

HOUSE No. 4702

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to economic development in the commonwealth.

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 and 2B, 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; provided, however, that the amounts specified in an item or for a particular
5 project may be adjusted in order to facilitate projects authorized in this act. These sums shall be
6 in addition to any amounts previously authorized and made available for these purposes.

7 SECTION 2A.

8 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

9 Office of the Secretary

10 6720-1351. For a grant program to coastal communities to be administered by the
11 Seaport Economic Council; provided that funding shall be used for community planning and
12 investment activities that stimulate economic development and create jobs in the maritime

13 economy sector, and to construct, improve, repair, maintain and protect coastal assets that are
14 vital to achieving these aims; provided further, that that the planning, prioritization, selection and
15 implementation of projects shall consider climate change impacts in furtherance of the goals of
16 climate change mitigation and adaptation and consistent with the integrated state hazard
17 mitigation and climate change adaptation plan; provided that \$5,000,000 shall be expended for
18 the Harbor Development Commission in the City of New Bedford for the construction of a
19 Fisheries Innovation Center\$55,000,000

20 7002-1501. For grants administered by Massachusetts Technology Development
21 Corporation established by section 2 of chapter 40G of the General Laws, and doing business as
22 MassVentures; provided such grants shall be made on a competitive basis to growing
23 Massachusetts-based companies commercializing technologies developed with assistance of a
24 Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR)
25 grant from a federal agency such as, but not limited to, the Department of Defense, the
26 Department of Energy, or the National Science Foundation..... \$12,500,000

27 7002-8006. For the MassWorks infrastructure program established by section 63 of
28 chapter 23A of the General Laws.....\$300,000,000

29 7002-8007. For matching grants to enable institutions of higher education, including
30 state and municipal colleges and universities, to participate in and receive federal funding
31 through Manufacturing USA, formerly known as the National Network for Manufacturing
32 Innovation..... \$25,000,000

33 7002-8019. For the Massachusetts Growth Capital Corporation established pursuant to
34 section 2 of chapter 40W of the General Laws, for a program to provide matching grants to

35 community development financial institutions certified by the United States Treasury or
36 community development corporations certified under chapter 40H of the General Laws to enable
37 them to leverage federal or private investments for the purpose of making loans to small
38 businesses..... \$1,250,000

39 7002-8022. For the Massachusetts Cybersecurity Innovation Fund established in
40 section 4H of chapter 40J of the General Laws; provided that \$500,000 shall be expended for the
41 facilitation and support of the Massachusetts-Israel Economic Connection operated by the New
42 England Israel Business Council to pursue economic collaboration between Israel and
43 Massachusetts, including, but not limited to, the field of cybersecurity.....\$3,000,000

44 7002-8023. For grants to coastal communities to undertake dredging projects that will
45 promote job creation, increase commercial activity, contribute to downtown revitalization, or
46 advance other local economic development goals; provided that all grants shall be matched on a
47 1:1 basis by the grantee\$50,000,000

48 7002-XXXX. For grants to municipalities and other public instrumentalities for design,
49 construction, building, land acquisition, rehabilitation, repair and other improvements to
50 publicly-owned infrastructure, or those owned or operated by nonprofit organizations; provided
51 that \$3,500,000 shall be expended for construction of Riverside Drive with accompanying
52 infrastructure as a public way within the Ludlow Mills complex in the town of Ludlow; provided
53 further, that \$1,000,000 shall be expended for construction, renovations, and infrastructure
54 improvements for the Italian Home for Children campuses located in the Jamaica Plain district of
55 the city of Boston and in the East Freetown section of the town of Freetown; provided further,
56 that \$2,500,000 shall be expended for the Boston 4 Celebrations Foundation Inc. for the Boston

57 Pops July fourth fireworks spectacular at the Edward A. Hatch Memorial Shell in the city of
58 Boston; and provided further that not less than \$2,000,000 shall be expended for the Springfield
59 Science Museum for a comprehensive upgrade including a planetarium dome, upgrading
60 interactive exhibits, installation of multi-sensory and immersive environments to complement the
61 historic dioramas, an animatronic dinosaur and new educational learning centers.....\$9,000,000

62 SECTION 2B.

63 EXECUTIVE OFFICE OF EDUCATION

64 Office of the Secretary

65 7009-2005. For a competitive grant program to be administered by the executive
66 office of education, in consultation with the executive office of housing and economic
67 development and the executive office of labor and workforce development, to provide funding
68 for the purchase and installation of equipment and any related improvements and renovations to
69 facilities necessary for the installation and use of such equipment, in order to establish, upgrade
70 and expand career technical education and training programs that are aligned to regional
71 economic and workforce development priorities; provided, that grant applications may facilitate
72 collaboration to provide students enrolled in eligible vocational technical schools with
73 postsecondary opportunities consistent with clause (o) of the first paragraph of section 22 of
74 chapter 15A of the General Laws and section 37A of chapter 74 of the General Laws; provided
75 further, that community colleges, and innovation centers that receive funds from the
76 Massachusetts Life Sciences Center shall also be eligible for funds from this program; provided
77 further, that the executive office of education, in consultation with the executive office of
78 housing and economic development and the executive office of labor and workforce

79 development, shall adopt additional guidelines as necessary for the administration of the
80 program; and provided further, that awards may be made to community-based organizations with
81 recognized success in training adults with barriers to employment..... \$75,000,000

82 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

83 Office of the Secretary

84 6720-1341. For mitigation of or contribution toward any costs associated with or
85 arising out of design, construction or infrastructure improvements to the Raymond L. Flynn
86 Cruiseport in the South Boston section of the city of Boston to accommodate large cruise ships
87 and increasing passenger demand, for the continued competitiveness of the terminal; provided,
88 that the secretary, in coordination with the chief executive officer of the Massachusetts Port
89 Authority, shall seek to maximize federal and private funds and reimbursement to offset, to the
90 extent feasible, costs incurred under this item.....\$100,000,000

91 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

92 Office of the Secretary.

93 0640-0302. For the Massachusetts Cultural Facilities Fund established in section 42 of
94 chapter 23G of the General Laws for the acquisition, design, construction, repair, renovation,
95 rehabilitation or other capital improvement or deferred maintenance to a cultural facility to
96 advance and promote tourism through the preservation of the state’s cultural
97 resources.....\$60,000,000

98 SECTION 3. Section 16 of chapter 6D of the General Laws, as appearing in the 2016
99 Official Edition, is hereby amended by striking out subsection (c).

100 SECTION 4. Section 88 of chapter 13 of the General Laws, as so appearing, is hereby
101 amended by striking out, in line 4, the figure “13” and inserting in place thereof the following
102 figure:-“11”.

103 SECTION 5. Section 89 of said chapter 13 of the General Laws is hereby further
104 amended by—

105 (a) striking out, in line 4, the figure “10” and inserting in place thereof the following
106 figure:- “8”; and

107 (b) striking out, in lines 8 through 10, the words:- “, 2 of whom shall be behavior analysts
108 who meet the qualifications in the last 2 paragraphs of section 165 of chapter 112”.

109 SECTION 6. Said chapter 13 is further amended by adding the following sections:-

110 “Section 109. (a) There shall be within the division of professional licensure a board of
111 registration of applied behavior analysts. The board shall consist of 9 members who shall be
112 residents of the commonwealth and who shall be appointed by the governor for terms of 3 years.
113 Five members of the board shall be applied behavior analysts licensed under sections 266 to 280,
114 inclusive, of chapter 112 who shall have been actively engaged in the practice of applied
115 behavior analysis for the 5 years preceding their appointments, 2 members shall be assistant
116 applied behavior analysts licensed under said sections 266 to 280, inclusive, of said chapter 112
117 who shall have been actively engaged in the practice as an assistant in applied behavior analysis
118 for the 5 years preceding their appointments and 2 members shall be selected from and shall
119 represent the public.

120 (b) Each member of the board shall hold office until a successor has been appointed and
121 qualified. A vacancy in the membership of the board shall be filled for the unexpired term in the
122 manner provided for the original appointment. No member shall serve more than 2 full
123 consecutive terms. A member appointed for less than a full term may serve 2 full terms in
124 addition to that part of a full term.

125 (c) The governor may remove a member of the board for cause, but no board member
126 shall be removed without first being informed in writing at least 30 days in advance of the
127 reasons for such removal and of the member's right to a public or private hearing and to have
128 counsel present at the hearing.

129 Section 110. At its first meeting and annually thereafter, the board of registration of
130 applied behavior analysts shall organize by electing from among its members, by majority vote, a
131 chair, a vice chair and a secretary. Such officers shall serve until their successors are elected and
132 qualified. The board shall hold at least 2 meetings annually and may hold additional meetings
133 upon the call of the chair or the secretary or at the written request of any 3 members of the board.
134 A majority of the board shall constitute a quorum. The members of the board shall serve without
135 compensation but shall be reimbursed for actual expenses reasonably incurred in the
136 performance of their board duties. The board may hire such staff as it deems necessary to carry
137 out its activities.

138 Section 111. (a) The board of registration of applied behavior analysts may (1) pass upon
139 the qualifications of an application for a license under sections 266 to 280, inclusive, of chapter
140 112 and shall issue a license to an applicant who is determined to be qualified to practice as a
141 licensed applied behavior analyst or licensed assistant applied behavior analyst; (2) adopt rules

142 and regulations governing the licensure of applied behavior analysts and assistant behavior
143 analysts; (3) establish eligibility and renewal requirements; (4) establish specifications for the
144 licensing examination that are consistent and fair; (5) define, by regulation, the appropriate
145 standards for education and experience necessary to qualify for licensing including, but not
146 limited to, continuing professional education requirements for licensed applied behavior analysts
147 and assistant behavior analysts; (6) define, by regulation, the appropriate standards for conduct
148 and ethics which shall govern the practice of applied behavior analysis; (7) receive, review and
149 approve or disapprove an application for a reciprocal license for an applicant who is licensed or
150 certified as an applied behavior analyst in another state and who has demonstrated qualifications
151 which equal or exceed those required under sections 266 to 280, inclusive, of chapter 112; (8)
152 adopt rules and regulations necessary to regulate and inspect the business associations of its
153 licensees and, in its discretion, require licensure of business associations not regulated or
154 licensed by the department of public health; (9) fine, censure, revoke, suspend or deny a license
155 and place on probation, reprimand or otherwise discipline a licensee for a violation of the code of
156 ethics or the rules and regulations of the board under said sections 266 to 270, inclusive, of said
157 chapter 112; (10) summarily suspend the license of a licensee who poses an imminent danger to
158 the public; provided, however, that a hearing shall be afforded to the licensee within 10 days
159 after any such action by the board to determine whether such summary action is warranted; and
160 (11) perform any other functions and duties as may be required to carry out this section.

161 (b) The board shall make available to the public a list of licensed applied behavior
162 analysts and licensed assistant applied behavior analysts.

163 (c) The members of the board, its officers and employees shall be indemnified by the
164 commonwealth for all actions taken as part of their responsibilities described in this chapter.”.

165 SECTION 7. Subsection (b) of section 3A of chapter 23A of the General Laws, as so
166 appearing, is hereby amended by inserting after the definition of “expansion of an existing
167 facility” the following definition:-

168 “Extraordinary economic development opportunity”, a proposed project that is jointly
169 designated by the secretary of the executive office of housing and economic development and the
170 secretary of the executive office for administration and finance as an extraordinary economic
171 development opportunity as provided in subsection (e) of section 3C.

172 SECTION 8. Section 3C of said chapter 23A, as so appearing, is hereby amended by
173 adding the following 2 subsections:-

174 (d) Notwithstanding the requirements of subsections (b) and (c), the EACC may by
175 guidelines or regulations establish a program to incent businesses to occupy vacant storefronts in
176 downtown areas. The EACC may award EDIP tax credits to storefront tenants on a competitive
177 basis taking into account factors such as the number of jobs to be created; the volume of
178 pedestrian traffic to be generated; potential synergy with other downtown businesses; whether
179 there is a matching contribution from the municipality or the landlord; commitment to storefront
180 improvements; and whether the municipality has made local plans or investments to revitalize
181 the downtown. Certification of such projects shall require that a business commit to occupy the
182 vacant storefront for a period of not less than 1 year, but shall not require the business to invest
183 in improvements or to create new jobs. The EACC shall not award more than \$500,000 in EDIP
184 tax credits in a calendar year to projects certified pursuant to this subsection.

185 (e) The secretary of the executive office of housing and economic development and the
186 secretary of the executive office for administration and finance may from time to time jointly

187 designate a proposed project as an extraordinary economic development opportunity if the
188 secretaries jointly determine that the proposed project involves the construction or substantial
189 rehabilitation of a new facility or expansion of an existing facility within the commonwealth that
190 is not a replacement of an existing facility in the commonwealth, or involves the relocation of an
191 existing business to the commonwealth from a facility located outside of the commonwealth, and
192 the proposed project meets at least 1 of the following additional criteria:

193 (1) The proposed project, if approved and constructed, will create at least 400 new
194 jobs.

