 of chapter 23K. The power and  
2404 authority granted to the commission shall be construed as broadly as necessary for the  
2405 implementation, administration and enforcement of this chapter.

2406 Section 3. (a) The commission shall promulgate regulations for the implementation,  
2407 administration and enforcement of this chapter including, without limitation, regulations that:

2408 (i) prescribe the application process and criteria for evaluation of the application and  
2409 renewal for a racing license; provided, however, that in determining whether to award or renew a  
2410 racing license, the commission shall take into consideration the physical location of the race  
2411 track as it relates to other proposed or licensed race tracks, whether the race track will maximize  
2412 benefits to the commonwealth, the support or opposition to each applicant from the public and  
2413 any other considerations deemed relevant by the commission;

2414 (ii) prescribe the process and criteria for evaluation of the application and renewal of  
2415 a simulcasting license; provided, however, that a simulcasting license shall be limited to a racing  
2416 meeting licensee, a gaming licensee licensed pursuant to chapter 23K at a gaming establishment,  
2417 and an entity licensed as of June 1, 2016 and, in granting a simulcasting license to a gaming  
2418 licensee, the commission shall take into consideration the impact on horse racing or simulcasting  
2419 facilities licensed as of June 1, 2016;

2420 (iii) prescribe the minimum number of live racing days required to be held by a racing  
2421 meeting licensee;

2422 (iv) prescribe rules governing live horse racing, pari-mutuel wagering, simulcasting  
2423 and simulcast wagering;

2424 (v) prescribe requirements that may direct a percentage of wagering received on in-  
2425 state and out-of-state thoroughbred and harness races to the Race Horse Development Fund  
2426 established in section 8 to support purse assistance and breeding programs;

2427 (vi) prescribe the amount and manner that premiums will be assessed upon a racing  
2428 meeting and simulcasting licensee;

2429 (vii) prescribe the amount and manner of takeouts;

2430 (viii) prescribe procedures and requirements for the use of breaks and unclaimed  
2431 wagers;

2432 (ix) establish uniform standards and requirements for horse racing including, but not  
2433 limited to, safety standards for horses, jockeys, drivers and other participants and drug testing;

2434 (x) prescribe the types of allowable wagers;

- 2435           (xi)    prescribe procedures for the use of advance deposit wagering accounts, rebates  
2436 and rewards;
- 2437           (xii)   prescribe the manner in which judges, stewards and race officials shall be  
2438 qualified and appointed;
- 2439           (xiii)   develop procedures for the voluntary and involuntary exclusion of patrons from a  
2440 race track in a manner consistent with section 45 of said chapter 23K;
- 2441           (xiv)   require racing meeting licensees and simulcasting licensees to develop protocols  
2442 to prevent underage wagering and establish security procedures for ensuring the safety of minors  
2443 at race tracks;
- 2444           (xv)    prescribe the minimum internal control procedures for racing meeting licensees  
2445 and simulcasting licensees, including those for effective control over the internal fiscal affairs of  
2446 a licensee and including provisions for implementation of a uniform standard of accounting, the  
2447 safeguarding of assets and revenues, the recording of cash and evidence of indebtedness and the  
2448 maintenance of reliable records, accounts and reports of transactions, operations and events,  
2449 including reports by the commission;
- 2450           (xvi)   establish licensure and registration procedures for employees of racing meeting  
2451 licensees and simulcasting licensees not working at a gaming establishment pursuant to said  
2452 chapter 23K;
- 2453           (xvii)   establish licensure and registration provisions for veterinarians performing work  
2454 at race tracks, blacksmiths, owners, trainers, jockeys and stable employees;

2455 (xviii) require that all employees of a racing meeting licensee and simulcasting licensee  
2456 who have racing responsibilities, including financial responsibilities, to be properly trained in  
2457 their respective professions;

2458 (xix) establish procedures governing the operation of the Race Horse Development  
2459 Fund established in section 8;

2460 (xx) prescribe grounds and procedures for the revocation, suspension and discipline of  
2461 all licenses and registrations issued by the commission;

2462 (xxi) prescribe the allocation of funds from racing meeting licensees and simulcast  
2463 licensees for the purpose of funding the activities of the commission relative to racing; and

2464 (xxii) prescribe any other rules related to the honest conduct of horse racing,  
2465 simulcasting and wagering related to horse racing and simulcasting.

2466 Section 4. The commission may inspect and shall have access to the entire race track and  
2467 premises associated therewith upon which activity is conducted pursuant to a racing meeting  
2468 license or a simulcasting license issued in accordance with this chapter and chapter 23K,  
2469 including all records, documents, systems, equipment and supplies on the premises.

2470 Section 5. The commission shall audit, as often as the commission determines necessary,  
2471 the accounts, programs, activities and functions of all racing meeting licensees and simulcasting  
2472 licensees. To conduct the audit, authorized officers and employees of the commission shall have  
2473 access to all accounts at reasonable times and the commission may require the production of  
2474 books, documents, vouchers and other records relating to any matter within the scope of the  
2475 audit.

2476 Section 6. Each racing meeting licensee and simulcasting licensee shall make readily  
2477 available to the commission all documents, materials, equipment, personnel and any other items  
2478 requested during an investigation; provided, however, that material that a racing meeting licensee  
2479 or simulcasting licensee considers a trade secret may, with the commission's approval, be  
2480 protected from public disclosure and the licensee may require nondisclosure agreements with the  
2481 commission before disclosing such material.

2482 Section 7. The commission shall establish application fees for all licenses, approvals and  
2483 renewals awarded under this chapter which may include costs incurred for conducting a  
2484 background investigation into an applicant. The commission may seek reimbursement from an  
2485 applicant for any costs of investigation in excess of the initial application or renewal fee.

2486 Section 8. (a) There shall be a Race Horse Development Fund to be administered by the  
2487 commission which shall be used to support the best interest of the horse racing industry, its  
2488 participants and the agricultural and equine economy. The fund shall consist of money deposited  
2489 pursuant to subsection (c) of section 55 of chapter 23K, subclause (l) of clause (2) of section 59  
2490 of said chapter 23k and any money credited to or transferred to the fund from any other fund or  
2491 source, including grants, gifts and donations. Amounts credited to the fund shall be expended:

2492 (i) to fund purses for licensed live horse racing meetings;

2493 (ii) to support the general welfare of the race horsing and race simulcasting industry in  
2494 the commonwealth;

2495 (iii) for a commission program that supports health, pension, life insurance and other  
2496 benefits deemed appropriate by the commission for owners, trainers, breeders, jockeys, drivers  
2497 and others associated with horse racing;

2498 (iv) in consultation with the equine advisory committee established in section 6B of  
2499 chapter 20, to support the equine economy which shall include, but not be limited to,  
2500 commonwealth-bred thoroughbred and standardbred horses and veterinary medicine including,  
2501 but not limited to Tufts University School of Veterinary Medicine, equine care, open space  
2502 preservation and equestrian sport and therapeutic programs;

2503 (v) to support the Agricultural Resolve and Security Fund established in section 2III of  
2504 chapter 29; and

2505 (vi) to support the department of public health for assistance with problem gambling  
2506 research, prevention, and treatment programs.

2507 The commission shall ensure that not less than 50 per cent of amounts credited to the  
2508 fund are available for purses under clause (i) in any year when the live race horse industry is  
2509 sufficient to sustain those purse funds. No expenditure from the fund shall cause it to be in  
2510 deficiency at the close of a fiscal year.

2511 Section 9. (a) A racing meeting licensee that conducts pari-mutuel betting on horse races  
2512 that it conducts on a licensed race track shall distribute all sums deposited in a pari-mutuel pool  
2513 to the holders of winning tickets therein, less any takeouts as determined by the commission.

2514 (b) A simulcasting licensee acting as a guest track shall return to the winning patrons  
2515 wagering on simulcast races all sums so deposited as an award or dividend, less any takeouts as  
2516 determined by the commission.

2517 Section 10. Notwithstanding this chapter or any other general or special law to the  
2518 contrary, no live dog racing meeting where any form of betting or wagering on the speed or

2519 ability of dogs occurs shall be conducted or permitted and the commission shall not accept or  
2520 approve an application or request for racing dates for dog racing.

2521 Any person who violates this section shall be subject to a civil penalty of not less than  
2522 \$20,000 which shall be payable to the commission and used for administrative purposes of the  
2523 commission.

2524 Section 11. Any person who accepts or pays out a wager or bet on the results of any  
2525 horse race or dog race or aids or abets any of the foregoing types of wagering or betting, except  
2526 as authorized by this chapter, shall, for a first offense be punished by a fine of not more than  
2527 \$2,000 or imprisonment in the house of correction for not more than 1 year, or both such fine and  
2528 imprisonment and, for a second or subsequent offense, by a fine of not more than \$10,000 or  
2529 imprisonment in the house of correction for not more than 2 years, or both such fine and  
2530 imprisonment.

2531 Section 12. The gaming commission shall provide an annual report of activity conducted  
2532 pursuant to this chapter. The report shall include, but not be limited to, an analysis of  
2533 commission activities designed to further the race horse industry and equine economy; a full and  
2534 complete statement of revenues, expenditures, and the balance of the Race Horse Development  
2535 Fund; an accounting of funds received from racing licensees and simulcast licensees for the  
2536 purpose of funding the activities of the commission; and an accounting of projected expenditures  
2537 from the Race Horse Development Fund in the next year. The report shall be made available on  
2538 the commission's website and filed annually with the clerks of the house of representatives and  
2539 the senate, the chairs of the house and senate committees on ways and means and the chairs of  
2540 the joint committee on economic development and emerging technologies not later than March 1.

2541 SECTION 111. Section 44 of chapter 130 of the General Laws, as appearing in the 2014  
2542 Official Edition, is hereby amended by striking out the third paragraph and inserting in place  
2543 thereof the following paragraph:-

2544 If the measurement of a lobster taken from 1 or the other eye sockets is of the required  
2545 length, the lobster shall be a legal lobster. In a prosecution under this section, mutilation of a  
2546 lobster that affects its measurement pursuant to this section shall be prima facie evidence that the  
2547 lobster was or is shorter than the required length; provided, however, that the director shall, by  
2548 regulation approved by the marine fisheries advisory commission, allow the on-shore processing  
2549 of live lobsters of legal length into frozen, shell-on lobster parts or tails and the importation of  
2550 unfrozen shell-on lobster parts or tails for the purpose of further processing by wholesale dealers  
2551 that are licensed by the department of public health under section 77G of chapter 94. Processed  
2552 frozen shell-on lobster parts or tails may be possessed, sold or offered for sale by a wholesale  
2553 dealer, retail dealer or food establishment and may be possessed by a consumer as a food  
2554 product. The processing, possession or sale of frozen or unfrozen lobster tails under this section  
2555 shall be limited to lobster tails that weigh not less than 3 ounces. The packaging of processed  
2556 frozen or unfrozen shell-on lobster parts or tails under this section as a food product shall be  
2557 labeled in accordance with applicable federal and state laws.. This section shall not apply to a  
2558 common carrier in possession of lobsters for the purpose of transporting lobsters.

2559 SECTION 112. Section 46 of chapter 132 of the General Laws, as appearing in the 2014  
2560 Official Edition, is hereby amended by striking out, in lines 12 and 13, the words “on June  
2561 thirtieth of each year” and inserting in place thereof the following words:- 3 years after the date  
2562 the license was issued to the timber harvester.



2563 SECTION 113. Section 49 of said chapter 132, as so appearing, is hereby amended by  
2564 striking out, in line 8, the words "annually on the anniversary date of the license granted for said"  
2565 and inserting in place thereof the following words:- 3 years after the date the license was issued  
2566 to the.

2567 SECTION 114. Section 50 of said chapter 132, as so appearing, is hereby amended by  
2568 striking out, in lines 7 and 8, the words "Association of Professional Foresters" and inserting in  
2569 place thereof the following words:- Forest Alliance Limited.

2570 SECTION 115. Chapter 132A of the General Laws is hereby amended by inserting after  
2571 section 2D the following 2 sections:-

2572 Section 2E. (a) The commissioner of conservation and recreation shall develop a  
2573 program to promote the use of designated land in state-owned parks and reservations throughout  
2574 the commonwealth for community gardens. Lands so designated shall be restricted to  
2575 noncommercial, horticultural uses of growing and harvesting food crops by residents of local  
2576 communities.

2577 Community gardens shall be established as authorized by the commissioner in open  
2578 spaces that are suitable for noncommercial gardening activities accessible to the public.  
2579 Improvements to community garden lands shall, to the extent practicable, preserve the natural  
2580 state of the park and reservation areas.

2581 Under the program, specific planting areas available within designated community  
2582 garden sites shall be allotted for personal use on a seasonal basis by permits issued to qualifying  
2583 residents of the community.

2584           The department shall evaluate, identify and map community garden lands and post  
2585 relevant information about the sites and any potential sites on the department's public website.

2586           (b) The commissioner may grant licenses to cities and towns to establish, improve,  
2587 maintain, operate and access local community gardens on designated department land. The  
2588 licenses shall be granted upon such terms, restrictions and agreements and for such terms of  
2589 years, not exceeding 10 years, as the commissioner deems appropriate; provided, however, that  
2590 the land subject to a license shall be utilized for the department's community garden program  
2591 and such use shall be consistent with the applicable rules and regulations of the department; and  
2592 provided further, that under any such license, a city or town may be responsible for the costs and  
2593 expenses, or portion thereof, to establish, improve, maintain and operate community gardens.

2594           A city or town applying for a license to use department lands under the community  
2595 garden program shall submit a plan related to such use and the plan shall be subject to approval  
2596 by the commissioner.

2597           (c) The commissioner may license qualified nonprofit organizations to establish,  
2598 improve, maintain, operate and access community gardens on designated department land. The  
2599 licenses shall be granted upon such terms, restrictions and agreements and for such terms of  
2600 years, not exceeding 5 years, as the commissioner deems appropriate; provided, however, that  
2601 the land subject to a license shall be used for the department's community garden program and  
2602 such use shall be consistent with the applicable rules and regulations of the department. Licenses  
2603 shall be granted based on a competitive application and proposal process. A license shall not be  
2604 granted to a nonprofit organization for designated land unless the commissioner has first

2605 provided the city or town where the available land is located with the option to be granted a  
2606 license for a community garden site.

2607 (d) As part of the terms of licenses granted pursuant to this section, cities, towns and  
2608 nonprofit organizations shall comply with the rules and regulations adopted by the department  
2609 relating to the use and operation of community garden lands.

2610 Licenses under this section shall be revocable at any time by the commissioner for the  
2611 failure of a recipient city, town or nonprofit organization to comply with the license terms,  
2612 restrictions and agreements.

2613 The granting of a license under this section shall not be construed to confer on the city,  
2614 town or nonprofit organization any title, right to acquire title or ownership interest in any of the  
2615 lands subject to the license. Nothing in this subsection shall prohibit the commissioner from  
2616 leasing any such lands to municipalities or qualified nonprofit organizations under applicable law  
2617 for the purposes of the community garden program.

2618 (e) The department or its employees shall not be liable for injuries or death to persons or  
2619 damage to property resulting from any conduct related to the operation and use of a community  
2620 garden on department lands in the absence of willful, wanton or reckless conduct on the part of  
2621 the department or any of its employees if the community garden where the injury or death  
2622 occurred is enclosed by suitable fencing of not less than 4 feet in height and conspicuous signage  
2623 warning of the limitation of liability is posted on or near the fence at a garden entryway.

2624 (f) The department shall adopt rules and regulations related to the establishment, use and  
2625 operation of community gardens under the department's community garden program.

2626           Section 2F. The commissioner of conservation and recreation shall develop a program to  
2627 promote the seasonal use of areas in state-owned parks and reservations for farmers' markets as  
2628 defined in section 1A of chapter 128. A farmers' market shall promote food and other  
2629 agricultural products that are grown, raised or produced on farms in the commonwealth.

2630           The temporary establishment of a farmers' market as approved by the commissioner shall  
2631 be at suitable land and parking areas accessible to the public and at appropriate times during  
2632 daylight hours. Under the program, the commissioner may issue special seasonal permits to  
2633 farmer vendors, which shall be restricted to specific approved public market sites and times, and  
2634 shall be upon such terms and conditions as the commissioner may deem appropriate. As a  
2635 condition of the issuance of a permit, a farmer vendor shall be required to comply with any laws  
2636 and regulations applicable to the vending of food and agricultural products at farmers' markets.  
2637 A farmer vendor shall not engage in the preparation or sale of value-added agriculture products  
2638 or food without a license and inspection by the local board of health pursuant to state and federal  
2639 food safety regulations.

2640           Special permits issued by the commissioner shall be based on a competitive application  
2641 and proposal process and shall be subject to revocation by the commissioner at any time.

2642           The commissioner, in consultation with the commissioner of agricultural resources, shall  
2643 adopt rules and regulations for conducting farmers' markets.

2644           Farmers' markets allowed pursuant to this section shall not be subject to the commercial  
2645 limitations in section 2B.

2646 SECTION 116. Section 6 of chapter 136 of the General Laws, as appearing in the 2014  
2647 Official Edition, is hereby amended by striking out clause (31) and inserting in place thereof the  
2648 following clause:-

2649 (31) The transport or delivery of goods in commerce, or for consideration, by motor truck  
2650 or trailer or other means, and the performance of all activities incidental thereto, including the  
2651 operation of all facilities and warehousing, except for warehousing or incidental and operational  
2652 activities in facilities primarily operating as food or grocery facilities, necessary to prepare,  
2653 stage, and effect such transport or delivery; or the loading or unloading of same and the  
2654 performance of labor, business and work directly or indirectly related thereto.

2655 SECTION 117. Section 3 of chapter 137 of the General Laws, as so appearing, is hereby  
2656 amended by inserting after the figure “23K”, in line 7, the following words:- and chapter 10.

2657 SECTION 118. Section 12 of chapter 138 of the General Laws, as so appearing, is  
2658 hereby amended by striking out the second paragraph.

2659 SECTION 119. Section 15 of said chapter 138, as so appearing, is hereby amended by  
2660 striking out, in lines 97 and 149, the words “or connected therewith” and inserting in place  
2661 thereof, in each instance, the following words:- ; provided, however, that a common victualler  
2662 duly licensed to operate a restaurant under chapter 140 and holding a license under section 12  
2663 may be connected to premises licensed under this section if at least 50 per cent of the revenue  
2664 generated at the premises licensed under this section is derived from the sale of grocery items as  
2665 defined in section 184B of chapter 94; and provided further, that the connection between and the  
2666 design of the 2 locations so licensed, including interior connections, which shall be allowed,  
2667 shall clearly delineate the 2 premises in such a way as to: (i) make the boundaries of each

2668 licensed premises clearly separate and identifiable to customers, alcohol distributors and  
2669 regulatory authorities; (ii) enable the respective licensees to maintain control of the licensed area,  
2670 egress and the sale, storage and service of alcoholic beverages; and (iii) otherwise conform with  
2671 this chapter.

2672 SECTION 120. Said section 15 of said chapter 138, as so appearing, is hereby further  
2673 amended by striking out, in line 149, the words “or connected therewith” and inserting in place  
2674 thereof the following words:- ; provided, however, that a common victualler duly licensed to  
2675 operate a restaurant under chapter 140 and holding a license under section 12 may be connected  
2676 to premises licensed under this section if at least 50 per cent of the revenue generated at the  
2677 premises licensed under this section is derived from the sale of grocery items as defined in  
2678 section 184B of chapter 94; and provided further, that the connection between and design of the  
2679 2 locations so licensed, including interior connections, which shall be allowed, shall clearly  
2680 delineate the 2 premises in such a way as to: (i) make the boundaries of each licensed premises  
2681 clearly separate and identifiable to customers, alcohol distributors and regulatory authorities: (ii)  
2682 enable the respective licensees to maintain control of the licensed area, egress and the sale,  
2683 storage and service of alcoholic beverages; and (iii) otherwise conform with this chapter.

2684 SECTION 121. Chapter 138 of the General Laws is hereby amended by striking out  
2685 section 15F, as so appearing, and inserting in place thereof the following section:-

2686 Section 15F. Notwithstanding any other provision of this chapter, in any city or town  
2687 wherein the granting of licenses to sell wines and malt beverages is authorized under this  
2688 chapter, the local licensing authority may issue to an applicant authorized to operate a farmer-  
2689 winery under section 19B a special license for the sale of wine produced by or for the licensee or

2690 to an applicant authorized to operate a farmer-brewery under section 19C a special license for the  
2691 sale of malt beverages produced by or for the licensee, notwithstanding any other provision of  
2692 this chapter, in any city or town wherein the granting of licenses to sell all alcoholic beverages is  
2693 authorized under this chapter, the local licensing authority may issue to an applicant authorized  
2694 to operate a farmer-distillery under section 19E a special license for the sale of distilled spirits  
2695 produced by or for the licensee, in sealed containers, for off-premises consumption at an indoor  
2696 or outdoor agricultural event.

2697 All sales of alcoholic beverages under this section shall be conducted by the licensee or  
2698 by an agent, representative or solicitor of the licensee to customers who are at least 21 years of  
2699 age. A licensee under this section may provide, without charge, samples of its alcoholic  
2700 beverages to prospective customers at an indoor or outdoor agricultural event. All samples shall  
2701 be served by the licensee or by an agent, representative or solicitor of the licensee to individuals  
2702 who are at least 21 years of age and all samples shall be consumed in the presence of such  
2703 licensee or in the presence of an agent, representative or solicitor of the licensee; provided,  
2704 however, that no sample of wine shall exceed 1 ounce, no sample of malt beverages shall exceed  
2705 2 ounces and no sample of distilled spirits shall exceed 1/4 ounce; and provided further, that not  
2706 more than 5 samples shall be served to an individual prospective customer. For the purposes of  
2707 this section, "agricultural event" shall be limited to those events certified by the department of  
2708 agricultural resources as set forth in this section.

2709 An applicant for a special license under this section shall first submit a plan to the  
2710 department of agricultural resources that shall demonstrate that the event is an agricultural event.  
2711 The plan shall include a description of the event, the date, time and location of the event, a copy  
2712 of the operational guidelines or rules for the event, written proof that the prospective licensee has

2713 been approved as a vendor at the event, including the name and contact information of the on-  
2714 site manager, and a plan depicting the premises and the specific location where the license shall  
2715 be exercised.

2716         Upon review of the plan, the department may certify that the event is an agricultural  
2717 event; provided, however, that in making that determination, the department shall consider: (i)  
2718 operation as a farmers' market or agricultural fair approved or inspected by the department; (ii)  
2719 frequency and regularity of the event, including dates, times and locations; (iii) number of  
2720 vendors; (iv) terms of vendor agreements; (v) presence of an on-site manager; (vi) training of the  
2721 on-site manager; (vii) operational guidelines or rules which shall include vendor eligibility and  
2722 produce source; (viii) focus of the event on local agricultural products grown or produced within  
2723 the market area; (ix) types of shows or exhibits, including those described in subsection (f) of  
2724 section 2 of chapter 128; and (x) sponsorship or operation by an agricultural or horticultural  
2725 society organized under the laws of the commonwealth or by a local grange organization or  
2726 association which has a primary purpose of promoting agriculture and its allied industries. The  
2727 department of agricultural resources may promulgate rules and regulations necessary for the  
2728 operation, oversight, approval and inspection of agricultural events under this section.

2729         An applicant for a special license under this section shall file with the local licensing  
2730 authority along with its application proof of certification from the department of agricultural  
2731 resources that the event is an agricultural event. A special license under this section shall  
2732 designate the specific premises and the dates and times covered. A special license may be  
2733 granted for an indoor or outdoor agricultural event which takes place on multiple dates or times  
2734 during a single calendar year but no special license shall be granted for an agricultural event that  
2735 will not take place within 1 calendar year. The special license shall be conspicuously displayed at



2736 the licensed premises. A copy of a special license granted by the local licensing authority shall  
2737 be submitted by the authority to the commission at least 7 days before the date the agricultural  
2738 event is first scheduled to begin. The local licensing authority may charge a fee for each special  
2739 license granted but such fee shall not exceed \$50. A special license granted under this section  
2740 shall be nontransferable to any other person, corporation or organization and shall be clearly  
2741 marked “nontransferable” on its face.