195 (2) The proposed project, if approved and constructed, will result in the creation of at
196 least 200 new jobs in a gateway municipality or in an adjacent city or town that is accessible by
197 public transportation to residents of a gateway municipality.

198 The decision by the secretaries to designate or not to designate a proposed project as an
199 extraordinary economic development opportunity shall be a decision that is within the sole
200 discretion of each of the secretaries, and may include such conditions as the secretaries shall in
201 their discretion impose. Such decisions shall be final and shall not be subject to administrative
202 appeal or judicial review under chapter 30A or give rise to any other cause of action or legal or
203 equitable claim or remedy.

204 SECTION 9. Subsection (b) of said section 3D of said chapter 23A, as so appearing, is
205 hereby further amended by adding the following sentence:-

206 “Refundable credits awarded to a certified project that has been designated as an
207 extraordinary economic development opportunity shall not be counted against the cap set forth in
208 this subsection.”.

209 SECTION 10. Subsection (c) of said section 3D of said chapter 23A, as so appearing, is
210 hereby amended by inserting after the first sentence the following sentence:-

211 “Notwithstanding the cap set forth in the preceding sentence, the EACC may authorize
212 credits in excess of the annual cap of \$30,000,000 for a certified project that is designated as an
213 extraordinary economic development opportunity; provided that the total amount awarded shall
214 not exceed \$50,000,000 in a calendar year.”.

215 SECTION 11. Said chapter 23A is hereby amended by striking out section 10B, as so
216 appearing, and inserting in place thereof the following section:-

217 “Section 10B. The secretary of housing and economic development shall establish a
218 Massachusetts advanced manufacturing collaborative, hereinafter referred to as the collaborative,
219 within the executive office of housing and economic development, which shall be responsible for
220 advising and assisting on the development, implementation and periodic update of a plan to
221 foster and strengthen the conditions necessary for growth and innovation of manufacturing
222 within the commonwealth. The collaborative shall include, but not be limited to: the secretary of
223 housing and economic development, or a designee, who will serve as chair; the secretary of labor
224 and workforce development, or a designee; 1 person who shall be appointed by the speaker of
225 the house of representatives; 1 person who shall be appointed by the president of the senate; the
226 director of the office of business development; the executive director of the Massachusetts clean
227 energy center; the executive director of the Massachusetts Life Sciences Center; the executive
228 director of the John Adams Innovation Institute; the director of the Massachusetts Technology
229 Transfer Center; the executive director of the Massachusetts manufacturing extension
230 partnership; a representative from the Associated Industries of Massachusetts; a representative

231 from the Massachusetts Workforce Board Association; a representative from the Massachusetts
232 Development Finance Agency; a representative from the Massachusetts Technology Park
233 Corporation; a representative from a local chamber of commerce appointed by the governor; and
234 8 members appointed by the governor to represent the commonwealth’s large manufacturers,
235 small-to-medium sized enterprises, incubators, innovation centers and federally-funded research
236 and development centers. The collaborative shall consult with stakeholders in the public and
237 private sector in the development and implementation of the commonwealth's manufacturing
238 plan, identify emerging priorities within the commonwealth's manufacturing sector in order to
239 make recommendations for high impact projects and initiatives, and facilitate the implementation
240 of goals established under the plan. Provided further, the collaborative shall develop a statewide
241 certification process for the advanced manufacturing industry with the goal of establishing
242 uniform industry workforce standards across the commonwealth. The collaborative may
243 establish working groups that aid in the development and implementation of the plan.”.

244 SECTION 12. Subsection (b) of section 2RR of chapter 29 of the General Laws, as so
245 appearing, is hereby amended by inserting after paragraph (2) the following paragraph:-

246 “(3) To supplement the training of unemployed and underemployed workers as provided
247 for in section 2WWW by providing grants for pipeline training for unemployed persons by an
248 employer with a job vacancy, an employer association, local workforce investment board, labor
249 organization, community-based organization, including an adult basic education provider,
250 institution of higher education, vocational education institution, one-stop career center, local
251 workforce development entity, or a nonprofit education, training or other service provider;
252 provided, however, that the director shall not allocate more than 5 per cent of the annual
253 capitalization of the fund to provide for such grants. In determining grant recipients, the director

254 shall contract with the Commonwealth Corporation to distribute the grants in a need-based,
255 competitive process in accordance with the rules and parameters outlined in section 2WWW.
256 The grants shall be performance based and 50 per cent funded upon enrollment in the program,
257 with the balance to be paid contingent upon job placement and retention outcomes that
258 demonstrate placement of a participant in a training-related position requiring not less than 30
259 hours per week for not less than 2 months. To further support pipeline training and to match the
260 substantial contributions made from employers to the fund, the commonwealth shall match,
261 subject to appropriation, money used for grants pursuant to this paragraph.”.

262 SECTION 13. Chapter 40J of the General Laws is hereby amended by inserting after
263 section 4G the following section:-

264 “Section 4H. (a) In order to grow the cybersecurity industry cluster in the commonwealth
265 and protect against cybersecurity threats, there is hereby established and set up on the books of
266 the corporation the Massachusetts Cybersecurity Innovation Fund, hereinafter referred to as the
267 fund, to which shall be credited the proceeds of any bonds or notes of the commonwealth issued
268 for the purpose, and any appropriations designated by the general court to be credited thereto.
269 The fund shall be administered by the corporation. The corporation shall hold the fund in an
270 account or accounts separate from other funds of the corporation. The purpose of the fund shall
271 be to (1) support facilities, hardware and software used to develop or test cybersecurity solutions
272 and enable the growth of innovative ideas to address cybersecurity threats; (2) accelerate the
273 growth of the cybersecurity cluster and related clusters; (3) expand employment opportunities
274 and address talent pipeline needs in the cybersecurity industry and related industries for the
275 residents of the commonwealth, including, but not limited to, women, minorities, veterans, and
276 unemployed and underemployed individuals, through workforce training; (4) match public and

277 private universities with industry participants to develop cybersecurity technology and expand
278 other relevant capabilities; and (5) promote the development and implementation of educational
279 programs within the commonwealth’s public schools, kindergarten to grade 12, inclusive, and
280 public institutions of higher education through collaboration with Massachusetts Computing
281 Attainment Network.”.

282 SECTION 14. Chapter 40M of the General Laws is hereby amended by adding the
283 following section:-

284 “Section 18. Notwithstanding any general or special law to the contrary, chapter 176W
285 shall apply to groups governed by this chapter.”.

286 SECTION 15. Paragraph (a) of part B of section 3 of chapter 62 of the General Laws, as
287 so appearing, is hereby amended by striking out subparagraph (10) and inserting in place thereof
288 the following subparagraph:-

289 “(10) An amount equal to ten per cent of the cost of renovating any abandoned building
290 that is part of a certified project as defined in section 3A of chapter 23A.”.

291 SECTION 16. Paragraph (1) of subsection (g) of section 6 of said chapter 62, as so
292 appearing, is hereby amended by inserting after the word “contract,” in line 149, the following
293 words:- “, “extraordinary economic development opportunity”.

294 SECTION 17. Paragraph (3) of said subsection (g) of said section 6 of said chapter 62, as
295 so appearing, is hereby further amended by inserting after the second sentence the following
296 sentence:- “Notwithstanding the cap set forth in this paragraph, the EACC may authorize an
297 additional \$20,000,000 in EDIP tax credits to any project designated as an extraordinary

298 economic development opportunity in accordance with subsection (e) of section 3C of chapter
299 23A; provided that if such designation and authorization occurs, the total amount of EDIP tax
300 credits awarded by the EACC pursuant to this subsection and section 38N of chapter 63 shall not
301 exceed \$50,000,000 in a calendar year.”.

302 SECTION 18. Paragraph (5) of subsection (q) of said section 6 of said chapter 62, as so
303 appearing, is hereby further amended by striking out, in lines 905 and lines 911, the figures:
304 “\$5,000,000” and inserting in place thereof the following figure:- “\$20,000,000”.

305 SECTION 19. Said section 6 of said chapter 62, as so appearing, is hereby amended by
306 adding the following subsection:-

307 “(u)(1) An employer that is not a business corporation subject to the excise under chapter
308 63, shall be allowed a credit equal to \$4,800 or 50 per cent of the wages paid to each qualified
309 apprentice in a taxable year, whichever is less, against the tax liability imposed by this chapter.
310 If a credit allowed by this subsection exceeds the tax otherwise due under this chapter, 100 per
311 cent of the balance of such credit may, at the option of the taxpayer, be refundable to the
312 taxpayer. In order to qualify, the apprentice must meet the definition of apprentice in section
313 11H of chapter 23 and must be hired and trained in one of the following occupations, as defined
314 by the Bureau of Labor Statistics: computer occupations, as defined by Standard Occupational
315 Codes 15-1200; healthcare technologists and technicians, as defined by Standard Occupational
316 Codes 29-2000; healthcare practitioner support technologists and technicians, as defined by
317 Standard Occupational Codes 29-2050; healthcare support occupations, as defined by Standard
318 Occupational Codes 310000; or production occupations employed in the manufacturing industry,
319 as defined by Standard Occupational Codes 51-000, NAICS code 31-33.

320 (2) To be eligible for a credit under this subsection, (i) the primary place of employment
321 of the apprentice must be in the commonwealth; (ii) the business must be registered with the
322 division of apprentice standards as an apprenticeship program sponsor and have an apprentice
323 agreement, as defined in section 11H of chapter 23, with each apprentice for whom the credit is
324 claimed; and (iii) the apprentice must have been employed as an apprentice by the business for at
325 least 180 calendar days in the taxable year in which the credit is claimed.

326 (3) An employer that is eligible for and claims the credit allowed under this subsection in
327 a taxable year with respect to a qualified apprentice shall be eligible for a credit in the
328 subsequent taxable year with respect to such qualified apprentice, subject to certification by the
329 division of apprentice standards of continued employment as an apprentice during the subsequent
330 taxable year in the manner required by the commissioner. Any credit allowed under this
331 subsection shall not be transferable.

332 (4) The secretary of labor and workforce development, in consultation with the
333 commissioner, shall promulgate regulations establishing an application process for the credit;
334 provided, however, that the regulations shall include a maximum number of qualified apprentices
335 for which a taxpayer may claim the credit in a year.

336 (5) The credit under this subsection shall be attributed on a pro rata basis to the owners,
337 partners or members of the legal entity entitled to the credit under this subsection, and shall be
338 allowed as a credit against the tax due under this chapter of such owners, partners or members, in
339 a manner determined by the commissioner.

340 (6) The secretaries of labor and workforce development and administration and finance,
341 acting jointly and in writing shall authorize tax credits pursuant to this subsection and section

342 38GG of chapter 63. The total amount of credits that may be authorized in a calendar year
343 pursuant to this subsection and said section 38GG of chapter 63 shall not exceed \$2,500,000. No
344 credits shall be allowed under this section except to the extent in this subsection. The
345 commissioner, after consulting with the secretaries, on the criteria set forth in paragraphs (1) and
346 (2) of this subsection, shall adopt regulations governing applications for and other administration
347 of the tax credits. The secretaries and the division of apprentice standards shall provide the
348 commissioner with the documentation that the commissioner deems necessary to confirm
349 compliance with the annual cap.

350 (7) The commissioner, in consultation with the secretaries, shall annually, not later than
351 March 1, file a report with the house and senate committees on ways and means, the joint
352 committee on economic development and emerging technologies, and the joint committee on
353 labor and workforce development identifying the following-- (i) total amount of tax credits
354 claimed pursuant to this subsection; (ii) the number of participating apprentices and relevant
355 wage information; (iii) the number of applications received and the number of participating
356 employers; (iv) the areas of occupation by qualifying tax credit beneficiaries; (v) program
357 outcomes for apprentices, including job retention and further employment opportunities; and (vi)
358 whether the tax credit program is achieving its public policy purpose to create talent pipelines for
359 businesses and provide career pathways toward high demand occupations for unemployed and
360 underemployed residents of the commonwealth.”.

361 SECTION 20. Chapter 62 of the General Laws is hereby amended by inserting after
362 section 6N the following section:-

363 “Section 6O. (a) For purposes of this section, the following terms shall have the
364 following meanings unless the context clearly requires otherwise:

365 “CDC” or “Community Development Corporation”, a corporation certified as a
366 community development corporation by the department of housing and community development
367 as consistent with chapter 40H of the General Laws.

368 “Certified construction”, the construction of a qualified water-dependent facility that has
369 been approved and certified by the secretary, in consultation with the executive office of energy
370 and environmental affairs, as being consistent with the standards established by the Designated
371 Port Area for the purposes of this section.

372 “Qualified water-dependent facility”, any building or structure, located within the
373 commonwealth, constructed for the exclusive use of water-dependent commercial or industrial
374 activities, seafood processing, aquaculture, water-dependent science, research and innovation, or
375 seafood storage, and uses accessory and directly supportive thereof including wholesale and
376 retail uses, and which is located in a Designated Port Area as defined by section 25.02 of title
377 301 of the Code of Massachusetts Regulations.