2742 The commission may promulgate rules and regulations as it deems appropriate to  
2743 effectuate this section.

2744 A special license under this section may be granted by the local licensing authorities for a  
2745 portion of premises that are licensed under section 12; provided, however, that: (i) the holder of  
2746 the special license shall document the legal basis for use of the section 12 licensed premises; (ii)  
2747 the area in which the special license is to be approved shall be physically delineated from the  
2748 area remaining under the control of the section 12 license holder; (iii) the holder of the special  
2749 license shall be solely liable for all activities that arise out of the special license; and (iv) the  
2750 holder of the special license shall not pay any consideration, directly or indirectly, to the section  
2751 12 licensee for the access to or use of the section 12 licensee's premises.

2752 SECTION 122. The introductory paragraph of section 17 of said chapter 138 is hereby  
2753 amended by striking out the eleventh paragraph, as so appearing.

2754 SECTION 123. Said section 17 of said chapter 138 is hereby further amended by striking  
2755 out, in line 316, as so appearing, the words “sections 12, 15” and inserting in place thereof the  
2756 following figure:- section 15.

2757 SECTION 124. Said section 17 of said chapter 138 is hereby further amended by striking  
2758 out, in line 319, as so appearing, the figure “12.”.

2759 SECTION 125. Section 19B of said chapter 138, as so appearing, is hereby amended by  
2760 striking out, in lines 108 and 109, the words “section twelve of this chapter” and inserting in  
2761 place thereof the following words:- this section.

2762 SECTION 126. Said section 19B of said chapter 138, as so appearing, is hereby further  
2763 amended by striking out subsection (n) and inserting in place thereof the following subsection:-

2764 (n) Notwithstanding section 17, a local licensing authority, subject to the approval of the  
2765 commission, may grant a license to sell wine for consumption on the premises of a location that  
2766 it deems reasonable and proper, and approves in writing, on the grounds of a farmer–winery  
2767 licensed under this section and on the grounds of the vineyards operated as appurtenant and  
2768 contiguous to, and in conjunction with, the farmer-winery; provided, however, that a licensee  
2769 may sell, for on-premises consumption only, wines produced by the winery or produced for the  
2770 winery and sold under the winery brand name. Section 15A shall apply to the granting of a  
2771 license under this subsection.

2772 SECTION 127. Section 19C of said chapter 138, as so appearing, is hereby amended by  
2773 striking out subsection (n) and inserting in place thereof the following 2 subsections:-

2774 (n) Notwithstanding section 17, a local licensing authority, subject to the approval of the  
2775 commission, may grant a license to sell malt beverages for consumption on the premises at any  
2776 location it deems reasonable and proper, and approves in writing, on the grounds of a farmer–  
2777 brewery licensed under this section and on the grounds of the farm operated as appurtenant and  
2778 contiguous to and in conjunction with such farmer-brewery; provided, however, that such

2779 licensees may sell for on-premises consumption only malt beverages produced by the brewery or  
2780 produced for the brewery and sold under the brewery brand name. All the procedures under  
2781 section 15A of this chapter shall apply to the granting of a license under this paragraph.

2782 (o) Notwithstanding any provision of this chapter to the contrary, a farmer-brewery may  
2783 fill an empty growler, including a growler provided by a consumer for retail sale, for off-  
2784 premises consumption. For the purposes of this subsection, the term “growler” shall mean a  
2785 sealed or capped glass container, including a bottle, jug or other container, that can hold up to  
2786 100 ounces of a malt beverage and was purchased to hold a malt beverage.

2787 SECTION 128. Section 19E of said chapter 138, as so appearing, is hereby amended by  
2788 striking out subsection (o) and inserting in place thereof the following subsection:-

2789 (o) Notwithstanding section 17, a local licensing authority, subject to the approval of the  
2790 commission, may grant a license to sell distilled spirits for consumption on the premises on the  
2791 grounds of a farmer–distillery licensed under this section and on the grounds of the farm  
2792 operated as appurtenant and contiguous to, and in conjunction with, such farmer-distillery at any  
2793 such location it deems reasonable and proper and approves in writing; provided, however, that  
2794 the licensees may sell for on-premises consumption only distilled spirits produced by the  
2795 distillery or produced for the distillery and sold under the distillery brand name. All the  
2796 procedures under section 15A of this chapter shall apply to the granting of a license under this  
2797 subsection.

2798 SECTION 129. Said chapter 138 is hereby further amended by inserting after section 19F  
2799 the following section:-

2800           Section 19G. Notwithstanding section 17, a person that holds any combination of a  
2801 farmer-winery license under section 19B, a farmer-brewery license under section 19C or a  
2802 farmer-distillery license under section 19E, may be granted a license under this section to sell,  
2803 for on-premises consumption, any alcoholic beverages produced by its said section 19B, 19C or  
2804 19E license or produced for the said section 19B, 19C or 19E licensee and sold under the  
2805 licensee’s brand name, on any of its premises licensed under said section 19B, 19C or 19E;  
2806 provided, however, that the premises are operated appurtenant and contiguous to each other.

2807           SECTION 130. Section 21 of said chapter 138, as appearing in the 2014 Official Edition,  
2808 is hereby amended by striking out, in lines 20 and 21, the words “six per cent of alcohol by  
2809 weight” and inserting in place thereof the following words:- 8 1/2 per cent alcohol by volume.

2810           SECTION 131. Said section 21 of said chapter 138, as so appearing, is hereby further  
2811 amended by striking out, in line 25, the word “six” and inserting in place thereof the following  
2812 figure:- 8 ½.

2813           SECTION 132. Section 33 of said chapter 138, as appearing in the 2014 Official Edition,  
2814 is hereby amended by striking out, in lines 14 and 15 and lines 17 to 19, inclusive, the words “or  
2815 on the day following when Christmas occurs on a Sunday, or on the last Monday in May,”.

2816           SECTION 133. Said section 33 of said chapter 138, as so appearing, is hereby further  
2817 amendment by striking out, in line 23, the words “on the last Monday in May,”.

2818           SECTION 134. Said section 33 of said chapter 138, as so appearing, is hereby further  
2819 amended by striking out, in lines 24 and 25, the words “or on the day following when Christmas  
2820 occurs on a Sunday”.

2821 SECTION 135. Said section 33 of said chapter 138, as so appearing, is hereby further  
2822 amendment by striking out, in line 26, the words “or on the last Monday in May”.

2823 SECTION 136. Said section 33 of said chapter 138, as so appearing, is hereby further  
2824 amended by striking out, in lines 27 and 28, the words “or on the day following when Christmas  
2825 occurs on a Sunday”.

2826 SECTION 137. Chapter 140 of the General Laws is hereby amended by inserting after  
2827 section 182A the following section:-

2828 Section 182B. Notwithstanding any general or special law to the contrary, an operator of a  
2829 place of entertainment or an operator's agent shall not employ a paperless ticketing system unless  
2830 the consumer shall be offered an option in a clear and conspicuous manner at the time of initial  
2831 sale to purchase the same tickets in some other form without additional fees.

2832 SECTION 138. Section 185A of said chapter 140, as appearing in 2014 Official Edition,  
2833 is hereby amended by striking out the second paragraph and inserting in place thereof the  
2834 following paragraph:-

2835 For the purposes of this section, “ticket reseller” shall mean a person, entity, corporation  
2836 or association engaged in the business of reselling, offering for resale or negotiating for the  
2837 resale of tickets for admission or other evidence of right of entry to a sporting event, theatrical  
2838 exhibition, public show or public amusement or exhibition and shall include the officers, agents  
2839 and employees of any such person, entity, corporation or association; provided, however, that a  
2840 person, entity, corporation or association shall be deemed to be engaged in the business of resale  
2841 if such person, entity, corporation or association has sold more than 100 sets of tickets by means  
2842 of telephone, mail, delivery service, facsimile, internet, email or other electronic means in the

2843 preceding 12 months. A resale shall not include the initial sale of a event ticket by the original  
2844 ticket seller or an online marketplace.

2845 SECTION 139. Said chapter 140 is hereby further amended by striking out section 185D,  
2846 as so appearing, and inserting in place thereof the following section:-

2847 Section 185D. (a) A person engaged in the business of the resale of a ticket and an online  
2848 marketplace shall:

2849 (i) maintain at all times a toll-free telephone number and an e-mail address or other  
2850 means of contact approved by regulation for complaints and inquiries regarding its activities in  
2851 the resale of event tickets;

2852 (ii) implement and reasonably publicize a standard refund policy that meets the minimum  
2853 standards in subsection (b); and

2854 (iii) take reasonable measures to safeguard against the resale of counterfeit tickets  
2855 purchased from the reseller.

2856 (b) The standard refund policy by such person or online marketplace:

2857 (i) shall provide a consumer who purchases an event ticket a full refund if: (1) the event  
2858 is cancelled before the scheduled occurrence of the event and is not rescheduled; (2) the event  
2859 ticket does not provide access to the event or venue of the event when the date and time of the  
2860 event are correct on the event ticket; (3) the event ticket has been cancelled by the ticket issuer  
2861 for nonpayment by the original purchaser or for any reason other than an act or omission of the  
2862 consumer; (4) the event ticket materially and to the detriment of the consumer fails to conform to  
2863 the description provided by the seller or person engaged in the business of resale; or (5) the event

2864 ticket was not delivered to the consumer prior to the occurrence of the event unless such failure  
2865 of delivery was due to an act or omission of the consumer;

2866 (ii) shall include in a full refund the full price paid by the consumer for the event ticket,  
2867 together with any fees charged in connection with that purchase including, but not limited to,  
2868 convenience fees, processing fees and at-home printing charges but shall not include shipping or  
2869 delivery fees; and

2870 (iii) may condition entitlement to a refund upon timely return of the ticket purchased and  
2871 may include reasonable safeguards against abuse of the policy.

2872 (c) If a person engaged in the business of the resale of a ticket or an online marketplace  
2873 provides a replacement ticket that is of equal value and in a comparable location at no additional  
2874 charge to the consumer, it shall be deemed to have provided a full refund for the purposes of  
2875 subsection (b).

2876 (d) Nothing in this section shall be construed to prohibit any person, entity or association  
2877 or an agent of any such person, entity or association subject to this section from implementing  
2878 consumer protection policies that exceed the minimum standards set forth in this section and that  
2879 are otherwise compliant with this act.

2880 (e) A ticket reseller or online marketplace shall not:

2881 (i) use an automated system, software or other technology designed or produced to  
2882 purchase tickets from a ticket issuer for the purpose of resale on the secondary market; and

2883 (ii) resell tickets for more than 1000 per cent of the price paid for the tickets.

2884 (f) The department of public safety shall keep a record of all licensed ticket resellers and  
2885 shall make the list accessible to the public. The record shall include, but not be limited to: (i) the  
2886 licensee's name, mailing address, telephone number and email address; (ii) the length of time the  
2887 licensee has been licensed in commonwealth; and (iii) the number of complaints and the type of  
2888 complaint that has been filed against the licensee.

2889 SECTION 140. Section 185E of said chapter 140, as so appearing, is hereby amended by  
2890 striking out the last sentence.

2891 SECTION 141. Chapter 143 of the General Laws is hereby amended by inserting after  
2892 section 71B the following section:-

2893 Section 71B½. No person shall work as a constructor, maintenance person or  
2894 repairperson in the construction, maintenance or repair of vertical reciprocating conveyors, as  
2895 defined by the board of elevator regulations, unless that person holds a vertical reciprocating  
2896 conveyor mechanic license or an elevator mechanic license. The board of examiners under  
2897 section 71A shall adopt regulations establishing the requirements for a vertical reciprocating  
2898 conveyor mechanic license, including adequate prior experience for obtaining a license without  
2899 examination, examination for new applicants, on the job training for new applicants and  
2900 continuing education requirements for license renewal.

2901 SECTION 142. The definition of "Responsible" in section 44A of chapter 149 of the  
2902 General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the  
2903 word "chapter", in line 17, the following words:- ; provided, however, that in deliberating upon  
2904 the responsibility of a bidder, a contracting public agency shall consider a bidders compliance



2905 with commitments made in previous bids, if any, regarding workforce inclusion goals and the  
2906 employment of minority business enterprises and women business enterprises.

2907 SECTION 143. Section 44A½ of said chapter 149, as so appearing, is hereby amended by  
2908 adding the following subsection:-

2909 (d) Minority business enterprise and women business enterprise contracting goals and  
2910 workforce participation goals on the totality of state-funded design and construction contracts  
2911 shall be reflective of the diverse racial, ethnic and gender makeup of the commonwealth's  
2912 population. The supplier diversity office of the operational services division shall create a data  
2913 collection program. Information collected through the program shall be used to ensure  
2914 compliance with the rules and regulations promoting meaningful participation in construction  
2915 and design projects by minority-owned businesses, women-owned business and veteran-owned  
2916 businesses. The supplier diversity office shall at least biannually provide a written report to the  
2917 clerks of the senate and house of representatives and the senate and house chairs of the joint  
2918 committee on ways and means.