378 “Qualified water-dependent facility expenditure”, any amount properly
379 chargeable to a capital account in effect for the taxable year, incurred in connection with the
380 certified water-dependent facility construction or rehabilitation in a Designated Port Area, but
381 the term shall not include personal property, personal use property, or the cost of acquiring any
382 building or interest thereon, up to and including costs of building materials and supplies, fixtures,
383 equipment, design, engineering, permitting and labor costs, paid by the taxpayer.

384 “Secretary”, the secretary of housing and economic development.

385 “Taxpayer”, a person, firm, partnership, trust, estate, limited liability company, or other
386 entity subject to the income tax imposed by the provisions of this chapter.

387 (b) Massachusetts Maritime Commercial Development tax credit. (1) The
388 secretary shall authorize the tax credits under this section annually, beginning January 1, 2019,
389 together with section 38HH of chapter 63, an amount not to exceed \$10,000,000 per year. The
390 secretary shall determine the criteria for eligibility for the credit, such criteria to be set forth in
391 regulations promulgated under this section.

392 (2) Any single municipality shall not be eligible to receive a more than 50 per cent of the
393 total amount of awarded credits in a given calendar year. This restriction may be waived by the
394 secretary. Such a waiver must be made in writing and submitted with reasoning to the joint
395 committee on economic development and emerging technologies, and the house and senate
396 committees on ways and means.

397 (3) A taxpayer that incurs qualified water-dependent facility expenditures may be
398 allowed a credit, to be computed as hereinafter provided, against the tax imposed by this chapter.
399 The credit shall be equal to a percentage, not to exceed 50 per cent, of the qualified water-
400 dependent facility expenditures made by the taxpayer with respect to a qualified water-dependent
401 facility which has received final certification and has been placed in service as provided for in
402 this section. The secretary shall administer and determine eligibility for the Massachusetts
403 maritime commercial development tax credit and allocate the credit in accordance with this
404 section; provided that the secretary may impose a fee for the processing of applications for the
405 certification of any water-dependent facility under the provisions of this section.

406 (4) Community development corporations shall be eligible to receive this tax
407 credit at a rate equal to that of any taxpayer under this section.

408 (5) The credit allowable under this section shall be allowed for the taxable year in
409 which occupancy of the entire structure or some identifiable portion of the water-dependent
410 facility property is permitted. A taxpayer allowed a credit under this section for a taxable year
411 may carry over and apply to the tax imposed by this chapter in any of the succeeding 5 taxable
412 years, the portion, as reduced from year to year, of those credits which exceed the tax for the
413 taxable year.

414 (b) Maritime commercial development tax credits allowed to a partnership, a
415 limited liability company taxed as a partnership or multiple owners of property shall be passed
416 through to the persons designated as partners, members or owners, respectively, pro rata or
417 pursuant to an executed agreement among the persons designated as partners, members or
418 owners documenting an alternative distribution method without regard to their sharing of other
419 tax or economic attributes of the entity.

420 (c) Taxpayers eligible for the Massachusetts maritime commercial development
421 tax credit may, with prior notice to and in accordance with regulations adopted by the Secretary,
422 transfer the credits, in whole or in part, to any individual or entity, and the transferee shall be
423 entitled to apply the credits against the tax with the same effect as if the transferee had incurred
424 the qualified rehabilitation expenditures itself. The transferee shall use the credit in the year it is
425 transferred. If the credit allowable for any taxable year exceeds the transferee's tax liability for
426 that tax year, the transferee may carry forward and apply in any subsequent taxable year the
427 portion, as reduced from year to year, of those credits which exceed the tax for the taxable year;

428 provided however, that the carryover period shall not exceed 5 taxable years after the close of the
429 taxable year during which the qualified historic structure received final certification and was
430 placed in service as provided for in this section.

431 (d) The secretary shall annually, not later than September 1 of each year, file a
432 report with the house and senate committees on ways and means, the chairs of the joint
433 committee on community development and small businesses, and the chairs of the joint
434 committee on economic development and emerging technologies, identifying the total amount of
435 tax credits claimed pursuant to this subsection and the total amount of tax credits transferred,
436 sold, or assigned hereunder for the preceding fiscal year.

437 (e) If the certified water-dependent facility is disposed of or ceases to be
438 exclusively used for water-dependent commercial or industrial activities before the end of the
439 facility's useful life, the recapture provisions of section 31A(e) of chapter 63 of the General
440 Laws shall apply.”.

441 SECTION 21. Subsection (a) of section 38N of chapter 63 of the General Laws, as so
442 appearing, is hereby amended by inserting after the word “contract,” in line 2, the following
443 words:- “, “extraordinary economic development opportunity”.

444 SECTION 22. The first paragraph of subsection (c) of said section 38N of said chapter
445 63, as so appearing, is hereby amended by adding the following sentence:-

446 “Notwithstanding the cap set forth in this paragraph, the EACC may authorize an award
447 of an additional \$20,000,000 in EDIP tax credits to any project designated as an extraordinary
448 economic development opportunity in accordance with subsection (e) of section 3C of chapter
449 23A; provided that that if such designation and authorization occurs, the total amount of EDIP

450 tax credits awarded by the EACC pursuant to this section and subsection (g) of section 6 of
451 chapter 62 shall not exceed \$50,000,000 in a calendar year.”.

452 SECTION 23. Section 38O of said chapter 63, as so appearing, is hereby amended by
453 striking out, in lines 4 to 5, the words “either located within an economic target area designated
454 under section 3G of chapter 23A, or”.

455 SECTION 24. Subsection (5) of section 38BB of chapter 63 of the General Laws, as so
456 appearing, is hereby amended by striking out, in lines 60 and 66, the figures: “\$10,000,000” and
457 inserting in place thereof the following figure:- “\$20,000,000”.

458 SECTION 25. Said chapter 63 is hereby amended by inserting after section 38FF the
459 following section:-

460 “Section 38GG. (a) A business corporation engaged in business in the commonwealth
461 shall be allowed a credit against its excise due under this chapter in an amount equal to \$4,800 or
462 50 per cent of the wages paid to each qualified apprentice in a taxable year, whichever is less. If
463 a credit allowed by this section exceeds the tax otherwise due under this chapter, 100 per cent of
464 the balance of such credit may, at the option of the taxpayer, be refundable to the taxpayer. In
465 order to qualify, the apprentice must meet the definition of apprentice in section 11H of chapter
466 23 and must be hired and trained in one of the following occupations, as defined by the Bureau
467 of Labor Statistics: computer occupations, as defined by Standard Occupational Codes 15-1200;
468 healthcare technologists and technicians, as defined by Standard Occupational Codes 29-2000;
469 healthcare practitioner support technologists and technicians, as defined by Standard
470 Occupational Codes 29-2050; healthcare support occupations, as defined by Standard

471 Occupational Codes 310000; or production occupations if employed in the manufacturing
472 industry, as defined by Standard Occupational Codes 51-000, NAICS code 31-33.

473 (b) To be eligible for a credit under this section (1) the primary place of employment of
474 the apprentice must be in the commonwealth; (2) the business corporation must be registered
475 with the division of apprentice standards as an apprenticeship program sponsor and have an
476 apprentice agreement, as defined in section 11H of chapter 23, with each apprentice for whom
477 the credit is claimed; and (3) the apprentice must have been employed by the business
478 corporation as an apprentice for at least 180 calendar days in the taxable year in which the credit
479 is claimed.

480 (c) A business corporation that is eligible for and claims the credit allowed under this
481 section in a taxable year with respect to a qualified apprentice shall be eligible for a credit in the
482 subsequent taxable year with respect to such qualified apprentice, subject to certification by the
483 division of apprentice standards of continued employment as an apprentice during the subsequent
484 taxable year in the manner required by the commissioner. Any credit allowed under this section
485 shall not be transferable.

486 (d) The secretary of labor and workforce development, in consultation with the
487 commissioner, shall promulgate regulations establishing an application process for the credit;
488 provided, however, that the regulations shall include a maximum number of qualified apprentices
489 for which a taxpayer may claim the credit in a year.

490 (e) The secretaries of labor and workforce development and administration and finance,
491 acting jointly and in writing shall authorize tax credits pursuant to this section and subsection (u)
492 of section 6 of chapter 62. The total amount of credits that may be authorized in a calendar year

493 pursuant to this section and said subsection (u) of section 6 of chapter 62 shall not exceed
494 \$2,500,000. No credits shall be allowed under this section except to the extent in this section.
495 The commissioner, after consulting with the secretaries, on the criteria set forth in subsections (a)
496 and (b) of this section, shall adopt regulations governing applications for and other
497 administration of the tax credits. The secretaries and the division of apprentice standards shall
498 provide the commissioner with the documentation that the commissioner deems necessary to
499 confirm compliance with the annual cap.

500 (f) The commissioner, in consultation with the secretaries, shall annually, not later than
501 March 1, file a report with the house and senate committees on ways and means, the joint
502 committee on economic development and emerging technologies, and the joint committee on
503 labor and workforce development identifying the following-- (1) total amount of tax credits
504 claimed pursuant to this subsection; (2) the number of participating apprentices and relevant
505 wage information; (3) the number of applications received and the number of participating
506 employers; (4) the areas of occupation by qualifying tax credit beneficiaries; (5) program
507 outcomes for apprentices, including job retention and further employment opportunities; and (6)
508 whether the tax credit program is achieving its public policy purpose to create talent pipelines for
509 businesses and provide career pathways toward high demand occupations for unemployed and
510 underemployed residents of the commonwealth.”.

511 SECTION 26. Chapter 63 of the General Laws is hereby amended by inserting after
512 section 38GG the following section:-

513 “Section 38HH. (a) For purposes of this section, the following terms shall have the
514 following meanings unless the context clearly requires otherwise:

515 “CDC” or “Community Development Corporation”, a corporation certified as a
516 community development corporation by the department of housing and community development
517 as consistent with chapter 40H of the General Laws.

518 “Certified construction”, the construction of a qualified water-dependent facility that has
519 been approved and certified by the secretary, in consultation with the executive office of energy
520 and environmental affairs, as being consistent with the standards established by the Designated
521 Port Area for the purposes of this section.

522 “Qualified water-dependent facility”, any building or structure, located within the
523 commonwealth, constructed for the exclusive use of water-dependent commercial or industrial
524 activities, seafood processing, aquaculture, water-dependent science, research and innovation, or
525 seafood storage, and uses accessory and directly supportive thereof including wholesale and
526 retail uses, and which is located in a Designated Port Area as defined by section 25.02 of title
527 301 of the Code of Massachusetts Regulations.

528 “Qualified water-dependent facility expenditure”, any amount properly
529 chargeable to a capital account in effect for the taxable year, incurred in connection with the
530 certified water-dependent facility construction or rehabilitation in a Designated Port Area, but
531 the term shall not include personal property, personal use property, or the cost of acquiring any
532 building or interest thereon, up to and including costs of building materials and supplies, fixtures,
533 equipment, design, engineering, permitting and labor costs, paid by the taxpayer.

534 “Secretary”, the secretary of housing and economic development.

535 “Taxpayer”, a taxpayer subject to an excise under this chapter.

536 (b) Massachusetts Maritime Commercial Development tax credit. (1) The secretary shall
537 authorize the tax credits under this section. The secretary shall authorize annually, beginning
538 January 1, 2019, under this section, together with section 6O of chapter 62, an amount not to
539 exceed \$10,000,000 per year. The secretary shall determine the criteria for eligibility for the
540 credit, such criteria to be set forth in regulations promulgated under this section.

541 (2) Any single municipality shall not be eligible to receive a more than 50 per cent of the
542 total amount of awarded credits in a given calendar year. This restriction may be waived by the
543 secretary. Such a waiver must be made in writing, and submits the decision with an adequate
544 reasoning to the joint committee on economic development and emerging technologies, and the
545 house and senate committees on ways and means.

546 (3) A taxpayer that incurs qualified water-dependent facility expenditures may be
547 allowed a credit, to be computed as hereinafter provided, against the tax imposed by this chapter.
548 The credit shall be equal to a percentage, not to exceed 50 percent, of the qualified water-
549 dependent facility expenditures made by the taxpayer with respect to a qualified water-dependent
550 facility which has received final certification and has been placed in service as provided for in
551 this section. The secretary shall administer and determine eligibility for the Massachusetts
552 maritime commercial development tax credit and allocate the credit in accordance with this
553 section; provided however that the secretary may impose a fee for the processing of applications
554 for the certification of any water-dependent facility under the provisions of this section.

555 (4) Community development corporations shall be eligible to receive this tax
556 credit at a rate equal to that of any taxpayer under this section.

557 (5) The credit allowable under this section shall be allowed for the taxable year in
558 which the water-dependent facility property is placed in service, that is, when occupancy of the
559 entire structure or some identifiable portion of the structure is permitted. A taxpayer allowed a
560 credit under this section for a taxable year may carry over and apply to the tax imposed by this
561 chapter in any of the succeeding 5 taxable years, the portion, as reduced from year to year, of
562 those credits which exceed the tax for the taxable year.

563 (b) Maritime commercial development tax credits allowed to a partnership, a
564 limited liability company taxed as a partnership or multiple owners of property shall be passed
565 through to the persons designated as partners, members or owners, respectively, pro rata or
566 pursuant to an executed agreement among the persons designated as partners, members or
567 owners documenting an alternative distribution method without regard to their sharing of other
568 tax or economic attributes of the entity.

569 (c) Taxpayers eligible for the Massachusetts maritime commercial development
570 tax credit may, with prior notice to and in accordance with regulations adopted by the Secretary,
571 transfer the credits, in whole or in part, to any individual or entity, and the transferee shall be
572 entitled to apply the credits against the tax with the same effect as if the transferee had incurred
573 the qualified rehabilitation expenditures itself. The transferee shall use the credit in the year it is
574 transferred. If the credit allowable for any taxable year exceeds the transferee's tax liability for
575 that tax year, the transferee may carry forward and apply in any subsequent taxable year the
576 portion, as reduced from year to year, of those credits which exceed the tax for the taxable year;
577 provided however, that the carryover period shall not exceed 5 taxable years after the close of the
578 taxable year during which the qualified historic structure received final certification and was
579 placed in service as provided for in this section.

580 (d) The secretary shall annually, not later than September 1 of each year, file a
581 report with the house and senate committees on ways and means, the chairs of the joint
582 committee on community development and small businesses, and the chairs of the joint
583 committee on economic development and emerging technologies, identifying the total amount of
584 tax credits claimed pursuant to this subsection and the total amount of tax credits transferred,
585 sold, or assigned hereunder for the preceding fiscal year.

586 (e) If the certified water-dependent facility is disposed of or ceases to be
587 exclusively used for water-dependent commercial or industrial activities before the end of the
588 facility's useful life, the recapture provisions of section 31A(e) of chapter 63 of the General
589 Laws shall apply.”.

590 SECTION 27. Section 3 of chapter 101 of the General Laws, as so appearing, is hereby
591 amended by striking out the word “one”, in line 23, and inserting in place thereof the following
592 figure:- “5”.

593 SECTION 28. Section 163 of chapter 112 of the General Laws, as so appearing, is hereby
594 amended by striking out the eighteenth, nineteenth, and twentieth paragraphs.

595 SECTION 29. Said chapter 112 of the General Laws is hereby amended by adding the
596 following 15 sections:-

597 “Section 266. As used in this section and sections 267 to 269, inclusive, the following
598 words shall, unless the context clearly requires otherwise, have the following meanings:

599 “Applied behavior analyst”, an individual who, by training, experience and examination
600 meets the requirements for licensing by the board and is duly licensed to engage in the practice
601 of applied behavior analysis in the commonwealth.

602 "Assistant applied behavior analyst”, an individual who, by training, experience and
603 examination meets the requirements for licensing by the board and is duly licensed to engage in
604 the practice of applied behavior analysis under the supervision of a licensed applied behavior
605 analyst.

606 “Board”, the board of registration of applied behavior analysts.

607 “Recognized educational institution”, a degree-granting college or university which is
608 accredited by a regional accreditation body recognized by the United States Department of
609 Education.

610 “Scope of practice of applied behavior analysis”, the design, implementation and
611 evaluation of systematic instructional and environmental modifications, using behavioral stimuli
612 and consequences, to produce socially significant improvements in human behavior, including
613 the direct observation and measurement of behavior and the environment, the empirical
614 identification of functional relations between behavior and environmental factors, known as
615 functional assessment and analysis, and the introduction of interventions based on scientific
616 research and which utilize contextual factors, antecedent stimuli, positive reinforcement and
617 other consequences to develop new behaviors, increase or decrease existing behaviors and elicit
618 behaviors under specific environmental conditions that are delivered to individuals and groups of
619 individuals; and provided further, that the scope of practice of applied behavior analysis shall not
620 include psychological testing, neuropsychology, diagnosis of mental health or developmental

621 conditions, psychotherapy, cognitive therapy, sex therapy, psychoanalysis,
622 psychopharmacological recommendations, hypnotherapy or academic teaching by college or
623 university faculty.

624 Section 267. The board may issue a license to an applicant as an applied behavior
625 analyst; provided, however, that each such applicant demonstrates to the board, the successful
626 completion of (a) a doctoral degree from a recognized educational institution in which the
627 doctoral program included a minimum of 60 graduate credit hours in courses directly related to
628 the study of behavior analysis or a master's degree from a recognized educational institution
629 wherein the master's program included a minimum of 30 graduate credit hours in courses
630 directly related to the study of behavior analysis or for individuals with a recognized doctoral or
631 masters degree in another field of human services, successful completion of a board approved
632 certificate program in behavior analysis with an approved course sequence approved by the
633 Board; (b) has successfully completed a practicum or supervised experience in the practice of
634 behavior analysis that meets the standards established by the board; and (c) has successfully
635 completed a board-approved examination related to the principles and independent practice of
636 applied behavior analysis.

637 Section 268. The board may issue a license to an applicant as an assistant applied
638 behavior analyst; provided, however, that each such applicant demonstrates to the board, the
639 successful completion of (a) a bachelor's degree from a recognized educational institution
640 wherein a minimum of 45 credit hours specifically in behavior analysis or possesses a bachelor's
641 degree combined with successful completion of a board-approved course sequence or course
642 work which otherwise meets professional standards, as determined by the board; (b) has
643 successfully completed a practicum or supervised experience in the practice of behavior analysis

644 that meets board established eligibility requirements; and (c) has successfully completed a board-
645 approved examination related to the principles and practice of applied behavior analysis.

646 Section 269. Each person desiring to obtain a license as an applied behavior analyst or as
647 an assistant applied behavior analyst shall make application to the board upon such form and in
648 such manner as the board shall prescribe and shall furnish evidence satisfactory to the board that
649 the person is of good moral character including, but not limited to, the fact that such applicant
650 has not been convicted of a felony; provided, however, that for the purposes of this section, a
651 conviction shall include a judgment, an admission of guilt or a plea of nolo contendere to any
652 such felony charges or a conviction of an offense under the laws of another jurisdiction which, if
653 committed in the commonwealth, would be a felony unless—

654 (a) at least 10 years have elapsed from the date of the conviction; and

655 (b) the applicant satisfactorily demonstrates to the board that the applicant has made
656 significant progress in personal rehabilitation since the conviction so that licensure of the
657 applicant would not be expected to create a substantial risk of harm to the health and safety of
658 the applicant's clients or the public or a substantial risk of further criminal violations.

659 The board shall have access to criminal offender record information to review such
660 felony or misdemeanor convictions as are necessary to carry out this section.

661 Section 270. Notwithstanding sections 267 and 268, the board may issue a license without
662 examination to an applicant who presents evidence that such applicant has been licensed or
663 certified as an applied behavior analyst by a similar board of another jurisdiction the standards of
664 which are at least the same as those required in the commonwealth.

665 Section 271. The board may grant a temporary license to practice applied behavior
666 analysis for a period not to exceed 1 year to an applied behavior analyst with prior legal
667 residence outside the commonwealth to practice; provided, however, that such applied behavior
668 analyst shall register with the board and shall practice in consultation with or under the
669 supervision of a licensed applied behavior analyst or possesses qualifications acceptable to the
670 board.

671 Section 272. A license to practice applied behavior analysis or to practice as an assistant
672 applied behavioral analyst shall be valid for 2 years and shall be renewed on or before the
673 anniversary of the date of birth of the licensee next occurring more than 24 months after the date
674 of issuance of the license and every 2 years thereafter. Under the renewal, the applicant shall
675 attest to the completion of and, if requested, present to the board documented evidence of the
676 completion of a minimum number of hours of continuing education programs as specified by the
677 board and which are designed to improve the professional competence of the licensee. Such
678 programs shall be completed during the licensed period immediately prior to renewal. Such
679 continuing education programs shall meet the standards specified by the board. The board may
680 provide for the late renewal of a license which has lapsed and may require the payment of a late
681 fee.

682 Section 273. All fees required by sections 267 to 279, inclusive, shall be determined
683 annually by the secretary of administration and finance under section 3B of chapter 7. All
684 licensing and application fees and civil administrative penalties collected under said sections 265
685 to 277, inclusive, shall be deposited into the Division of Professional Licensure Trust Fund
686 established in section 35V of chapter 10.

687 Section 274. Nothing in sections 266 to 279, inclusive, shall be construed to prevent
688 qualified members of other professions or occupations including, but not limited to, physicians,
689 psychologists, teachers, members of the clergy, authorized Christian Science practitioners,
690 attorneys-at-law, social workers, guidance counselors, clinical counselors, adjustment
691 counselors, speech pathologists, audiologists or rehabilitation counselors from practicing applied
692 behavior analysis if it is consistent with the accepted standards of their respective professions;
693 provided, however, that no such Christian Science practitioner, attorneys-at-law, social worker,
694 guidance counselor, clinical counselor, adjustment counselor, speech pathologist, audiologist or
695 rehabilitation counselor shall use any title or description stating or implying that such person is a
696 licensed applied behavior analyst without holding said license.

697 Section 275. A person licensed under sections 266 to 272, inclusive, shall comply with
698 the standards of ethical practice as adopted by the board.

699 Section 276. A person not licensed to practice applied behavior analysis who holds
700 himself out to be an applied behavior analyst or who uses the title “applied behavior analyst” or
701 engages in the practice of applied behavior analysis shall be subject to the penalties set forth in
702 section 65A of chapter 112.

703 Section 277. The penalties in section 276 shall not apply to faculty or students of applied
704 behavior analysis currently enrolled in a recognized educational institution which meets
705 educational standards determined by the board or to interns or persons preparing for the practice
706 of applied behavior analysis under qualified supervision in any such program; provided, that they
707 are designated by such titles as “applied behavior analyst intern”, “applied behavior analyst
708 trainee” or other title clearly indicating such training status.

709 Section 278. The board shall investigate all complaints relating to the proper practice of
710 applied behavior analysis by a person licensed under sections 266 to 279, inclusive.

711 The board, after a hearing held under chapter 30A, may revoke, suspend or cancel the
712 license, or reprimand, censure or otherwise discipline a licensed applied behavior analyst or
713 licensed assistant applied behavior analyst upon proof satisfactory to a majority of the board that
714 the applied behavior analyst or assistant applied behavior analyst—

715 (a) fraudulently procured the license;

716 (b) is guilty of an offense under any law of the commonwealth relating to the practice of
717 applied behavior analysis or a rule or regulation adopted under those laws;

718 (c) engaged in conduct that calls into question the applied behavior analyst's competence
719 to practice applied behavior analysis including, but not limited to, gross misconduct in the
720 practice of applied behavior analysis or of practicing applied behavior analysis fraudulently, or
721 beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular
722 occasion or negligence on repeated occasions;

723 (d) practiced applied behavior analysis while the ability to practice was impaired by
724 alcohol, drugs, physical disability or mental instability;

725 (e) has been habitually drunk or being or having been within a reasonable period of time
726 addicted to, dependent on or a habitual user of narcotics, barbiturates, amphetamines,
727 hallucinogens or other drugs having similar effects;

728 (f) knowingly permitted, aided or abetted an unlicensed individual to perform activities
729 requiring a license for purposes of fraud, deception or personal gain;

730 (g) has been convicted of a criminal offense which reasonably calls into question the
731 licensee's ability to practice applied behavior analysis;

732 (h) violated any rule or regulation of the board governing the practice of applied behavior
733 analysis; or

734 (i) violated any professional disciplinary or ethical standard established by the board.

735 No person who files a complaint or who reports or provides information under this
736 section or assists the board at its request in any manner in discharging its duties and functions
737 shall be liable in a cause of action arising out of the receiving of such information or assistance if
738 the person making the complaint or reporting or providing the information or assistance does so
739 in good faith and without malice.

740 If the applied behavior analyst or assistant applied behavior analyst is found not to have
741 violated this section, the board shall forthwith order a dismissal of the charges.

742 Written notice of a contemplated revocation or suspension of a license or the cause
743 therefor, in sufficient particularity, and the date of a hearing thereon, shall be sent by registered
744 or certified mail to the licensee at the licensee's last known address at least 15 days before the
745 date of the hearing. The applied behavior analyst or assistant applied behavior analyst against
746 whom a charge is filed shall have a right to appear before the board in person or by counsel, or
747 both, may produce witnesses, introduce evidence and question witnesses. No license shall be
748 revoked or suspended without such hearing, but the nonappearance of the licensee, after notice,
749 shall not prevent such revocation or suspension. All matters upon which a contemplated
750 revocation or suspension is based shall be introduced in evidence at the proceeding. The licensee

751 shall be notified in writing of the board's decision. The board may make such rules and
752 regulations as it deems proper for the filing of charges and the conduct of hearings.

753 After issuing an order of revocation or suspension, the board may file a petition in equity
754 in the superior court in a county in which the respondent resides or transacts business, or in
755 Suffolk County, to ensure appropriate injunctive relief to expedite and secure the enforcement of
756 its order, pending the final determination.