2919 SECTION 144. Paragraph (1) of subsection (e) of section 44D½ of said section 149, as  
2920 so appearing, is hereby amended by adding the following clause:-

2921 (viii) Joint Ventures, documentation demonstrating that the firm has formed an  
2922 association of not less than 2 businesses in which 1 of the businesses is a minority business  
2923 enterprise or a women business enterprise.

2924 SECTION 145. Said chapter 149 is hereby further amended by adding the following  
2925 section:-

2926           Section 192. (a) To the extent not preempted by federal law, a provision in a contract  
2927           waiving a substantive or procedural right or remedy relating to a claim of discrimination,  
2928           nonpayment of wages or benefits, retaliation, harassment or violation of public policy in  
2929           employment shall be unconscionable, void and unenforceable with respect to any such claim  
2930           arising after the waiver is made. No right or remedy arising under this chapter, chapter 151B or  
2931           any other general or special law, common law, the constitution or a rule of procedure may be  
2932           prospectively waived. If a provision of a contract is found to be unconscionable, void and  
2933           unenforceable under this section, the remaining provisions of the contract shall continue in full  
2934           force and effect.

2935           (b) Whoever enforces or attempts to enforce a waiver found to be unconscionable, void  
2936           and unenforceable under this section shall be liable for reasonable attorneys' fees and costs.

2937           (c) No person or employer shall take retaliatory action including, but not limited to,  
2938           failure to hire, discharge, suspend, demote or discriminate in the terms, conditions or privileges  
2939           of employment or any other adverse action against a person because the person refuses to enter  
2940           into a contract that contains a waiver that would be unconscionable, void and unenforceable  
2941           under this section.

2942           A person aggrieved by a violation of this section may, within 3 years after the violation,  
2943           commence a civil action in such person's own name and on such person's own behalf for  
2944           damages and injunctive relief. If the court finds that a person was aggrieved by a violation of this  
2945           section, the person may recover reasonable attorneys' fees and costs. The rights and remedies in  
2946           this section shall not be exclusive and shall not preempt other available procedures and remedies

2947 for retaliatory actions including, but not limited to, those contained in section 150 and section 4  
2948 of chapter 151B.

2949 (d) The attorney general may enforce this section if the substantive or procedural right or  
2950 remedy at issue arises under section 150.

2951 (e) The Massachusetts Commission Against Discrimination may enforce this section if  
2952 the substantive or procedural right or remedy at issue arises under chapter 151B.

2953 (f) A person aggrieved by a violation of chapter 151B who seeks a remedy other than: (i)  
2954 nonenforcement of a provision prohibited by this section; or (ii) reasonable attorneys' fees and  
2955 costs for enforcement of a provision prohibited by this section shall seek such remedy under said  
2956 chapter 151B.

2957 (g) Nothing in this section shall expand or limit the use of collective bargaining  
2958 agreements.

2959 SECTION 146. Section 30 of chapter 151A of the General Laws, as appearing in the  
2960 2014 Official Edition, is hereby amended by striking out, in line 43, the word "fifteenth" and  
2961 inserting in place thereof the following word:- twentieth.

2962 SECTION 147. Said section 30 of said chapter 151A, as so appearing, is hereby further  
2963 amended by striking out, in line 45, the words "15 week application period shall be tolled" and  
2964 inserting in place thereof the following figure:- 20-week application period shall be tolled and  
2965 the circumstances under which the application may be waived for good cause.

2966 SECTION 148. Said section 30 of said chapter 151A, as so appearing, is hereby further  
2967 amended by inserting after the word "denied", in line 55, the following words:- ; provided

2968 further, that the claimant shall not be barred from applying for or commencing training beyond  
2969 the expiration of the claimant's benefit year where the claim for regular benefits was denied and  
2970 the reversal of said denial did not occur until after the thirty-first week of the claimant's benefit  
2971 year.

2972 SECTION 149. Said section 30 of said chapter 151A, as so appearing, is hereby further  
2973 amended by striking out the last paragraph and inserting in place thereof the following  
2974 paragraph:-

2975 The department shall provide each claimant with written information regarding eligibility  
2976 for benefits under this section in the claimant's primary language as required under section 62A,  
2977 including a notification that a claimant shall submit any application for benefits under this  
2978 section not later than the twentieth week after a new or continued claim unless the period is  
2979 tolled by regulation or waived for good cause.

2980 SECTION 150. Section 4 of chapter 151B of the General Laws, as so appearing, is  
2981 hereby amended by striking out, in line 5, the word "or".

2982 SECTION 151. Said section 4 of chapter 151B, as so appearing, is hereby further  
2983 amended by inserting after the word "individual", in line 6, the following words:- or pregnancy,  
2984 childbirth or a related condition including, but not limited to, the need to express breast milk.

2985 SECTION 152. Said section 4 of said chapter 151B, as so appearing, is hereby further  
2986 amended by inserting after subsection 1D the following subsection:-

2987 1E. (a) For an employer to deny reasonable accommodations for any condition of a job  
2988 applicant or employee related to pregnancy, childbirth or a related condition if the employee or

2989 applicant so requests unless the employer can demonstrate that the accommodation would  
2990 impose an undue hardship on the employer's program, enterprise or business.

2991 (b) It shall also be an unlawful discriminatory practice to:

2992 (1) take adverse action against an employee who requests or uses an  
2993 accommodation in terms, conditions or privileges of employment including, but not limited to,  
2994 failing to reinstate the employee to the employee's original job or to an equivalent position with  
2995 equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service  
2996 credits when the employee's need for reasonable accommodations ceases;

2997 (2) deny employment opportunities to a job applicant or employee if the denial is  
2998 based on the need of the employer to make reasonable accommodation to an applicant or  
2999 employee person with a known condition related to pregnancy, childbirth or a related condition;

3000 (3) require a job applicant or employee affected by pregnancy, childbirth or a  
3001 related condition to accept an accommodation that the applicant or employee chooses not to  
3002 accept;

3003 (4) require an employee to take leave if another reasonable accommodation can be  
3004 provided to the employee with a known condition related to pregnancy, childbirth or a related  
3005 condition without undue hardship to the employer;

3006 (5) make pre-employment inquiry of any condition of a job applicant related to  
3007 pregnancy, childbirth or a related condition.

3008 (c) For the purposes of this subsection, the following words shall have the following  
3009 meanings unless the context clearly requires otherwise:

3010           “Reasonable accommodations”, shall include, but not be limited to, more frequent or  
3011 longer breaks, time off to recover from childbirth at least to the extent provided in section 105D  
3012 of chapter 149, acquisition or modification of equipment or seating, temporary transfer to a less  
3013 strenuous or hazardous position, job restructuring, light duty, break time and private non-  
3014 bathroom space for expressing breast milk, assistance with manual labor or a modified work  
3015 schedule; and provided further, that no employer shall be required to discharge an employee,  
3016 transfer an employee with more seniority or promote an employee who is not qualified to  
3017 perform the job.

3018           “Related condition”, shall include, but not be limited to, lactation or the need to express  
3019 breast milk.

3020           “Undue hardship”, an action requiring significant difficulty or expense; provided,  
3021 however, that the employer shall have the burden of proving undue hardship; provided further,  
3022 that in making a determination of undue hardship, factors that may be considered shall include:

3023           (i) the nature and cost of the accommodation;

3024           (ii) the overall financial resources of the employer, the overall size of the business of the  
3025 employer with respect to the number of employees and the number, type and location of its  
3026 facilities; and

3027           (iii) the effect on expenses and resources or the impact otherwise of any such  
3028 accommodation upon the operation of the employer.

3029           (d) The employer shall engage in a timely, good faith and interactive process with the  
3030 employee to determine reasonable accommodations.

3031 (e) Written notice of an employee’s rights under this subsection, including the right to  
3032 reasonable accommodations for conditions related to pregnancy, childbirth or a related condition  
3033 shall be conspicuously posted at an employer's place of business in an area accessible to  
3034 employees. Notice shall also be provided to:

3035 (i) new employees at the commencement of employment; and

3036 (ii) within 10 days after an employer’s receipt of notification that an employee is  
3037 pregnant or an employee requests a reasonable accommodation related to pregnancy, childbirth  
3038 or a related condition.

3039 (f) The commission shall conduct ongoing public education efforts as necessary to inform  
3040 employers, employees, employment agencies and job applicants about their rights and  
3041 responsibilities under this subsection.

3042 (g) Nothing in this subsection shall be construed to preempt, limit, diminish or otherwise  
3043 affect any other laws relating to sex discrimination or pregnancy or in any way to diminish the  
3044 coverage for pregnancy, childbirth or a related condition under section 105D of chapter 149 or  
3045 any other special or general law.

3046 SECTION 153. The first paragraph of section 6B of chapter 159B of the General Laws,  
3047 as so appearing, is hereby amended by adding the following sentence:- The department shall  
3048 issue a decision on a written request for adjustment of the maximum charges not more than 12  
3049 months after its receipt of that request.

3050 SECTION 154. Section 6 of chapter 161B of the General Laws, as so appearing, is  
3051 hereby amended by adding the following clause:-

3052 (r) to apply for and receive a license to engage in the business of giving instruction for  
3053 hire under section 32G of chapter 90 in the operation of a commercial motor vehicle as defined  
3054 in section 1 of chapter 90F.

3055 SECTION 155. Chapter 161C of the General Laws is hereby amended by adding the  
3056 following section:-

3057 Section 8. Notwithstanding any general or special law to the contrary, the secretary of  
3058 transportation may offer and convey surplus rail and other track material, surplus rail-related  
3059 equipment, such as signals, and surplus railroad bridge materials to freight railroads operating on  
3060 tracks in the commonwealth to which they have rights and to the freight railroads operating on  
3061 in-state tracks owned by the commonwealth. Working in concert with the Massachusetts  
3062 Railroad Association, the Massachusetts Department of Transportation shall design and  
3063 implement a fair, reasonable and orderly system to distribute the surplus assets; provided,  
3064 however, that the department may change that system, as needed, in order to improve it in any  
3065 way consistent with the objectives of the reuse program. The assets shall only be conveyed to a  
3066 railroad which has demonstrated an impending need for the assets at a specific in-state location.  
3067 The secretary shall cause to be created and published periodically a list of surplus rail assets  
3068 which may be made available through the department or from department projects and from  
3069 Massachusetts Bay Transportation Authority projects to the freight railroad companies operating  
3070 in the commonwealth.

3071 SECTION 156. Chapter 166A of the General Laws is hereby amended by adding the  
3072 following section:-



3073           Section 23. All cable television operators shall locate public, educational and  
3074 governmental access channels on the high definition tier. Cable television operators shall provide  
3075 public, educational and governmental access channel managers with access to the electronic  
3076 program guide to ensure that residents can access information about local public, educational and  
3077 governmental access channels.

3078           SECTION 157. Section 113B of chapter 175 of the General Laws, as appearing in the  
3079 2014 Official Edition, is hereby amended by inserting after the word “commissioner”, in line 14,  
3080 the following words:- ; provided, however, that collision repair hourly labor rates set pursuant to  
3081 section 15 of chapter 100A shall not be included when considering programs to control costs and  
3082 expenses under this section or section 113H.

3083           SECTION 158. Said section 113B of said chapter 175 is hereby further amended by  
3084 striking out the words:- ; provided, however, that collision repair hourly labor rates set pursuant  
3085 to section 15 of chapter 100A shall not be included when considering programs to control costs  
3086 and expenses under this section or section 113H, inserted by section 157.

3087           SECTION 159. Subsection (a) of section 162M of chapter 175 of the General Laws, as  
3088 appearing in the 2014 Official Edition, is hereby amended by inserting after clause (7) the  
3089 following clause:-

3090           (7 ½) Travel, limited line travel insurance, as defined in section 162Z.

3091           SECTION 160. Said chapter 175 is hereby further amended by inserting after section  
3092 162Y the following section:-

3093           Section 162Z. (a) As used in this section, the following words shall have the following  
3094 meanings unless the context clearly requires otherwise:

3095           “Designated responsible producer” or “DRP”, a person responsible for the limited lines  
3096 travel insurance producer’s compliance with the travel insurance laws, rules and regulations.