757 A decision by the board under this section shall be subject to review in superior court
758 under chapter 30A.

759 Section 279. After 3 years from the date of revocation, an application for reinstatement
760 may be made to the board and the board may, upon the affirmative vote of a majority of its
761 members, grant such reinstatement.

762 Section 280. The board shall issue a provisional license as an applied behavior analyst or
763 an assistant applied behavior analyst to each applicant who meets the requirements set forth in
764 this section. It shall issue the provisional license to each person so licensed, which shall be
765 conclusive evidence of the right of such person to practice for a period during which the board is
766 processing an application for licensure which includes a requirement the applicant submit a
767 certificate issued by a national certifying body acceptable to the board. The provisional license
768 shall be valid for a period of no longer than 1 year.

769 To be eligible for license by the board as an applied behavior analyst, an applicant shall
770 comply with all requirements for licensure as outlined in sections 266 to 279 of chapter 112.

771 Notwithstanding any general or special law, or rule or regulation to the contrary,
772 insurance companies shall accept the provisional license of an applied behavior analyst or an
773 assistant applied behavior analyst as a full license for the purpose of credentialing clinicians.”.

774 SECTION 30. Section 165 of said chapter 112 of the General Laws is amended by—

775 (a) striking out the following words in the title of the section “applied behavior analysts”;
776 and (b) striking out the eighth through fifteenth paragraphs, inclusive.

777 SECTION 31. Section 1 of chapter 121B of the General Laws, as so appearing, is
778 hereby amended by—

779 (a) inserting, after the definition of “Blighted open area,” the following definition:-

780 ““Capital funds”, funds advanced by the department to a housing authority under state
781 legislation financing capital outlays for housing production or preservation, including without
782 limitation state legislation authorizing the issuance and sale of bonds by the Commonwealth to
783 finance capital expenditures”;

784 (b) inserting, after the definition of “Community renewal program,” the following
785 definition:-

786 ““Controlled affiliate”, an entity with the power to own and operate real property of
787 which and over which actual and legal control shall be in a local housing authority.”;

788 (c) inserting, after the definition of “Federal legislation,” the following definition:-

789 “Federal replacement units”, housing units that provide replacement housing for an
790 existing or former federally-assisted public housing project in accordance with federal standards

791 as established pursuant to (1) section 9 of the United States Housing Act of 1937, as amended,
792 (2) the federal Rental Assistance Demonstration program; (3) the federal Choice Neighborhoods
793 Initiative; (4) section 8(o)(13) of the United States Housing Act of 1937, as amended; or (5) such
794 other similar or equivalent federal standards or successor programs as identified by the
795 department.”; and

796 (d) inserting, after the definition of “Relocation project,” the following definition:-

797 “‘Replacement units’, (1) federal replacement projects; or (2) low rent housing created to
798 replace an existing housing project that is demolished or disposed of under subsection (k) of
799 section 26; such units may be included within a privately owned mixed-income development that
800 also includes dwellings that are not low rent housing, provided that the use and occupancy of the
801 replacement units is subject to a binding legal contract and land use restriction under paragraph
802 (7) of subsection (k) of section 26.”.

803 SECTION 32. Section 11 of said chapter 121B, as so appearing, is hereby amended by
804 adding the following paragraph:-

805 “Notwithstanding any general or special law to the contrary, a housing authority, with the
806 approval of the department, shall have the power to secure indebtedness incurred for the
807 preservation, modernization and maintenance of one or more of its low-rent housing
808 developments assisted under section 32 or section 34 of chapter 121B by a pledge of a portion of
809 capital funds awarded to it for improvements to be carried out pursuant to a department-approved
810 capital improvement plan in accordance with department regulations governing capital projects.
811 The department shall promulgate regulations establishing limitations on the percentage of
812 awarded capital funds that may be pledged to secure indebtedness, describing permitted terms for

813 borrowing and repayment, and establishing criteria for housing authorities that will be permitted
814 to incur indebtedness secured by a pledge of capital funds. Any pledge of future year capital
815 funds under this section is subject to the availability of funds under the department's capital
816 spending plan as approved by the governor for that year. All financing documents related to
817 future year capital fund amounts must include a statement that the pledging of funds is subject to
818 the availability of funds under the department's capital spending plan as approved by the
819 governor.”.

820 SECTION 33. Section 16 of said chapter 121B, as so appearing, is hereby amended by
821 adding the following paragraph:-

822 “Notwithstanding any provision to the contrary in this chapter or in any other general or
823 special law relative to the tax status of real property, buildings or other structures owned by a
824 housing authority, a controlled affiliate, or another private entity, including without limitation a
825 for-profit or charitable corporation, general or limited partnership, or limited liability company,
826 that contain or will contain replacement units as defined in section 1, shall be exempt from
827 taxation, betterments and special assessments to the extent such buildings or structures are
828 restricted for use as replacement units, including associated common areas and associated land.
829 If replacement units and associated common areas constitute only a portion of such resulting
830 buildings or structures, the exemption shall be prorated based on the ratio which the square
831 footage of replacement units bears to the square footage of all other residential or commercial
832 units within the buildings or structures. The housing authority, controlled affiliate or other
833 private entity shall pay (a) with respect to the exempt portion of the buildings or structures and
834 land, a payment in lieu of taxes consistent with the valuation or other formula generally
835 applicable under this section to the housing authority's real estate in the city or town in which

836 such real estate is located, or as otherwise previously agreed upon between the city or town and
837 the housing authority as the method for computing the payments to be made in lieu of taxes, and
838 using the ratio described above; and (b) with respect to the non-exempt portion of the buildings
839 or structures and land, real estate taxes in accordance with chapter 59 of the General Laws based
840 on the fair cash value of the non-exempt portion of the buildings or structures and non-exempt
841 portion of the land using the ratio described above.”.

842 SECTION 34. Section 26 of said chapter 121B, as so appearing, is hereby amended by
843 inserting after the word “sale,” in line 91, the following words:- “or other disposition”.

844 SECTION 35. Said section 26 of said chapter 121B, as so appearing, is hereby further
845 amended by striking out, in lines 94 to 95, the words “notwithstanding the provisions of clause
846 (d) or section thirty-four.”.

847 SECTION 36. Subsection (k) of said section 26 of said chapter 121B, as so appearing, is
848 hereby further amended by striking out paragraphs (1), (2), (3), and (4) and inserting in place
849 thereof the following 4 paragraphs:-

850 “(1) found that all or a substantial portion of such existing housing project or part thereof
851 requires such substantial modernization or rehabilitation to continue to provide decent, safe and
852 sanitary housing that, in the judgment of the department, the required substantial modernization
853 or rehabilitation cannot feasibly be executed by the housing authority pursuant to the provisions
854 of this chapter;

855 (2) approved the proposed project, including a relocation plan for occupants of the
856 existing project and a plan to make housing available on the land where the existing project is
857 situated, in which the number of replacement units restricted as low rent housing for occupancy

858 by low income persons or families shall be the same as the number of low rent housing units in
859 the existing housing project or part thereof that is subject to demolition or disposition, unless the
860 department determines that (A) a shortage of low-rent housing no longer exists in the applicable
861 city or town, or (B) the reduction in the number of units is necessary to increase the number of
862 units that are accessible for persons with disabilities, which project may include plans to use a
863 portion of such land for market-rate housing or for a public purpose ancillary to such
864 development and approved by the department;

865 (3) approved the sale or other disposition and the terms thereof, which shall be at the fair
866 market value for the proposed reuse unless the department determines that a below-market
867 disposition would be in the public interest in order to support the continued occupancy of
868 dwelling units in the new development by families of low income;

869 (4) determined that the availability of funds to the housing authority for such project is
870 conditioned upon the occurrence of the initial mortgage loan closing for the development of new
871 or rehabilitated housing on the land where the existing project is situated; and the selection by
872 the housing authority through a qualifications-based competitive procurement process approved
873 by the department of a developer best qualified to develop, own and operate the new or
874 rehabilitated housing on the existing land, for providing for such development of the new
875 housing within a reasonable time in accordance with department-approved contracts, and for
876 assuring continued occupancy of the required number of replacement units in the new
877 development by families of low income in accordance with the requirements of this chapter;”.

878 SECTION 37. Said subsection (k) of said section 26 of said chapter 121B, as so
879 appearing, is hereby further amended by striking out paragraph (6) and inserting in place thereof
880 the following paragraph:-

881 “(6) found that the housing authority has described how occupants in state-aided public
882 housing will be provided with independent technical assistance sufficient to allow them
883 meaningful and informed input into the development of the proposed project and that
884 representatives of all occupants of such existing housing project, selected by the occupants in a
885 manner approved by the department, have fully participated in the development of the project
886 proposal and that all occupants of such existing housing projects have adequate notice and an
887 opportunity to review the proposed project and relocation plan and an opportunity to present
888 their views at a public hearing which shall be held by the department.”.

889 SECTION 38. Said subsection (k) of said section 26 of said chapter 121B, as so
890 appearing, is hereby further amended by adding the following paragraph:-

891 “(7) approved a binding legal contract and land use restriction to be entered into by the
892 transferee of the property in favor of the local housing authority and the department of housing
893 and community development that requires compliance with chapter 121B of the General Laws
894 and sections 4.00 et seq., 5.00 et seq., 6.00 et seq., 8.00 et seq., 27.00 et seq., and 47.00 et seq. of
895 title 760 of the Code of Massachusetts Regulations with respect to the replacement units in the
896 same manner and to the same effect as if such entity were a housing authority, subject to such
897 regulatory waivers given by the department of housing and community development as may be
898 necessary to secure financing; that provides prospective, present or former occupants of the
899 replacement units with the ability to enforce such contractual obligations that impact their rights;

900 and that delineates the roles of the housing authority and the department in monitoring and
901 enforcing compliance with the contract and regulations named herein. The contract shall require
902 compliance in perpetuity unless the department determines that the project financing requires the
903 use of Federal low income housing tax credits and that compliance in perpetuity would make it
904 infeasible to comply with Internal Revenue Service requirements with respect to the low income
905 housing tax credit program. The department shall promulgate rules and regulations to further the
906 purposes of subsection (k).”.

907 SECTION 39. Said section 26 of said chapter 121B, as so appearing, is hereby further
908 amended by striking out, in line 242, the words “section or section 34” and inserting in place
909 thereof the following words:- “any provision of this chapter”.

910 SECTION 40. Said section 26 of said chapter 121B, as so appearing, is hereby further
911 amended by inserting after the words “feasible to”, in line 247, the following words:- “maintain
912 or to”.

913 SECTION 41. Said section 26 of said chapter 121B, as so appearing, is hereby further
914 amended by inserting after the word “demolition,” in line 251, the following words:- “or other
915 disposition”.

916 SECTION 42. Said section 26 of said chapter 121B, as so appearing, is hereby further
917 amended by striking out, in line 253, the words “as of November 1, 2012” and inserting in place
918 thereof the following words:- “for at least 2 years”.

919 SECTION 43. Said section 26 of said chapter 121B, as so appearing, is hereby further
920 amended by adding the following subsections:-

921 “(q) Notwithstanding any general or special law to the contrary, including without
922 limitation section 16 of chapter 30B of the General Laws, a housing authority may dispose of
923 property pursuant to this section or section 34 of this chapter to a developer selected by
924 competitive, qualifications-based procurement without separately soliciting proposals for the
925 property disposition, provided that the developer procurement declares the property available for
926 disposition and that, in the case of a disposition of property pursuant to subsection (k), the
927 number of replacement units required under paragraph (2) of said subsection (k) are provided.
928 Without limiting the generality of the foregoing—

929 (1) a housing authority shall not be required to determine the value of the property prior
930 to soliciting proposals for selection of a developer best qualified to develop, own and operate the
931 new or rehabilitated housing on the land. Prior to disposition of property by deed or other
932 instrument, the housing authority shall determine the value of the property through procedures
933 customarily accepted by the appraising profession as valid prior to the sale or other disposition of
934 the property, and if, with the approval of the department, the housing authority decides to dispose
935 of the property at a price less than the value as so determined, the housing authority shall publish
936 notice of its decision in the central register, explaining the reasons for its decision and disclosing
937 the difference between such value and the price to be received; and

938 (2) a housing authority shall not be required to specify all of the restrictions that may be
939 placed on the subsequent use of property prior to selecting a developer through a qualifications-
940 based competitive procurement process, provided that the developer procurement identifies the
941 minimum number of dwelling units in the new development that must be occupied by families of
942 low income. In the case of a disposition pursuant to subsection (k), such minimum number must
943 conform to the requirements of paragraph (2) of subsection (k).

944 (r) Notwithstanding any general or special law to the contrary, including without
945 limitation section 16 of chapter 30B of the General Laws, a housing authority may dispose of
946 federally assisted public housing projects and the property on which such projects are located to
947 a developer selected by competitive, qualifications-based procurement without separately
948 soliciting proposals for the property disposition, provided that the developer procurement
949 declares the property available for disposition and that such disposition is approved by the
950 federal government.