3097           “Limited lines travel insurance producer”, a (i) managing general underwriter; (ii)  
3098 managing general agent or third-party administrator; or (iii) licensed insurance producer,  
3099 including a limited lines producer, designated by an insurer as the travel insurance supervising  
3100 entity under subsection (g).

3101           “Offer and disseminate”, to provide general information, including a description of the  
3102 coverage and price, as well as processing the application, collecting premiums and performing  
3103 other permitted nonlicensable activities.

3104           “Travel insurance”, insurance coverage for personal risks incidental to planned travel  
3105 including, but not limited to: (i) an interruption or cancellation of trip or event; (ii) loss of  
3106 baggage or personal effects; (iii) damages to accommodations or rental vehicles; or (iv) sickness,  
3107 accident, disability or death occurring during travel; provided, however, that “travel insurance”  
3108 shall not include major medical plans, which provide comprehensive medical protection for  
3109 travelers with trips lasting not less than 6 months, including people working overseas as an  
3110 expatriate or military personnel being deployed.

3111           “Travel retailer”, a business entity that makes, arranges or offers travel services and may  
3112 offer and disseminate travel insurance as a service to its customers on behalf of and under the  
3113 direction of a limited lines travel insurance producer.

3114 (b) (1) The commissioner may issue to an individual or business entity a limited lines  
3115 travel insurance producer license if that individual or business entity has filed an application for  
3116 a limited lines travel insurance producer license with the commissioner in a form and manner  
3117 prescribed by the commissioner. A limited lines travel insurance producer license authorizes a  
3118 limited lines travel insurance producer to sell, solicit or negotiate travel insurance through a  
3119 licensed insurer.

3120 (2) A travel retailer may offer and disseminate travel insurance under a limited  
3121 lines travel insurance producer license if the following conditions are met:

3122 (i) the limited lines travel insurance producer or travel retailer provides to  
3123 purchasers of travel insurance: (A) a description of the material terms or the actual material  
3124 terms of the insurance coverage; (B) a description of the process for filing a claim; (C) a  
3125 description of the review or cancellation process for the travel insurance policy; and (D) the  
3126 identity and contact information of the insurer and limited lines travel insurance producer;

3127 (ii) at the time of licensure, the limited lines travel insurance producer  
3128 shall establish and maintain a register, on a form prescribed by the commissioner, of each travel  
3129 retailer that offers travel insurance on the limited lines travel insurance producer's behalf;  
3130 provided, however, that the register shall be maintained and updated annually by the limited lines  
3131 travel insurance producer and shall include the name, address and contact information of the  
3132 travel retailer and an officer or person who directs or controls the travel retailer's operations and  
3133 the travel retailer's federal tax identification number; provided further, that the limited lines  
3134 travel insurance producer shall submit the register to the division of insurance upon reasonable  
3135 request and shall certify that the travel retailer register complies with 18 U.S.C. 1033;

3136 (iii) the limited lines travel insurance producer has designated 1 of its  
3137 employees, who is a licensed individual producer, as the DRP;

3138 (iv) the DRP, president, secretary, treasurer and any other officer or person  
3139 who directs or controls the limited lines travel insurance producer's insurance operations shall  
3140 comply with the fingerprinting requirements applicable to insurance producers in the resident  
3141 state of the limited lines travel insurance producer;

3142 (v) the limited lines travel insurance producer has paid all applicable  
3143 insurance producer licensing fees;

3144 (vi) the limited lines travel insurance producer requires each employee and  
3145 authorized representative of the travel retailer, whose duties include offering and disseminating  
3146 travel insurance, to receive a program of instruction or training, which may be subject to review  
3147 by the commissioner; provided, however, that the training material shall, at a minimum, contain  
3148 instructions on the types of insurance offered, ethical sales practices and required disclosures to  
3149 prospective customers; and

3150 (vii) the limited lines travel insurance producer or travel retailer provides  
3151 its written consumer materials to the commissioner upon reasonable request.

3152 (3) The limited lines travel insurance producer, and those registered under its  
3153 license, are exempt from the examination requirements under section 162K and the continuing  
3154 education requirements under section 177E.

3155 (c) Any travel retailer offering or disseminating travel insurance shall make available to  
3156 prospective purchasers, brochures or other written materials that: (i) provide the identity and

3157 contact information of the insurer and the limited lines travel insurance producer; (ii) explain that  
3158 the purchase of travel insurance is not required in order to purchase any other product or service  
3159 from the travel retailer; and (iii) explain that an unlicensed travel retailer is permitted to provide  
3160 general information about the insurance offered by the travel retailer, including a description of  
3161 the coverage and price, but is not qualified or authorized to answer technical questions about the  
3162 terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of  
3163 the customer's existing insurance coverage.

3164 (d) A travel retailer's employee or authorized representative who is not licensed as a  
3165 limited lines travel insurance producer shall not: (i) evaluate or interpret the technical terms,  
3166 benefits and conditions of the offered travel insurance coverage; (ii) evaluate or provide advice  
3167 concerning a prospective purchaser's existing insurance coverage; or (iii) hold oneself out as a  
3168 licensed insurer, licensed producer or insurance expert.

3169 (e) A travel retailer, whose insurance-related activities, and those of its employees and  
3170 authorized representatives, are limited to offering and disseminating travel insurance on behalf of  
3171 and under the direction of a limited lines travel insurance producer, meeting the conditions stated  
3172 in this section, may receive related compensation, not in the form of commissions, upon  
3173 registration by the limited lines travel insurance producer as described in subsection (b).

3174 (f) Travel insurance may be provided under an individual policy or under a group or  
3175 master policy.

3176 (g) As the insurer designee, the limited lines travel insurance producer is responsible for  
3177 the acts of the travel retailer and shall use reasonable means to ensure compliance by the travel  
3178 retailer with this section.

3179 (h) The limited lines travel insurance producer and any travel retailer offering and  
3180 disseminating travel insurance under the limited lines travel insurance producer license shall be  
3181 subject to the: (i) laws regarding unfair methods of competition and unfair and deceptive acts and  
3182 practices in the business of insurance; and (ii) the enforcement provisions applicable to insurance  
3183 producers.

3184 SECTION 161. Section 1 of chapter 176J of the General Laws, as appearing in the 2014  
3185 Official Edition, is hereby amended by inserting after the word “policy”, in line 201, the first  
3186 time it appears, the following words:- ; travel insurance.

3187 SECTION 162. Said section 1 of said chapter 176J, as so appearing, is hereby further  
3188 amended by inserting after the definition of “Transitional reinsurance program” the following  
3189 definition: -

3190 “Travel insurance”, insurance coverage for personal risks incidental to planned travel  
3191 including, but not limited to: (i) interruption or cancellation of trip or event; (ii) loss of baggage  
3192 or personal effects; (iii) damages to accommodations or rental vehicles; or (iv) sickness,  
3193 accident, disability or death occurring during travel, provided that the health benefits are not  
3194 offered on a stand-alone basis and are incidental to other types of coverage; provided, however,  
3195 that “travel insurance” shall not include major medical plans, which provide comprehensive  
3196 medical protection for travelers with trips lasting not less than 6 months, including people  
3197 working overseas as an expatriate or military personnel being deployed.

3198 SECTION 163. Subsection (c) of section 19 of chapter 301 of the acts of 1998, as  
3199 appearing in chapter 291 of the acts of 2014, is hereby further amended by striking out the last  
3200 sentence and inserting in place thereof the following 5 sentences:-

3201           The preceding 3 sentences of this subsection shall not apply to any portion of the  
3202 parkway. Ownership of any completed portion of the parkway, together with ownership of any  
3203 associated and completed infrastructure including, but not limited to, public utilities and sewer  
3204 and storm drain lines located within or adjacent to that portion, shall be transferred to the  
3205 applicable town, or to the authority, not later than 30 days following the date on which that  
3206 portion of the parkway is completed or October 1, 2016, whichever is later. Prior to the date on  
3207 which any portion of the parkway is completed and until such date that ownership of that portion  
3208 is transferred in accordance with this subsection, that portion shall remain subject to the master  
3209 developer’s control. On or after the date on which any portion of the parkway is completed and  
3210 ownership of that portion is transferred in accordance this subsection, any applicable town or the  
3211 authority may enter into a contract with a governmental entity, a nonprofit entity or a private  
3212 person for the operation and maintenance of that portion, together with operation and  
3213 maintenance of associated infrastructure including, but not limited to, public utilities and sewer  
3214 and storm drain lines located within or adjacent to that portion. For purposes of this subsection:  
3215 (i) except for that portion of the parkway constituting “Parkway-Phase 1” as defined in Article I  
3216 of the Parkway financing MOA, any portion of the parkway shall be deemed completed on the  
3217 date on which that portion is open and available for public use; and (ii) that portion of the  
3218 parkway constituting “Parkway-Phase 1” as defined in Article I of the Parkway financing MOA  
3219 shall be deemed to have been completed not later than August 19, 2013.

3220           SECTION 164. Subsection (c) of section 7 of chapter 293 of the acts of 2006 is hereby  
3221 amended by striking out clauses (ii) and (iii) and inserting in place thereof the following 2  
3222 clauses:-

3223 (ii) the secretary certifies that the developer has received commitments satisfactory to the  
3224 department for financing sufficient, with equity or other amounts to be provided by the developer  
3225 and other persons, to fund the costs of construction of the proposed economic development  
3226 project exclusive of those public infrastructure improvements to be financed by the agency and  
3227 shall have obtained a blanket performance bond or other security satisfactory to the secretary and  
3228 payable to the agency securing the developer's obligation to complete the construction of the  
3229 public infrastructure improvements included in the economic development proposal in an  
3230 amount equal to or greater than the outstanding principal amount of any bonds to be issued by  
3231 the agency to finance costs of public infrastructure improvements; (iii) the agency certifies that it  
3232 has approved the proposal.

3233 SECTION 165. The second sentence of subsection (e) of said section 7 of said chapter  
3234 293 is hereby amended by striking out the figure “8”, inserted by section 88 of chapter 287 of the  
3235 acts of 2014, and inserting in place thereof the following figure:- 10.

3236 SECTION 166. Item 7100-1000 of section 2 of chapter 258 of the acts of 2008 is hereby  
3237 amended by striking out the figure “\$3”, inserted by section 66 of chapter 238 of the acts of  
3238 2012, and inserting in place thereof the following figure:- \$1.

3239 SECTION 167. Section 44 of chapter 303 of the acts of 2008 is hereby amended by  
3240 inserting after the figure “\$43,000,000”, in line 4, the following words:- excluding bonds issued  
3241 to refinance bonds previously issued under this section.

3242 SECTION 168. Item 6121-1317 of chapter 79 of the acts of 2014, as most recently  
3243 amended by chapter 359 of the acts of 2014, is hereby further amended by striking out the words



3244 “construction of the Cochituate” and inserting in place thereof the following words:- acquisition  
3245 and construction of the Cochituate.

3246 SECTION 169. Section 233 of chapter 165 of the acts of 2014, as appearing in section 30  
3247 of chapter 119 of the acts of 2015, is hereby amended by striking out “December 31, 2016” and  
3248 inserting in place thereof the following words:- June 30, 2017.

3249 SECTION 170. Subsection (b) of section 22 of chapter 237 of the acts of 2014 is hereby  
3250 amended by striking out, in lines 5 and 6, the words “to Essex Sports Center, LLC” and inserting  
3251 in place thereof the following words:- initially to Essex Sports Center, LLC and any of its  
3252 leasehold mortgagees.

3253 SECTION 171. Subsection (c) of said section 22 of said chapter 237 is hereby amended  
3254 by striking out, in lines 5 and 6, the words “, or if Essex Sports Center, LLC ceases to be the  
3255 lessee at any time before the expiration of the lease”.

3256 SECTION 172. Said section 22 of said chapter 237 is hereby further amended by adding  
3257 the following subsection:-

3258 (j) Prior to any transfer or assignment of any of the tenant’s interest for any reason, the  
3259 landlord shall have the right to conduct an auction of such interests in accordance with state.