951 (s) Section 16 of chapter 30B of the General Laws shall not apply to a transfer of
952 property from a housing authority to a controlled affiliate for purposes of redeveloping such
953 property.”.

954 SECTION 44. Section 29 of said chapter 121B, as so appearing, is hereby amended by
955 adding the following paragraph:-

956 “Notwithstanding any provision to the contrary in this section or elsewhere in this
957 chapter, if a housing authority does not own, lease or manage any housing project eligible to
958 receive ongoing capital or operating assistance under section 32 or section 34 of this chapter, the
959 department shall not investigate such housing authority’s budgets, finances, dealings,
960 transactions and relationships or other affairs, nor shall the department require periodic reporting
961 by any such housing authority. Without limiting the generality of the foregoing, a housing
962 authority that does not own, lease or manage any housing project eligible to receive ongoing
963 capital or operating assistance under section 32 or section 34 of this chapter shall not be required
964 to— (a) conduct elections for tenant board members under section 5A; (b) participate in a
965 training program under section 5B; (c) submit contracts with its executive director to the

966 department for review pursuant to section 7A; (d) participate in the performance-based
967 monitoring program established pursuant to section 26B; (e) participate in the regional capital
968 assistance team program established pursuant to section 26C; (f) prepare and submit an annual
969 plan pursuant to section 28A and this section; or (g) prepare and submit, or make available, a
970 written report and agreed upon procedures for review of housing authority financial records
971 pursuant to this section 29.”.

972 SECTION 45. Section 34 of said chapter 121B, as so appearing, is hereby amended by
973 striking out the fifth paragraph and inserting in place thereof the following paragraph:-

974 “The proceeds of any sale or other disposition of such project in excess of the total of all
975 obligations of the housing authority with respect to such project shall, after the payment of all
976 bonds issued by the housing authority to finance the cost of such project and payment of the
977 costs of the sale or disposition, be retained by the housing authority for the preservation,
978 modernization and maintenance of its public housing assisted under this chapter as approved by
979 the department, or where the housing authority has no public housing assisted under this chapter,
980 such proceeds shall be paid to the department to fund capital improvements for the preservation,
981 modernization and maintenance of state-aided public housing.”.

982 SECTION 46. Said section 34 of said chapter 121B, as so appearing, is hereby further
983 amended by striking out the tenth paragraph and inserting in place thereof the following
984 paragraph:-

985 “Whenever a housing authority shall determine that land acquired by it under clause (d)
986 of section 11 for the purpose of this section is in excess of or no longer required for such
987 purposes it may, upon approval by the department, sell or otherwise dispose of such land by deed

988 or instrument approved as to form by the attorney general. If the housing authority is disposing
989 of such land for purposes of housing development, it may do so in accordance with section 26 of
990 this chapter. So long as any bonds issued by a housing authority to finance the cost of a project
991 under this section or section 35 and guaranteed by the commonwealth are outstanding, funds
992 received from a disposition of land as provided in this chapter shall be applied in accordance
993 with the fourth paragraph of this section. After the payment of all bonds issued by the housing
994 authority to finance the cost of such project, funds received shall be applied in accordance with
995 the fifth paragraph of this section.”.

996 SECTION 47. Said section 34 of said chapter 121B, as so appearing, is hereby further
997 amended by adding the following paragraph:-

998 “Notwithstanding any general or special law to the contrary, construction and
999 development activity related to redevelopment of state-aided public housing projects where the
1000 land, buildings or structures associated with the housing project have been conveyed or
1001 transferred to a private entity for purposes of completing the redevelopment shall not be subject
1002 to any general or special law related to the procurement and award of contracts for the planning,
1003 design, construction management, construction, reconstruction, installation, demolition,
1004 maintenance or repair of buildings by a public agency, provided that the department shall review
1005 and approve the procurement processes used to undertake this redevelopment. Nothing in this
1006 section shall be deemed to exempt a housing project from sections 26 to 27H, inclusive, of
1007 chapter 149 of the General Laws.”.

1008 SECTION 48. Section 1A of chapter 128 of the General Laws, as so appearing, is hereby
1009 amended by inserting after the word “market”, in line 14, the following words:- “; and shall

1010 include agritourism, which is any educational, recreational, or social activity, including weddings
1011 performed on a farm, which serves to promote the farm and its products, provided however that
1012 income from agritourism activities do not exceed 50 per cent of the annual farm revenue from
1013 the sale of farm product over any 5 year period”.

1014 SECTION 49. Section 14L of chapter 151A of the General Laws, as so appearing, is
1015 hereby amended by inserting after subsection (b) the following subsection:-

1016 “(c) Annually, not later than September 1 of each year, the director of the department of
1017 career services shall file a report with the joint committee on labor and workforce development
1018 and the house and senate committees on ways and means concerning the collection of the
1019 workforce training contributions, pursuant to subsection (a), during the calendar year ending on
1020 the preceding December 31. The report shall include, but not be limited to, (1) the amount
1021 collected in each quarter and the total amount collected for the year; (2) the total number of
1022 employers that contributed to the fund and the total number of employees employed by that
1023 group of employers; and (3) the contribution rate, to the extent it differs from 0.056 per cent.”.

1024 SECTION 50. Section 25E of chapter 152 of the General Laws, as so appearing, is
1025 hereby amended by striking out, in lines 1, 14, and 16, the words “twenty-five V,” and inserting
1026 in place thereof, in each instance, the following figure:- 25W.

1027 SECTION 51. Said chapter 152 is hereby further amended by inserting after section 25V
1028 the following section:-

1029 “Section 25W. Notwithstanding any general or special law to the contrary, chapter 176W
1030 shall apply to groups governed by sections 25E to 25U of this chapter.”.

1031 SECTION 52. Section 12 of chapter 172 of the General Laws, as appearing in the 2016
1032 Official Edition, is hereby amended by inserting after the words “residents therein”, in line 4, the
1033 following words:- “provided however, upon application in writing by the corporation, the
1034 commissioner may waive or modify this requirement on an individual director basis”.

1035 SECTION 53. Subsection (1) of section 20A of chapter 175 of the General Laws, as
1036 appearing in the 2016 Official Edition, is hereby amended by adding the following 2
1037 paragraphs:--

1038 “(I) If an accredited or certified reinsurer ceases to meet the requirements for
1039 accreditation or certification, the commissioner may suspend or revoke the reinsurer’s
1040 accreditation or certification.

1041 (i) The commissioner must give the reinsurer notice and opportunity for hearing. The
1042 suspension or revocation may not take effect until after the commissioner’s order on hearing,
1043 unless—

1044 (a) the reinsurer waives its right to hearing;

1045 (b) the commissioner’s order is based on regulatory action by the reinsurer’s domiciliary
1046 jurisdiction or the voluntary surrender or termination of the reinsurer’s eligibility to transact
1047 insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state
1048 of the reinsurer under subparagraph (vi) of paragraph (E) of this subsection; or

1049 (c) the commissioner finds that an emergency requires immediate action and a court of
1050 competent jurisdiction has not stayed the commissioner’s action.

1051 (ii) While a reinsurer's accreditation or certification is suspended, no reinsurance contract
1052 issued or renewed after the effective date of the suspension qualifies for credit except to the
1053 extent that the reinsurer's obligations under the contract are secured in accordance with
1054 subsection (2) of this section. If a reinsurer's accreditation or certification is revoked, no credit
1055 for reinsurance may be granted after the effective date of the revocation except to the extent that
1056 the reinsurer's obligations under the contract are secured in accordance with subparagraph (v) of
1057 paragraph (E) of this subsection or subsection (2) of this section.

1058 (J)(i) A ceding insurer shall take steps to manage its reinsurance recoverables
1059 proportionate to its own book of business. A domestic ceding insurer shall notify the
1060 commissioner within 30 days after reinsurance recoverables from any single assuming insurer, or
1061 group of affiliated assuming insurers, exceeds 50 per cent of the domestic ceding insurer's last
1062 reported surplus to policyholders, or after it is determined that reinsurance recoverables from any
1063 single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit.
1064 The notification shall demonstrate that the exposure is safely managed by the domestic ceding
1065 insurer.

1066 (ii) A ceding insurer shall take steps to diversify its reinsurance program. A domestic
1067 ceding insurer shall notify the commissioner within 30 days after ceding to any single assuming
1068 insurer, or group of affiliated assuming insurers, more than 20 per cent of the ceding insurer's
1069 gross written premium in the prior calendar year, or after it has determined that the reinsurance
1070 ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed
1071 this limit. The notification shall demonstrate that the exposure is safely managed by the
1072 domestic ceding insurer.

1073 SECTION 54. Said section 20A of said chapter 175, as so appearing, is hereby further
1074 amended by striking out subsection (5) and inserting in place thereof the following subsection:-

1075 “(5)(A) The commissioner may in accordance with the provisions of chapter 30A, after
1076 notice and hearing, promulgate reasonable rules and regulations necessary to effectuate the
1077 provisions of this section.

1078 (B) The commissioner is further authorized to adopt rules and regulations applicable to
1079 reinsurance arrangements described in subparagraph (i) of paragraph (B) of this subsection.

1080 (i) A regulation adopted pursuant to paragraph (B) of this subsection, may apply only to
1081 reinsurance relating to:

1082 (a) Life insurance policies with guaranteed nonlevel gross premiums or guaranteed
1083 nonlevel benefits;

1084 (b) Universal life insurance policies with provisions resulting in the ability of a
1085 policyholder to keep a policy in force over a secondary guarantee period;

1086 (c) Variable annuities with guaranteed death or living benefits;

1087 (d) Long-term care insurance policies; or

1088 (e) Such other life and health insurance and annuity products as to which the NAIC
1089 adopts model regulatory requirements with respect to credit for reinsurance.

1090 (ii) A regulation adopted pursuant to clauses (a) and (b) of subparagraph (i) of paragraph
1091 (B) of this subsection may apply to any treaty containing:

1092 (a) Policies issued on or after January 1, 2015, and

1093 (b) Policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is
1094 ceded in connection with the treaty, in whole or in part, on or after January 1, 2015.

1095 (iii) A regulation adopted pursuant to paragraph (B) of this subsection may require the
1096 ceding insurer, in calculating the amounts or forms of security required to be held under
1097 regulations promulgated under this authority, to use the Valuation Manual adopted by the NAIC
1098 under Section 11B(1) of the NAIC Standard Valuation Law, including all amendments adopted
1099 by the NAIC and in effect on the date as of which the calculation is made, to the extent
1100 applicable.

1101 (iv) A regulation adopted pursuant to this paragraph (B) of this subsection shall not apply
1102 to cessions to an assuming insurer that—

1103 (a) is certified in the commonwealth; and

1104 (b) maintains at least \$250,000,000 in capital and surplus when determined in accordance
1105 with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto
1106 adopted by the NAIC, excluding the impact of any permitted or prescribed practices; and is (1)
1107 licensed in at least 26 states; or (2) licensed in at least 10 states, and licensed or accredited in a
1108 total of at least 35 states.

1109 (v) The authority to adopt regulations pursuant to this paragraph (B) does not limit the
1110 commissioner's general authority to adopt regulations pursuant to paragraph (A) of subsection 5
1111 of this section.

1112 SECTION 55. Section 206 of said chapter 175, as so appearing, is hereby amended by
1113 inserting after the definition of "Control" the following definition:-

1114 ““Group-wide supervisor”, the regulatory official authorized to engage in conducting and
1115 coordinating group-wide supervision activities who is determined or acknowledged by the
1116 commissioner under subsection (y) of section 206C to have sufficient significant contacts with
1117 the internationally active insurance group.”.

1118 SECTION 56. Said section 206 of said chapter 175, as so appearing, is hereby further
1119 amended by inserting after the definition of “Insurer” the following definition:-

1120 ““Internationally active insurance group”, an insurance holding company system that (1)
1121 includes an insurer registered under section 206C; and (2) meets the following criteria— (a)
1122 premiums written in at least 3 countries, (b) the percentage of gross premiums written outside the
1123 United States is at least 10 per cent of the insurance holding company system’s total gross
1124 written premiums; and (c) based on a 3-year rolling average, the total assets of the insurance
1125 holding company system are at least \$50,000,000,000 or the total gross written premiums of the
1126 insurance holding company system are at least \$10,000,000,000.”.

1127 SECTION 57. Section 206C of said chapter 175, as so appearing, is hereby amended by
1128 inserting, in line 291, after the word “reported,” the following words:- “or provided to the
1129 division of insurance.”.

1130 SECTION 58. Said section 206C of said chapter 175, as so appearing, is hereby further
1131 amended by adding the following subsection:-

1132 “(y)(1) The commissioner is authorized to act as the group-wide supervisor for any
1133 internationally active insurance group in accordance with the provisions of this subsection.
1134 However, the commissioner may otherwise acknowledge another regulatory official as the
1135 group-wide supervisor where the internationally active insurance group—

1136 (i) does not have substantial insurance operations in the United States;
1137 (ii) has substantial insurance operations in the United States, but not the commonwealth;
1138 or
1139 (iii) has substantial insurance operations in the United States and the commonwealth, but
1140 the commissioner has determined pursuant to the factors set forth in paragraphs (2) and (6) of
1141 this subsection that the other regulatory official is the appropriate group-wide supervisor.