3260 SECTION 173. Section 2A of chapter 286 of the acts of 2014 is hereby amended by  
3261 striking out item 6720-1350.

3262 SECTION 174. Said chapter 286 is hereby further amended by inserting after section 2G  
3263 the following section:-

3264 Section 2H.

3265 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

3266 Office of the Secretary

3267 7002-1350 For improvements to coastal facilities in designated and non-designated port  
3268 areas, including those under chapter 21F of the General Laws, section 63 of chapter 91 of the  
3269 General Laws, 301 C.M.R 25.00 and 312 C.M.R 2.00; provided, however, that the improvements  
3270 shall be administered by the seaport advisory council through the continuation of a grant  
3271 program; provided further, that the improvements may include, but shall not be limited to,  
3272 construction, reconstruction, rehabilitation, expanding, replacing and improving public facilities,  
3273 piers, wharves, boardwalks, berths, fenders, bulkheads and other harbor and waterfront facilities;  
3274 provided further, that preference shall be given to improvements that demonstrate a benefit to  
3275 commercial fishing; provided further, that \$20,000,000 shall be expended on capital  
3276 improvements to the state pier facility in the city of Fall River, including, but not limited to, the  
3277 construction of the south basin of the state pier facility, the rehabilitation and replacement of the  
3278 marine structures for Battleship Cove in the port of Fall River, commercial fishing  
3279 improvements, commercial marine transportation improvements and other capital improvements  
3280 related to economic development within the port of Fall River; provided further, that \$7,500,000  
3281 shall be expended for the redevelopment of city pier in the city of Fall River including, but not  
3282 limited to, permitting, capping of site, stabilization of existing seawalls and construction of a  
3283 public marina and associated amenities; provided further, that not less than \$25,000,000 shall be  
3284 expended on capital improvements to the state pier facility in the city of New Bedford, which  
3285 shall be made to further economic development within the port of New Bedford and may  
3286 include, but shall not be limited to, a multi-use facility for water-dependent cargo, commercial  
3287 fishing improvements, commercial marine transportation improvements, marine educational

3288 facilities, a fresh produce and fish market and capital improvements related to tourism, public  
3289 recreation and other economic development within the port of New Bedford; provided further,  
3290 that not less than \$3,200,000 shall be expended for central waterfront bulkhead repairs for the  
3291 port of Newburyport; and provided further, that \$9,000,000 shall be expended for the design,  
3292 permitting and construction, including pertinent dredging, for the reintroduction of an ocean pier  
3293 at the Revere beach reservation..... \$149,700,000

3294 SECTION 175. Section 37 of said chapter 286 is hereby amended by striking out, in line  
3295 3, the words “and items 2000-7052, 2000-7060, 2300-7020 of section 2B” and inserting in place  
3296 thereof the following words:- , items 2000-7052, 2000-7060, 2300-7020 of section 2B and item  
3297 7002-1350 of section 2H.

3298 SECTION 176. A controlling business or affiliate of a controlling business which has  
3299 been awarded state tax credits under chapter 19 of the acts of 1993 or sections 3A to 3H,  
3300 inclusive, of chapter 23A of the General Laws and intends to claim such credits on tax filings for  
3301 tax years beginning on or after January 1, 2016 shall enter into an economic development  
3302 incentive program, EDIP, contract setting forth the amount of the credits awarded, the amount of  
3303 credits claimed or carried over and the job creation obligations of the controlling business. A  
3304 controlling business or affiliate of a controlling business that fails to enter into an EDIP contract  
3305 that is in a form and contains the substance acceptable to the Massachusetts office of business  
3306 development by not later than December 31, 2016 shall forfeit such credits. For purposes of this  
3307 section, the terms “controlling business” and “EDIP” shall have the meanings provided in said  
3308 section 3A of said chapter 23A.

3309 SECTION 177. (a) Any reference to “economic target area” or “ETA” in the General  
3310 Laws shall mean an economic target area designated by the economic assistance coordinating  
3311 council, EACC, established pursuant to section 3B of chapter 23A of the General Laws, and in  
3312 existence on the effective date of this act or an area designated by the EACC as an economic  
3313 target area in accordance with section 3G of said chapter 23A.

3314 (b) Any reference to “economic opportunity area” or “EOA” in the General Laws shall be  
3315 deemed to mean an economic opportunity area designated by the EACC and in existence on the  
3316 effective date of this act or an area designated by the EACC as an economic opportunity area  
3317 pursuant to section 3G of chapter 23A. Existing economic target areas and economic opportunity  
3318 areas designated by the EACC prior to January 1, 2017 shall remain in effect until their  
3319 scheduled termination date, if any.

3320 SECTION 178. Notwithstanding any general or special law to the contrary, sections 98  
3321 and 99 shall not apply to economic development projects approved by the secretary of  
3322 administration and finance pursuant to subsection (c) of section 7 of chapter 293 of the acts of  
3323 2006, as amended by section 6 of chapter 129 of the acts of 2008, before January 1, 2017.

3324 SECTION 179. (a) Notwithstanding any general or special law to the contrary, the  
3325 secretary of energy and environmental affairs, in consultation with the farmland protection and  
3326 viability advisory commission established into subsection (b), shall develop a farmland action  
3327 plan. The plan shall set forth the commonwealth’s goals, priorities and recommended actions for  
3328 farmland protection and access to reflect the importance of farmlands of the commonwealth to its  
3329 citizens who derive their livelihoods from farming and the importance of protected farmland for  
3330 ecosystem health and biodiversity.

3331           The plan shall include, but not be limited to: (i) an inventory of state land in active  
3332 agricultural production or that is potentially suitable for farming; (ii) a review of state agency  
3333 policies related to the use or lease of land for farming and recommendations related to state  
3334 policies for the use and lease of state-owned land for farming; (iii) an analysis of recent trends  
3335 and potential threats related to farmland loss and conversion and its recommendations, including  
3336 resources necessary to improve state data collection for farmland trends and to establish a system  
3337 for tracking acres of farmland in production over time; (iv) recommended statutory, regulatory or  
3338 policy revisions to the agricultural preservation restriction program to support the long-term  
3339 economic viability of protected farms, to address housing needs and to ensure the program is  
3340 managed in a transparent and consistent manner and with policies that keep pace with changes in  
3341 agriculture and associated markets; (v) an analysis of farmland enrolled in a program under  
3342 chapter 61A of the General Laws and recommendations for improving enrollment of farmland in  
3343 the program; and (vi) measurable statewide goals and benchmarks related to farmland  
3344 conversion, farmland protection and farmland access and recommendations for state policy  
3345 changes and program funding levels to meet these goals and benchmarks. The plan may include  
3346 maps, illustrations and other media and shall be based on best available science and best  
3347 management practices.

3348           (b) There shall be a farmland protection and viability advisory commission to assist the  
3349 secretary in developing the farmland action plan. The commission shall consist of: 2 members of  
3350 the senate or a designee, 1 of whom shall be appointed by the minority leader; 2 members of the  
3351 house of representatives or a designee, 1 of whom shall be appointed by the minority leader; 1  
3352 member of the board of food and agriculture, as elected by the board of food and agriculture for  
3353 this purpose who shall chair the commission; the commissioner of agricultural resources or a

3354 designee; a representative of the Center for Agriculture, Food and the Environment at the  
3355 University of Massachusetts at Amherst; a representative of the Massachusetts Farm Bureau  
3356 Federation; a representative of The Trustees of Reservations; a representative of the American  
3357 Farmland Trust; and 3 persons to be appointed by the governor, 1 of whom shall be a farmer, 1  
3358 of whom shall be a representative of an urban agriculture organization and 1 of whom shall be a  
3359 representative of a farmland access organization.

3360           The advisory commission shall meet at least quarterly and otherwise at the discretion of  
3361 the chair. The commission shall make recommendations to the secretary for the proper  
3362 management and development of the farmland action plan. The secretary shall consider the  
3363 recommendations of the commission.

3364           (c) The farmland action plan shall be delivered to the joint committee on environment,  
3365 natural resources and agriculture not later than December 31, 2017. The executive office of  
3366 energy and environmental affairs and the department of agricultural resources shall provide  
3367 technical support to the commission.

3368           (d) The secretary shall develop and implement a public outreach and information  
3369 program to provide information to the public regarding the farmland action plan.

3370           SECTION 180. The Massachusetts Technology Park Corporation, established in section  
3371 3 of chapter 40J of the General Laws and doing business as the Massachusetts Technology  
3372 Collaborative, shall, subject to appropriation, create a cybersecurity and data analytics  
3373 technology development and training center of excellence, hereinafter referred to as to as the  
3374 center. The center shall convene interested public and private universities, governmental bodies  
3375 and industry participants to share public and private data sets to expand the commonwealth's

3376 data analytics capabilities. The center may: (i) match public and private universities with  
3377 industry participants to develop cybersecurity technology and expand data analytic capabilities;  
3378 (ii) provide a forum for sharing data sets for analysis; and (iii) provide skills building and  
3379 workforce training in cybersecurity and data analytics.

3380 The Massachusetts Technology Park Corporation shall file a report detailing the activities  
3381 of the center not later than September 1, 2017 with the clerks of the senate and house of  
3382 representatives who shall forward the report to the house and senate committees on ways and  
3383 means and the joint committee on economic development and emerging technologies.

3384 SECTION 181. There shall be a special commission to conduct a comprehensive study  
3385 relative to the practical, economic, fiscal and health related impacts of the commonwealth  
3386 remaining on eastern daylight time, 4 hours behind coordinated universal time, also known as  
3387 Atlantic standard time, throughout the calendar year. The commission shall focus on the impact  
3388 to local and regional economies, education, public health, transportation, energy consumption,  
3389 commerce and trade if the time zone is altered. The commission shall be comprised of the  
3390 following members: 3 members to be appointed by the governor, 1 of whom shall be a member  
3391 of the executive office of health and human resources and 1 of whom shall be a member of the  
3392 executive office of education; 3 members to be appointed by the president of the senate, 1 of  
3393 whom shall have expertise in economic development and 1 of whom shall have expertise in  
3394 energy; 1 member to be appointed by the senate minority leader; 3 members to be appointed by  
3395 the speaker of the house of representatives, 1 of whom shall have expertise in interstate  
3396 commerce and 1 of whom shall have expertise in transportation; and 1 member to be appointed  
3397 by the house minority leader.

3398           The commission shall convene its first meeting not later than October 1, 2016 and shall  
3399 file a report along with any recommendations for legislative reforms not later than March 31,  
3400 2017 with the clerks of the senate and house of representatives who shall forward the report to  
3401 the chairs of the joint committee on economic development and emerging technologies, the  
3402 chairs of the joint committee on public health and the chairs of the joint committee on education.

3403           SECTION 182. There shall be a special commission to investigate and report on barriers  
3404 to meeting labor market demands in the commonwealth. The commission shall examine and  
3405 analyze why employer demand for workers struggles to correlate with labor supply. The  
3406 commission shall review the statewide labor market and various employment fields including,  
3407 but not limited to, cyber-security, high technology and biotechnology, early education and care,  
3408 home care and home health. The commission shall examine issues relating to employee  
3409 recruitment and retention, training and professional development and educational achievement.

3410           The special commission shall be comprised of the following members: 2 members of the  
3411 senate, 1 of whom shall be appointed by the senate president and who shall serve as co-chair and  
3412 1 of whom shall be appointed by the senate minority leader; 2 members of the house of  
3413 representatives, 1 of whom shall be appointed by the speaker of the house of representatives and  
3414 who shall serve as co-chair and 1 of whom shall be appointed by the house minority leader; the  
3415 secretary of labor and workforce development or a designee; the secretary of energy and  
3416 environmental affairs or a designee; the secretary of transportation or a designee; the secretary of  
3417 elder affairs or a designee; the secretary of veterans' services or a designee; the secretary of  
3418 public safety and security or a designee; the secretary of health and human services or a  
3419 designee; the secretary of housing and economic development or a designee; the secretary of  
3420 education or a designee; and 7 members to be appointed by the governor, 2 of whom shall be



3421 representatives of a labor organization from a list of 7 nominees provided by the Massachusetts  
3422 AFL-CIO who shall be experienced in small business, the health care industry, education or  
3423 workforce development, 1 of whom shall be a representative of business from a list of 3  
3424 nominees provided by the Massachusetts Business Roundtable who shall be experienced in  
3425 renewable energy, small business, the health care industry, veterans' affairs, immigration,  
3426 workforce development or self-employment, 1 of whom shall be a representative of business  
3427 from a list of 3 nominees provided by The Alliance for Business Leadership, Inc. who shall be  
3428 experienced in renewable energy, small business, the health care industry, veterans' affairs,  
3429 immigration, workforce development or self-employment, 1 of whom shall be a representative of  
3430 the unemployed from 3 nominees provided by Boston Connects, Inc., 1 of whom shall be an  
3431 expert in labor economics from a state college or university, 1 of whom shall be a representative  
3432 of early education and care providers from a list of 3 nominees submitted by the Massachusetts  
3433 Association for Early Education and Care who shall be experienced in early education and care  
3434 for low income children and families and 1 of whom shall be a representative from a home care  
3435 agency from a list of 3 nominees provided by the Home Care Aide Council who shall be an  
3436 expert in home care workforce.