1142 An insurance holding company system that does not qualify as an internationally active
1143 insurance group may request that the commissioner make a determination or acknowledgement
1144 as to a group-wide supervisor pursuant to this subsection.

1145 (2) In cooperation with other state, federal and international regulatory agencies, the
1146 commissioner shall identify a single group-wide supervisor for an internationally active
1147 insurance group. The commissioner may determine that the commissioner is the appropriate
1148 group-wide supervisor for an internationally active insurance group that conducts substantial
1149 insurance operations concentrated in the commonwealth. However, the commissioner may
1150 acknowledge that a regulatory official from another jurisdiction is the appropriate group-wide
1151 supervisor for the internationally active insurance group. The commissioner shall consider the
1152 following factors when making a determination or acknowledgement under this subsection—

1153 (i) the place of domicile of the insurers within the internationally active insurance group
1154 that hold the largest share of the group's written premiums, assets or liabilities;

1155 (ii) the place of domicile of the top-tiered insurer(s) in the insurance holding company
1156 system of the internationally active insurance group;

1157 (iii) the location of the executive offices or largest operational offices of the
1158 internationally active insurance group;

1159 (iv) whether another regulatory official is acting or is seeking to act as the group-wide
1160 supervisor under a regulatory system that the commissioner determines to be substantially
1161 similar to the system of regulation provided under the laws of the commonwealth, or otherwise
1162 sufficient in terms of providing for group-wide supervision, enterprise risk analysis, and
1163 cooperation with other regulatory officials; and

1164 (v) whether another regulatory official acting or seeking to act as the group-wide
1165 supervisor provides the commissioner with reasonably reciprocal recognition and cooperation.

1166 However, a commissioner identified under this subsection as the group-wide supervisor
1167 may determine that it is appropriate to acknowledge another supervisor to serve as the group-
1168 wide supervisor. The acknowledgement of the group-wide supervisor shall be made after
1169 consideration of the factors listed in subparagraphs (i) through (v), and shall be made in
1170 cooperation with and subject to the acknowledgment of other regulatory officials involved with
1171 supervision of members of the internationally active insurance group, and in consultation with
1172 the internationally active insurance group.

1173 (3) Notwithstanding any other provision of law, when another regulatory official is
1174 acting as the group-wide supervisor of an internationally active insurance group, the
1175 commissioner shall acknowledge that regulatory official as the group-wide supervisor.

1176 However, in the event of a material change in the internationally active insurance group that
1177 results in (i) the internationally active insurance group's insurers domiciled in the commonwealth
1178 holding the largest share of the group's premiums, assets or liabilities; or (ii) the commonwealth

1179 being the place of domicile of the top-tiered insurer in the insurance holding company system of
1180 the internationally active insurance group, the commissioner shall make a determination or
1181 acknowledgment as to the appropriate group-wide supervisor for such an internationally active
1182 insurance group pursuant to paragraph (2) of this subsection.

1183 (4) Pursuant to subsection (u), the commissioner is authorized to collect from any insurer
1184 registered pursuant to subsection (a) all information necessary to determine whether the
1185 commissioner may act as the group-wide supervisor of an internationally active insurance group
1186 or if the commissioner may acknowledge another regulatory official to act as the group-wide
1187 supervisor. Prior to issuing a determination that an internationally active insurance group is
1188 subject to group-wide supervision by the commissioner, the commissioner shall notify the
1189 insurer registered pursuant to subsection (a) and the ultimate controlling person within the
1190 internationally active insurance group. The internationally active insurance group shall have not
1191 less than 30 days to provide the commissioner with additional information pertinent to the
1192 pending determination. The commissioner shall publish on the division of insurance's website
1193 the identity of internationally active insurance groups that the commissioner has determined are
1194 subject to group-wide supervision by the commissioner.

1195 (5) If the commissioner is the group-wide supervisor for an internationally active
1196 insurance group, the commissioner is authorized to engage in any of the following group-wide
1197 supervision activities—

1198 (i) assess the enterprise risks within the internationally active insurance group to ensure
1199 that the material financial condition and liquidity risks to the members of the internationally

1200 active insurance group that are engaged in the business of insurance are identified by
1201 management, and reasonable and effective mitigation measures are in place;

1202 (ii) request, from any member of an internationally active insurance group subject to the
1203 commissioner's supervision, information necessary and appropriate to assess enterprise risk,
1204 including but not limited to, information about the members of the internationally active
1205 insurance group regarding governance, risk assessment and management; capital adequacy, and
1206 material intercompany transactions;

1207 (iii) coordinate and, through the authority of the regulatory officials of the jurisdictions
1208 where members of the internationally active insurance group are domiciled, compel development
1209 and implementation of reasonable measures designed to ensure that the internationally active
1210 insurance group is able to timely recognize and mitigate enterprise risks to members of such
1211 internationally active insurance group that are engaged in the business of insurance;

1212 (iv) communicate with other state, federal and international regulatory agencies for
1213 members within the internationally active insurance group and share relevant information subject
1214 to the confidentiality provisions of subsection (v), through supervisory colleges as set forth in
1215 subsection (x) or otherwise;

1216 (v) enter into agreements with or obtain documentation from any insurer registered under
1217 subsection (a), any member of the internationally active insurance group, and any other state,
1218 federal and international regulatory agencies for members of the internationally active insurance
1219 group, providing the basis for or otherwise clarifying the commissioner's role as group-wide
1220 supervisor, including provisions for resolving disputes with other regulatory officials. Such
1221 agreements or documentation shall not serve as evidence in any proceeding that any insurer or

1222 person within an insurance holding company system not domiciled or incorporated in the
1223 commonwealth is doing business in the commonwealth or is otherwise subject to jurisdiction in
1224 this state; and

1225 (vi) other group-wide supervision activities, consistent with the authorities and purposes
1226 enumerated in this paragraph, as considered necessary by the commissioner.

1227 (6) If the commissioner acknowledges that another regulatory official from a jurisdiction
1228 that is not accredited by the NAIC is the group-wide supervisor, the commissioner is authorized
1229 to reasonably cooperate, through supervisory colleges or otherwise, with group-wide supervision
1230 undertaken by the group-wide supervisor, provided that (i) the commissioner's cooperation is in
1231 compliance with the laws of the commonwealth; and (ii) the regulatory official acknowledged as
1232 the group-wide supervisor also recognizes and cooperates with the commissioner's activities as a
1233 group-wide supervisor for other internationally active insurance groups where applicable. Where
1234 such recognition and cooperation is not reasonably reciprocal, the commissioner is authorized to
1235 refuse recognition and cooperation.

1236 (7) The commissioner is authorized to enter into agreements with or obtain
1237 documentation from any insurer registered under subsection (a), any affiliate of the insurer, and
1238 other state, federal and international regulatory agencies for members of the internationally
1239 active insurance group that provide the basis for or otherwise clarify a regulatory official's role
1240 as group-wide supervisor.

1241 (8) A registered insurer subject to this subsection shall be liable for and shall pay the
1242 reasonable expenses of the commissioner's participation in the administration of this subsection,

1243 including the engagement of attorneys, actuaries and any other professionals and all reasonable
1244 travel expenses.

1245 SECTION 59. Chapter 175 of the General Laws is hereby amended by adding the
1246 following section:-

1247 “Section 230. Notwithstanding any general or special law to the contrary, chapter 176W
1248 shall apply to insurers governed by this chapter.”.

1249 SECTION 60. Chapter 176 of the General Laws is hereby amended by inserting after
1250 section 1A the following section:-

1251 “Section 1B. Notwithstanding any general or special law to the contrary, chapter 176W
1252 shall apply to fraternal benefit societies governed by this chapter.”.

1253 SECTION 61. Section 18 of chapter 176A of the General Laws, as appearing in the 2016
1254 Official Edition, is hereby amended by adding the following paragraph:-

1255 “Notwithstanding any general or special law to the contrary, chapter 176W shall apply to
1256 every corporation subject to this chapter.”.

1257 SECTION 62. Chapter 176B of the General Laws is hereby amended by inserting after
1258 section 8B the following section:-

1259 “Section 8C. Notwithstanding any general or special law to the contrary, chapter 176W
1260 shall apply to a medical service corporation governed by this chapter.”.

1261 SECTION 63. Chapter 176E of the General Laws is hereby amended by inserting after
1262 section 8B the following section:-

1263 “Section 8C. Notwithstanding any general or special law to the contrary, chapter 176W
1264 shall apply to a dental service corporation governed by this chapter.”.

1265 SECTION 64. Chapter 176F of the General Laws is hereby amended by inserting after
1266 section 8A the following section:-

1267 “Section 8B. Notwithstanding any general or special law to the contrary, chapter 176W
1268 shall apply to an optometric service corporation governed by this chapter.”.

1269 SECTION 65. Chapter 176G of the General Laws is hereby amended by inserting after
1270 section 10A the following section:-

1271 “Section 10B. Notwithstanding any general or special law to the contrary, chapter 176W
1272 shall apply to a health maintenance organization governed by this chapter.”.

1273 SECTION 66. Chapter 176H of the General Laws is hereby amended by inserting after
1274 section 13A the following section:-

1275 “Section 13B. Notwithstanding any general or special law to the contrary, chapter 176W
1276 shall apply to legal services plans governed by this chapter.”.

1277 SECTION 67. Section 6 of chapter 176O of the General Laws, as appearing in the 2016
1278 Official Edition, is hereby amended by striking out, in lines 36 to 37 and 102 to 103, in each
1279 instance, the words “and the involuntary disenrollment rate among insureds of the carrier”.

1280 SECTION 68. Section 21 of said chapter 176O, as so appearing, is hereby amended by
1281 striking out subsection (a).

1282 SECTION 69. Subsection (b) of said section 21 of said chapter 176O, as so appearing, is
1283 hereby amended by striking out paragraph (2) and inserting in place thereof the following
1284 paragraph:-

1285 “(2) Any carrier which provides administrative services to 1 or more self-insured groups
1286 shall submit to the division a report including the following information—

1287 (i) the number of the carrier's self-insured customers;

1288 (ii) the aggregate number of members, as defined in section 1 of chapter 176J, in all of
1289 the carrier's self-insured customers;

1290 (iii) the aggregate number of lives covered in all of the carrier's self-insured customers;

1291 (iv) the percentage of the carrier's self-insured customers that include each of the benefits
1292 mandated for health benefit plans under chapters 175, 176A, 176B and 176G; and

1293 (v) any other information deemed necessary by the commissioner.”.

1294 SECTION 70. Subsection (d) of said section 21 of said chapter 176O, as so appearing, is
1295 hereby amended by striking out the first sentence and inserting in place thereof the following
1296 sentence:-

1297 “If, for any year, the division determines, based on the report submitted under section 10
1298 of chapter 176G or other sources, that a carrier has a risk-based capital ratio on a combined entity
1299 basis that exceeds 700 per cent, the division shall hold a public hearing within 60 days.”.

1300 SECTION 71. Chapter 176P of the General Laws is hereby amended by inserting after
1301 section 38A the following section:-

1302 “Section 38B. Notwithstanding any general or special law to the contrary, chapter 176W
1303 shall apply to a limited society governed by this chapter.”.

1304 SECTION 72. The General Laws, as appearing in the 2016 Official Edition, are hereby
1305 amended by inserting after chapter 176V the following chapter:

1306 CHAPTER 176W

1307 CORPORATE GOVERNANCE ANNUAL DISCLOSURE

1308 Section 1. As used in this chapter, the following words shall, unless the context clearly
1309 requires otherwise, have the following meanings:

1310 “Commissioner”, the commissioner of insurance.

1311 “Corporate Governance Annual Disclosure (CGAD)”, a confidential report filed by the
1312 insurer or insurance group made in accordance with the requirements of this chapter.

1313 “Corporate Governance Annual Disclosure Model Regulation”, the current version of the
1314 Corporate Governance Annual Disclosure Model Regulation developed and adopted by the
1315 NAIC and as amended from time to time. A change in the Corporate Governance Annual
1316 Disclosure Model Regulation shall be effective on the January 1 following the calendar year in
1317 which the changes have been adopted by the NAIC.

1318 “Division”, the division of insurance.

1319 “Insurance group”, those insurers and affiliates included within an insurance holding
1320 company system as defined in section 206 of chapter 175; health maintenance organizations and
1321 affiliates included within a health maintenance organization holding company system, as defined

1322 in section 1 of chapter 176G; public employer self-insurance groups and their affiliates organized
1323 pursuant to chapter 40M; workers compensation self-insurance groups and their affiliates
1324 organized pursuant to sections 25E to 25U, inclusive, of chapter 152; fraternal benefit societies
1325 and their affiliates organized pursuant to chapter 176; non-profit hospital service corporations
1326 and their affiliates organized pursuant to chapter 176A; medical service corporations and their
1327 affiliates organized pursuant to chapter 176B; dental service corporations and their affiliates
1328 organized pursuant to chapter 176E; optometric service corporations and their affiliates
1329 organized pursuant to chapter 176F; insured legal services plans and their affiliates organized
1330 pursuant to chapter 176H; and limited societies and their affiliates organized pursuant to chapter
1331 176P.