3437         The commission shall file a report not later than September 30, 2017 detailing the results  
3438 of its investigation and its recommendations with the clerks of the senate and house of  
3439 representatives who shall forward the report to the chairs of the joint committee on economic  
3440 development and emerging technologies and the chairs of the joint committee on labor and  
3441 workforce development.

3442         SECTION 183. Notwithstanding any general or special law to the contrary, to meet the  
3443 expenditures necessary in carrying out section 2A, the state treasurer shall, upon request of the

3444 governor, issue and sell bonds of the commonwealth in an amount to be specified by the  
3445 governor from time to time but not exceeding, in the aggregate, \$619,600,000; provided,  
3446 however, that the request by the governor shall be made not later than July 31, 2019. All bonds  
3447 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
3448 Economic Development Act of 2016” and shall be issued for a maximum term of years, not  
3449 exceeding 30 years, as recommended by the governor in a message to the general court pursuant  
3450 to Section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be  
3451 payable not later than June 30, 2049. All interest and payments on account of principal on these  
3452 obligations shall be payable from the General Fund. Notwithstanding any other provision of this  
3453 act, bonds issued under this section and interest thereon shall be general obligations of the  
3454 commonwealth.

3455 SECTION 184. Notwithstanding any general or special law to the contrary, to meet the  
3456 expenditures necessary in carrying out section 2B, the state treasurer shall, upon receipt of a  
3457 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified  
3458 by the governor from time to time but not exceeding, in the aggregate, \$32,500,000. All bonds  
3459 issued by the commonwealth, as aforesaid, shall be designated on their face, Commonwealth  
3460 Economic Development Act of 2016, and shall be issued for a maximum term of years, not  
3461 exceeding 30 years, as the governor may recommend to the general court pursuant to Section 3  
3462 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds  
3463 shall be payable not later than June 30, 2049. All interest and payments on account of principal  
3464 on such obligations shall be payable from the General Fund. Bonds and interest thereon issued  
3465 under the authority of this section shall, notwithstanding any other provision of this act, be  
3466 general obligations of the commonwealth.

3467 SECTION 185. Notwithstanding any general or special law to the contrary, insurance  
3468 companies shall accept the provisional license of a speech-language pathologist pursuant to  
3469 section 144B of chapter 112 of the General Laws as a full license for the purpose of credentialing  
3470 clinicians.

3471 SECTION 186. Notwithstanding any general or special law to the contrary, to meet the  
3472 expenditures necessary in carrying out section 2C, the state treasurer shall, upon request of the  
3473 governor, issue and sell bonds of the commonwealth in an amount to be specified by the  
3474 governor from time to time but not exceeding, in the aggregate, \$155,450,000; provided,  
3475 however, that the request by the governor shall be made not later than July 31, 2019. All bonds  
3476 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
3477 Economic Development Act of 2016” and shall be issued for a maximum term of years, not  
3478 exceeding 30 years, as recommended by the governor in a message to the general court pursuant  
3479 to Section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be  
3480 payable not later than June 30, 2049. All interest and payments on account of principal on these  
3481 obligations shall be payable from the General Fund. Notwithstanding any other provision of this  
3482 act, bonds issued under this section and interest thereon shall be general obligations of the  
3483 commonwealth.

3484 SECTION 187. It shall be the policy of the general court to impose a moratorium on all  
3485 new mandated health benefit legislation until the latter of either January 1, 2016, or until the  
3486 division of health care finance and policy has concluded its review of, and published results  
3487 from, a comprehensive review of mandated health benefits in effect on January 1, 2006.

3488           While Chapter 58 was signed in April 2006, the mandate moratorium didn't take effect  
3489 until January 1, 2007. During that time, the Legislature passed the prosthetic devices mandate  
3490 b/f the moratorium took effect and expanded the mental health parity law in July 2008.

3491           SECTION 188. Notwithstanding any special or general law to the contrary, there shall be  
3492 a special commission to establish standards, in agreement with the Massachusetts Bay  
3493 Transportation Authority and Keolis Commuter Services, LLC, to assess levels of performance,  
3494 quality of carriage and time efficiency of each commuter rail line and to set forth improvement  
3495 procedures and timelines based on their findings.

3496           The commission shall review and investigate the following areas: (i) total required  
3497 seating area and commuter rail cars needed to seat all passengers; (ii) quality of seating, air  
3498 circulation, accommodations and facilities; (iii) approximate passenger counts during peak and  
3499 off-peak commuting hours; (iv) commuter rail adherence to set schedules and average delay or  
3500 cancellation times; (v) costs, methods and standards associated with reaching set standards for  
3501 improved quality and efficiency of travel; and (vi) future economic expansions and extensions of  
3502 commuter rail lines in conjunction with improvements to existing rail lines and the prioritization  
3503 of each.

3504           The commission shall consist of: the secretary of the department of transportation; the  
3505 general manager of the Massachusetts Bay Transportation Authority; the general manager of  
3506 Keolis Commuter Services, LLC; 1 employee from each of the 12 Massachusetts Bay Transit  
3507 Authority commuter rail lines engaged in on-board operations; 2 members of the senate, 1 of  
3508 whom shall be appointed by the minority leader; ; and 2 members of the house of

3509 representatives, 1 of whom shall be appointed by the minority leader; and other members as shall  
3510 be determined.

3511 The commission shall submit a report to the governor, the speaker of the house of  
3512 representatives, the president of the senate, senate and house chairs of the joint committee on  
3513 transportation and the secretary of transportation not later than December 31, 2017, setting forth  
3514 the commission's findings, together with any recommendations for regulatory or legislative  
3515 action with a timeline for planning, construction, implementation and economic impact.

3516 SECTION 189. Notwithstanding any general or special law to the contrary, the  
3517 department of revenue shall conduct an analysis of the impact of adopting the single sales factor  
3518 apportionment formula. The analysis shall include, but not be limited to: (i) the impact on tax  
3519 collections; (ii) the impact on business behavior or other economic impacts; and (iii) a  
3520 comparison of the apportionment formulas used by other states. The department may, in  
3521 conducting its analysis, seek input from interested stakeholders. The department shall file a  
3522 report, including any recommendations, with the clerks of the senate and house of  
3523 representatives who shall forward the report to the senate and house chairs of the joint committee  
3524 on revenue and the chairs of the senate and house committees on ways and means not later than  
3525 March 1, 2017.

3526 SECTION 190. Notwithstanding any general or special law to the contrary, the executive  
3527 office of administration and finance shall conduct a feasibility study on the reduction of the state  
3528 income tax rate to 5 per cent. The study along, with any recommendation, shall be submitted to  
3529 the clerks of the senate and the house of representative, the joint committee on revenue and the  
3530 senate and house committees on ways and means not later than December 31, 2016.

3531 SECTION 191. Notwithstanding any general or special law to the contrary, the secretary  
3532 of the executive office of housing and economic development shall submit economic growth  
3533 projections for the commonwealth for the next 5 years. The projection shall be submitted to the  
3534 clerks of the house and senate and the chairs of the house and senate committees on ways and  
3535 means by June 30.

3536 SECTION 192. There shall be a special commission to investigate the issue of college  
3537 affordability. The commission shall examine and make recommendations on the contributing  
3538 factors to rising tuition and fee costs at institutes of higher education in the commonwealth. For  
3539 the purposes of this section, the term “institutes of higher education” shall include public and  
3540 private institutes of higher education. The commission may hold public hearings.

3541 The commission’s investigation shall include, but not be limited to, the following areas:  
3542 (i) employee expenditures including, but not limited to, employee issued credit cards and  
3543 expense accounts; (ii) vacation and sick time policies for administrative employees; (iii) salaries,  
3544 bonuses and stipends for administrative employees and professors including, but not limited to,  
3545 tenured and non-tenured, associate and part-time professors and instructors who are members of  
3546 collective bargaining units and who are considering joining collective bargaining units; (iv)  
3547 professor class load; (v) the number of administrative positions at institutes of higher education  
3548 and their descriptions; (vi) the cost and benefit of construction projects on campuses of institutes  
3549 of higher education; (vii) endowments and annual profits of institutes of higher education; (viii)  
3550 mandatory fees charged to students beyond the price of tuition charges including technology and  
3551 laboratory fees; (ix) the affordability of college textbooks including, but not limited to, the costs  
3552 and benefits of open source textbooks; (x) ways for an institute of higher education to directly  
3553 credit a student’s account with funds to pay for books and supplies in accordance with 34 CFR

3554 668.164(c)(2); (xi) the cost differences and composition of online credit hours versus on-campus  
3555 credit hour; and (xii) other areas the commission deems appropriate to review and investigate.

3556           The commission shall consist of the following members: 5 persons appointed by the  
3557 governor, 1 of whom shall serve as the chair, 1 of whom shall have expertise in finance and  
3558 investment and 2 of whom shall be parents or guardians of current college students; 2 members  
3559 of the senate, 1 of whom shall be appointed by the minority leader; 2 member of the house, 1 of  
3560 whom shall be appointed by the minority leader; a representative of the University of  
3561 Massachusetts office of the president; a representative of the University of Massachusetts  
3562 director of libraries; 2 members of the student advisory council to the board of education; a  
3563 representative from the office of student financial assistance; a representative from the  
3564 Massachusetts Educational Financing Authority; a representative from the department of higher  
3565 education; a member of the board of higher education; a representative of the Massachusetts  
3566 State Universities Council of Presidents; a representative of the Massachusetts Community  
3567 Colleges Executive Office; a representative of the Massachusetts Taxpayers Foundation, Inc.; a  
3568 member of the Massachusetts Society of Certified Public Accountants, Inc.; and a member of the  
3569 Association of Independent Colleges and Universities in Massachusetts, Inc.

3570           SECTION 193. Notwithstanding any general or special law to the contrary, the executive  
3571 office of administration and finance shall conduct a feasibility study on the reduction of the state  
3572 sales tax to 5 per cent. Said study, along with any recommendation, shall be submitted to the  
3573 clerks of the senate and house of representatives, the joint committee on revenue and the senate  
3574 and house committees on ways and means not later than December 31, 2016.

3575 SECTION 194. Notwithstanding any general or special law to the contrary, the executive  
3576 office of administration and finance shall conduct a feasibility study on reducing local property  
3577 tax. Said study, along with any recommendation, shall be submitted to the clerks of the senate  
3578 and house of representatives, the joint committee on revenue and the senate and house  
3579 committees on ways and means not later than December 31, 2016.

3580 SECTION 195. Employees shall receive notice of their rights under subsection 1E of  
3581 section 4A of chapter 151B of the General Laws not later than August 1, 2017 in a manner  
3582 determined by the Massachusetts Commission Against Discrimination.

3583 SECTION 196. Notwithstanding any general or special law to the contrary, there shall be  
3584 a special commission to examine the state of the telecommunications and broadband  
3585 infrastructure in the commonwealth including fiber-to-the-premises, cable, wireless and landline  
3586 technologies with the goal of recommending a comprehensive approach to manage, maintain,  
3587 improve and expand the telecommunications network and ensure that residential and business  
3588 consumers and competitive local exchange carriers have access to a reliable and competitive  
3589 broadband network.

3590 The commission shall review: (i) the status of competition and pricing for broadband  
3591 communications services and networks; (ii) current and future consumer expectations; (iii)  
3592 national and international approaches to ensuring that core public interest principles and robust  
3593 communication capabilities are maintained; (iv) reliability, resiliency and interoperability of  
3594 networks in the commonwealth; (v) technology types and speeds available across the  
3595 commonwealth; (vi) access and underservice issues; and (vii) comparative analysis of census  
3596 data across the commonwealth.



3597           The commission shall consist of the following members or their designees: the  
3598 commissioner of the department of telecommunications and cable, who shall serve as chair; 1  
3599 representative of the Massachusetts Communications Association; 1 representative of the  
3600 Massachusetts Broadband Institute; 1 representative of the Massachusetts Municipal Association,  
3601 Inc.; 1 representative Massachusetts Technology Leadership Council, Inc.; 1 representative  
3602 designated by the president of the Massachusetts AFL-CIO from a telecommunications union in  
3603 the commonwealth; and 3 members who shall be appointed by the governor, 1 of whom shall be  
3604 a senior executive from a telecommunications company, 1 of whom shall be a professor with  
3605 expertise in telecommunications research and policy and 1 of whom shall be a senior executive  
3606 from a competitive local exchange carrier.

3607           The commission shall file a report of its recommendations and proposed legislation or  
3608 regulatory changes, if any, with the clerks of the senate and house of representatives and the  
3609 senate and house chairs of the joint committee on telecommunications, utilities and energy not  
3610 later than March 1, 2017.

3611           SECTION 197. Notwithstanding any general or special law to the contrary, there shall be  
3612 a special commission to examine contractual relationships established under section 25E of  
3613 chapter 138 of the General Laws and recommend a legislative solution to address existing and  
3614 future contracts under the current state of the marketplace, including the addition of more than  
3615 100 craft breweries in the commonwealth since enactment of said section 25E of said chapter  
3616 138.

3617           The study shall include, but not be limited to, an examination of: (i) the current  
3618 relationship between licensed manufacturers and distributors in the commonwealth; (ii) the

3619 enforceability of contracts between licensed manufacturers and distributors in the  
3620 commonwealth; (iii) the change in the ratio of licensed manufacturers to licensed distributors  
3621 since enactment of said section 25E of said chapter 138; (iv) current and future consumer  
3622 interests; and (v) the approach of other states to governing the relationships between  
3623 manufacturers and distributors.

3624           The commission shall consist of the following members or their designees: the senate and  
3625 house chairs of the joint committee on consumer protection and professional licensure, who shall  
3626 serve as co-chairs; 1 member to be appointed by the governor; the president of the Massachusetts  
3627 Brewers Guild, Inc.; the executive director of the Beer Distributors of Massachusetts; 3 members  
3628 to be appointed by the executive director of the Beer Distributors of Massachusetts; and 3  
3629 members to be appointed by the president of the Massachusetts Brewers Guild, Inc., 1 of whom  
3630 shall be a beer manufacturer who produces not more than 60,000 barrels per year, 1 of whom  
3631 shall be a beer manufacturer who produces not more than 500,000 barrels per year and 1 of  
3632 whom shall be a beer manufacturer who produces not more than 6,000,000 barrels per year.

3633           The commission shall file a report of its recommendations and proposed legislation or  
3634 regulatory changes with the clerks of the senate and house of representatives and with the chairs  
3635 of the joint committee on consumer protection and professional licensure not later than  
3636 December 31, 2016.

3637           SECTION 198. The seaport economic council, in consultation with the Massachusetts  
3638 Development Finance Agency, shall report the current status of the state pier facility in the city  
3639 of New Bedford, including current and future capital needs, recommendations for future  
3640 governance and use and recommendations to expand water and non-water dependent uses, with

3641 particular emphasis on increasing public access to the waterfront without significant interference  
3642 to maritime operations or water-dependent activities, to the chairs of the senate and the house  
3643 committees on ways and means, the chairs of the senate and house committees on rules and the  
3644 senate and house chairs of the joint committee on economic development and emerging  
3645 technologies not later than September 1, 2016.

3646 SECTION 199. Notwithstanding any general or special law to the contrary, the  
3647 department of conservation and recreation may lease the state pier facility in the city of New  
3648 Bedford to the Massachusetts Development Finance Agency for a term not to exceed 25 years.  
3649 The Massachusetts Development Finance Agency may sublease the facility, or portions of it, for  
3650 the purposes of economic development within the port of New Bedford. Preference shall be  
3651 given to a sublease proposal that emphasizes mixed-use development for water and non-water  
3652 dependent uses including, but not limited to, commercial fishing improvements, marine  
3653 transportation improvements, cargo operations and capital improvements related to tourism,  
3654 retail, restaurants, recreation and public waterfront access.

3655 SECTION 200. There shall be a special commission to conduct a comprehensive study  
3656 relative to the regulation of online gaming, fantasy sports gaming and daily fantasy sports. The  
3657 commission shall review all aspects of online gaming, fantasy sports gaming and daily fantasy  
3658 sports including, but not limited to, economic development, consumer protection, taxation, legal  
3659 and regulatory structures, implications for existing gaming, burdens and benefits to the  
3660 commonwealth and any other factors the commission deems relevant. The special commission  
3661 shall not include in its review a comprehensive review of the state lottery or its ability to provide  
3662 lottery products online or over the internet.

3663           The commission shall consist of: 1 person who shall be appointed by the governor who  
3664 shall have industry expertise in fantasy sports gaming; 1 person who shall be appointed by the  
3665 Massachusetts gaming commission; 1 person who shall be appointed by the attorney general who  
3666 shall have expertise in fantasy sports gaming consumer protection; 2 people who shall be  
3667 appointed by the president of the senate, 1 of whom shall be the senate chair of the joint  
3668 committee on economic development and emerging technologies; 1 person who shall be  
3669 appointed by the minority leader of the senate; 2 people who shall be appointed by the speaker of  
3670 the house of representatives, 1 of whom shall be the house chair of the joint committee on  
3671 economic development and emerging technologies; and 1 person who shall be appointed by the  
3672 minority leader of the house of representatives. The commission shall be co-chaired by the house  
3673 and senate chairs of the joint committee on economic development and emerging technologies  
3674 and shall convene its first meeting not later than October 1, 2016.

3675           The commission shall submit its final report and its recommendations for legislation by  
3676 filing the report and recommendations for legislation with the clerks of the senate and the house  
3677 of representatives not later than March 1, 2017.

3678           SECTION 201. Notwithstanding any general or special law to the contrary, no grant  
3679 shall be issued to a quasi-public independent entity for dredging of waterways and the recapture  
3680 and disposition of any useful sediment pursuant to subsection (a) of section 63 of chapter 23A;  
3681 provided, however, that for the purposes of this section, a regional planning land use commission  
3682 with the authority to prepare and oversee the implementation of a regional land use policy plan  
3683 shall not be considered a quasi-public independent entity.

3684 SECTION 202. The executive office of housing and economic development, in  
3685 consultation with the economic assistance coordinating council, the senate and house chairs of  
3686 the joint committee on economic development and emerging technologies, and the senate and  
3687 house chairs of the joint committee on community development and small businesses, shall  
3688 review the definition of “gateway municipality” under section 3A of chapter 23A of the General  
3689 Laws to determine whether amending the definition will stimulate additional economic  
3690 development in urban centers. The review shall include an examination of the impact of: (i)  
3691 changing the minimum population threshold; (ii) creating a mechanism to include portions or  
3692 neighborhoods within a municipality; (iii) amending the rate of educational attainment; or (iv)  
3693 other changes to the definition that the office deems reasonable and beneficial to promote the  
3694 growth potential and competitive advantage of the commonwealth. Not later than March 1, 2017,  
3695 the executive office shall file its report, together with any recommended legislation, with the  
3696 clerks of the senate and house of representatives, the senate and house chairs of the joint  
3697 committee on economic development and emerging technology and the senate and house chairs  
3698 of the joint committee on community development and small businesses.

3699 SECTION 203. Not later than December 31, 2016, the tax expenditure review unit shall  
3700 develop a schedule to review tax expenditures as required under subsection (a) of section 16 of  
3701 chapter 12A of the General Laws and file the schedule with the clerks of the senate and house of  
3702 representatives, the senate and house chairs of the joint committee on revenue and the chairs of  
3703 the house and senate committees on ways and means. The schedule shall be posted on the  
3704 website of the office of inspector general.

3705 SECTION 204. All monies in the Race Horse Development Fund on the effective date of  
3706 this act pursuant to section 60 of chapter 23K of the General Laws shall be transferred to the

3707 Race Horse Development Fund established in section 8 of chapter 128D of the General Laws.  
3708 On and after the effective date of this act, all funds directed by any general or special law to be  
3709 deposited in the Race Horse Development Fund established in said section 60 of said chapter  
3710 23K shall be deposited into the Race Horse Development Fund established in said section 8 of  
3711 said chapter 128D.

3712 SECTION 205. Notwithstanding any general or special law to the contrary, facilities  
3713 licensed pursuant to chapters 128A and 128C as of June 30, 2016 shall be considered licensed  
3714 and upon applying for continuation of a license to conduct operations shall be subject to the  
3715 process and criteria for evaluation developed by the commission for a renewal of the license.

3716 SECTION 206. Notwithstanding any general or special law to the contrary the  
3717 Massachusetts Gaming Commission shall consider licensees requests for additional race days  
3718 during calendar year 2016.

3719 SECTION 207. To provide for the continued availability of a certain bond-funded  
3720 spending authorization which otherwise would expire, the balance of item 7002-0015 and any  
3721 allocations thereof shall be extended to January 1, 2018 for the purposes of and subject to the  
3722 conditions specified for this item in the original authorization and any amendments to such  
3723 authorization.

3724 SECTION 208. The first annual report required under subsection (e) of section 16 of  
3725 chapter 12A of the General Laws shall be filed not later than January 31, 2018.

3726 SECTION 209. The deduction allowed pursuant to clause (19) of subsection (a) of part B  
3727 of section 3 of chapter 62 of the General Laws shall apply for taxable years beginning on or after  
3728 January 1, 2017 through the tax year beginning on January 1, 2021.

3729 SECTION 210. The commissioner may promulgate rules and regulations to implement  
3730 and operate voluntary collection agreements under section 6 of chapter 64G of the General Laws  
3731 within 6 months of the effective date of this act; provided, however, that the rules and regulations  
3732 shall contain minimum standards for a hosting platform and an operator’s agent to be eligible to  
3733 enter into a voluntary collection agreement with the commissioner.

3734 SECTION 211. The division of marine fisheries shall promulgate regulations regarding  
3735 the enforcement of conservation rules and the taking of legally sized lobsters pursuant to the  
3736 recommendations from the 2012 report by the division of marine fisheries entitled “Analysis of  
3737 Laws, Regulations and Policies Pertaining to the Processing, Possession and Sale of Processed  
3738 Frozen Lobster Parts”, to maintain enforcement of conservation rules and to ensure that only  
3739 legal lobsters are taken.

3740 SECTION 212. Section 23 of chapter 166A of the General Laws shall apply to contracts  
3741 entered into or renewed on or after the effective date of this act.

3742 SECTION 213. Sections 74 to 78, inclusive, and 82 to 86, inclusive shall take effect for  
3743 tax years beginning on or after January 1, 2017.

3744 SECTION 214. Section 192 of chapter 149 of the General Laws shall apply to contracts  
3745 entered into on or after the effective date of this act.

3746 SECTION 215. Sections 74 to 78, inclusive, and 82 to 86, inclusive, are hereby repealed.

3747 SECTION 216. Sections 1 to 12, inclusive, of chapter 64G of the General Laws, as  
3748 appearing in section 96, shall be effective for contracts entered into on or after July 1, 2016.

3749 SECTION 217. Sections 4, 34, 38, 108 to 110, inclusive, and 204 to 206, inclusive, shall  
3750 take effect on July 31, 2016.

3751 SECTION 218. Section 11 shall take effect on September 1, 2017.

3752 SECTION 219. Sections 15 to 17, inclusive, 32, 32, 35 to 37, inclusive, 42, 43, 50, 51, 56  
3753 to 68, inclusive, 70 to 73, inclusive, 80, 87 to 94, inclusive, 96, 164 and 165 shall be effective for  
3754 tax years beginning on or after January 1, 2017.

3755 SECTION 220. Sections 44 to 69, inclusive, shall take effect on October 1, 2016.

3756 SECTION 221. Section 69 shall take effect for tax years beginning not later than January  
3757 1, 2018.

3758 SECTION 222. Sections 103 and 158 shall take effect on August 1, 2024.

3759 SECTION 223. Sections 104, 105 and 185 shall take effect on January 1, 2018.

3760 SECTION 224. Section 111 shall take effect on April 1, 2017.

3761 SECTION 225. Sections 130 and 131 shall be effective for tax years beginning on or  
3762 after January 1, 2017.

3763 SECTION 226. Sections 146 to 149, inclusive, shall take effect on January 1, 2017.

3764 SECTION 227. Section 150 to 152, inclusive, shall take effect on August 1, 2017.

3765 SECTION 228. Section 214 shall take effect on December 31, 2021.