1332 “Insurer”, the same meaning as in section 1 of chapter 175 and shall also include public
1333 employer self-insurance groups organized pursuant to chapter 40M; workers compensation self-
1334 insurance groups organized pursuant to sections 25E to 25U, inclusive, of chapter 152; fraternal
1335 benefit societies organized pursuant to chapter 176; non-profit hospital service corporations
1336 organized pursuant to chapter 176A; medical service corporations organized pursuant to chapter
1337 176B; dental services corporations organized pursuant to chapter 176E; optometric service
1338 corporations organized pursuant to chapter 176F; health maintenance organizations organized
1339 pursuant to chapter 176G; insured legal services plans organized pursuant to chapter 176H; and
1340 limited societies organized pursuant to chapter 176P; except that “insurer” shall not include
1341 agencies, authorities or instrumentalities of the United States, its possessions and territories, the
1342 commonwealth of Puerto Rico, the District of Columbia or a state or political subdivision of a
1343 state.

1344 “NAIC”, the National Association of Insurance Commissioners.

1345 “ORSA summary report”, the report filed in accordance with chapter 176V.

1346 Section 2. (a) An insurer, or the insurance group of which the insurer is a member, shall,
1347 no later than June 1 of each calendar year, submit to the commissioner a CGAD that contains the
1348 information described in section 4(b). Notwithstanding any request from the commissioner made
1349 pursuant to subsection (c), if the insurer is a member of an insurance group, the insurer shall
1350 submit the report required by this section to the commissioner of the lead state for the insurance
1351 group, in accordance with the laws of the lead state, as determined by the procedures outlined in
1352 the most recent Financial Analysis Handbook adopted by the NAIC.

1353 (b) The CGAD must include a signature of the insurer’s or insurance group’s chief
1354 executive officer or corporate secretary attesting to the best of that individual’s belief and
1355 knowledge that the insurer has implemented the corporate governance practices and that a copy
1356 of the disclosure has been provided to the insurer’s board of directors or the appropriate
1357 committee thereof.

1358 (c) An insurer not required to submit a CGAD under this section shall do so upon the
1359 commissioner’s request.

1360 (d) For purposes of completing the CGAD, the insurer or insurance group may provide
1361 information regarding corporate governance at the ultimate controlling parent level, an
1362 intermediate holding company level or the individual legal entity level, depending upon how the
1363 insurer or insurance group has structured its system of corporate governance. The insurer or
1364 insurance group is encouraged to make the CGAD disclosures at the level at which the insurer’s
1365 or insurance group’s risk appetite is determined, or at which the earnings, capital, liquidity,
1366 operations, and reputation of the insurer are overseen collectively and at which the supervision of

1367 those factors are coordinated and exercised, or the level at which legal liability for failure of
1368 general corporate governance duties would be placed. If the insurer or insurance group
1369 determines the level of reporting based on these criteria, it shall indicate which of the three
1370 criteria was used to determine the level of reporting and explain any subsequent changes in level
1371 of reporting.

1372 (e) The review of the CGAD and any additional requests for information shall be made
1373 through the lead state as determined by the procedures within the most recent Financial Analysis
1374 Handbook referenced in subsection (a).

1375 (f) Insurers providing information substantially similar to the information required by
1376 this chapter in other documents provided to the commissioner, including proxy statements filed
1377 in conjunction with Form B requirements pursuant to section 206C of chapter 175, or other state
1378 or federal filings provided to the Division shall not be required to duplicate that information in
1379 the CGAD, but shall only be required to cross reference the document in which the information
1380 is included.

1381 Section 3. The commissioner may, upon notice and opportunity for all interested persons
1382 to be heard, issue such rules, regulations and orders as shall be necessary to carry out the
1383 provisions of this chapter.

1384 Section 4. (a) The insurer or insurance group shall have discretion over the responses to
1385 the CGAD inquiries, provided the CGAD shall contain the material information necessary to
1386 permit the commissioner to gain an understanding of the insurer's or group's corporate
1387 governance structure, policies, and practices. The commissioner may request additional
1388 information that he or she deems material and necessary to provide the commissioner with a

1389 clear understanding of the corporate governance policies, the reporting or information system or
1390 controls implementing those policies.

1391 (b) Notwithstanding subsection (a) of this section, the CGAD shall be prepared
1392 consistent with the NAIC Corporate Governance Annual Disclosure Model Regulation, subject
1393 to the requirements of this chapter. Documentation and supporting information shall be
1394 maintained and made available upon examination or upon request of the commissioner.

1395 Section 5. (a) Documents, materials or other information including the CGAD, in the
1396 possession or control of the Division that are obtained by, created by or disclosed to the
1397 commissioner or any other person under this chapter shall be proprietary and recognized to
1398 contain trade secrets. All such documents, materials or other information shall be confidential by
1399 law and privileged, shall not be considered a public record pursuant to section 10 of chapter 66,
1400 shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence
1401 in any private civil action. However, the commissioner is authorized to use the documents,
1402 materials or other information in the furtherance of any regulatory or legal action brought as a
1403 part of the commissioner's official duties. The commissioner shall not otherwise make the
1404 documents, materials or other information public without the prior written consent of the insurer.
1405 Nothing in this section shall be construed to require written consent of the insurer before the
1406 commissioner may share or receive confidential documents, materials or other CGAD-related
1407 information pursuant to subsection (c) to assist in the performance of the commissioner's regular
1408 duties.

1409 (b) Neither the commissioner nor any person who received documents, materials or other
1410 CGAD-related information, through examination or otherwise, while acting under the authority

1411 of the commissioner, or with whom such documents, materials or other information are shared
1412 pursuant to this chapter shall be permitted or required to testify in any private civil action
1413 concerning any confidential documents, materials, or information subject to paragraph (a).

1414 (c) In order to assist in the performance of the commissioner’s regulatory duties, the
1415 commissioner may—

1416 (i) upon request, share documents, materials or other CGAD-related information
1417 including the confidential and privileged documents, materials or information subject to
1418 subsection (a), including proprietary and trade secret documents and materials with other state,
1419 federal and international financial regulatory agencies, including members of any supervisory
1420 college as defined in subsection (x) of section 206C of chapter 175, with the NAIC, and with
1421 third party consultants pursuant to section 6, provided that the recipient agrees in writing to
1422 maintain the confidentiality and privileged status of the CGAD-related documents, material or
1423 other information and has verified in writing the legal authority to maintain confidentiality; and

1424 (ii) receive documents, materials or other CGAD-related information, including
1425 otherwise confidential and privileged documents, materials or information, including proprietary
1426 and trade-secret information or documents, from regulatory officials of other state, federal and
1427 international financial regulatory agencies, including members of any supervisory college as
1428 defined in subsection (x) of section 206C of chapter 175, and from the NAIC, and shall maintain
1429 as confidential or privileged any documents, materials or information received with notice or the
1430 understanding that it is confidential or privileged under the laws of the jurisdiction that is the
1431 source of the document, material or information.

1432 (d) The sharing of information and documents by the commissioner pursuant to this
1433 chapter shall not constitute a delegation of regulatory authority or rulemaking, and the
1434 commissioner is solely responsible for the administration, execution and enforcement of the
1435 provisions of this chapter.

1436 (e) No waiver of any applicable privilege or claim of confidentiality in the documents,
1437 proprietary and trade-secret materials or other CGAD-related information shall occur as a result
1438 of disclosure of such CGAD-related information or documents to the commissioner under this
1439 section or as a result of sharing as authorized in this chapter.

1440 Section 6. (a) The commissioner may retain, at the insurer's expense, third-party
1441 consultants, including attorneys, actuaries, accountants and other experts not otherwise a part of
1442 the commissioner's staff as may be reasonably necessary to assist the commissioner in reviewing
1443 the CGAD and related information or the insurer's compliance with this chapter.

1444 (b) Any persons retained under subsection (a) shall be under the direction and control of
1445 the commissioner and shall act in a purely advisory capacity.

1446 (c) The NAIC and third-party consultants shall be subject to the same confidentiality
1447 standards and requirements as the commissioner.

1448 (d) As part of the retention process, a third-party consultant shall verify to the
1449 commissioner, with notice to the insurer, that it is free of a conflict of interest and that it has
1450 internal procedures in place to monitor compliance with a conflict and to comply with the
1451 confidentiality standards and requirements of this chapter.

1452 (e) A written agreement with the NAIC or a third-party consultant governing sharing and
1453 use of information provided pursuant to this chapter shall contain the following provisions and
1454 expressly require the written consent of the insurer prior to making public information provided
1455 under this chapter—

1456 (i) specific procedures and protocols for maintaining the confidentiality and security of
1457 CGAD-related information shared with the NAIC or a third-party consultant pursuant to this
1458 chapter;

1459 (ii) procedures and protocols for sharing by the NAIC only with other state regulators
1460 from states in which the insurance group has domiciled insurers. The agreement shall provide
1461 that the recipient agrees in writing to maintain the confidentiality and privileged status of the
1462 CGAD-related documents, materials or other information and has verified in writing the legal
1463 authority to maintain confidentiality;

1464 (iii) a provision specifying that ownership of the CGAD-related information shared with
1465 the NAIC or a third-party consultant remains with the Division and the NAIC's or third-party
1466 consultant's use of the information is subject to the direction of the commissioner;

1467 (iv) a provision that prohibits the NAIC or a third-party consultant from storing the
1468 information shared pursuant to this chapter in a permanent database after the underlying analysis
1469 is completed;

1470 (v) a provision requiring the NAIC or third-party consultant to provide prompt notice to
1471 the commissioner and to the insurer or insurance group regarding any subpoena, request for
1472 disclosure, or request for production of the insurer's CGAD-related information; and

1473 (vi) a requirement that the NAIC or a third-party consultant consent to intervention by an
1474 insurer in any judicial or administrative action in which the NAIC or a third-party consultant
1475 may be required to disclose confidential information about the insurer shared with the NAIC or a
1476 third-party consultant pursuant to this chapter.

1477 Section 7. Any insurer failing, without just cause, to timely file the CGAD as required in
1478 this chapter shall be required, after notice and hearing, to pay a penalty of \$500 for each day of
1479 delay, to be recovered by the commissioner. The maximum penalty under this section is
1480 \$10,000. The commissioner may reduce the penalty if the insurer demonstrates to the
1481 commissioner that the imposition of the penalty would constitute a financial hardship to the
1482 insurer.

1483 Section 8. If any provision of this chapter other than section 5, or the application thereof
1484 to any person or circumstance, is held invalid, such determination shall not affect the provisions
1485 or applications of this chapter which can be given effect without the invalid provision or
1486 application, and to that end the provisions of this chapter, with the exception of section 5, are
1487 severable.”.

1488 SECTION 73. Section 135 of chapter 219 of the acts of 2016 is hereby amended by
1489 striking out the words “from August 1, 2016 to July 31, 2018, inclusive,”.

1490 SECTION 74. Chapter 166A of the General Laws is hereby amended by adding
1491 following section:-

1492 “Section 23. (a) A cable television operator shall provide a public, educational or
1493 governmental access channel and connection so that the channel is delivered, and subscribers
1494 receive, the public, educational or governmental access channel with a good quality signal and

1495 in the same format as the primary local broadcast signals, including a high definition format and
1496 a standard digital format if such formats are so delivered and received by subscribers for the
1497 primary local broadcast signals; provided, however, a cable television operator shall not be
1498 required to provide the signal of a public, educational or governmental access channel to a
1499 subscriber on any particular channel number or to provide such signals in any particular order.

1500 (b) A cable television operator shall provide a public, educational or governmental access
1501 channel in a nondiscriminatory manner on any navigational device, on-screen program guide or
1502 menu such that a subscriber may access the public, educational or governmental access channel
1503 in the same manner as local broadcast channels.

1504 (c) For the purpose of this section, a cable television operator shall include a cable
1505 operator and a multichannel video programming distributor as defined in 47 U.S.C. 522.

1506 (d) Nothing in this section shall prohibit, condition or restrict a cable television operator's
1507 use of any type of subscriber equipment or any transmission technology.”.

1508 SECTION 75. Notwithstanding any general or special law to the contrary, in fiscal years
1509 2019 to 2025, inclusive, the office of Medicaid shall allocate \$2,000,000 annually for a Fishing
1510 Partnership Health Plan Corporation project that shall provide services to fishermen and fishing
1511 families; provided, however, that such services shall include, but not be limited to, assisting
1512 fishermen and fishing families in obtaining health insurance coverage.

1513 SECTION 76. Notwithstanding any general or special law to the contrary, the
1514 Massachusetts Technology Park Corporation, established in section 3 of chapter 40J of the
1515 General Laws and doing business as the Massachusetts Technology Collaborative, shall conduct
1516 a study on the autonomous vehicles industry and issue recommendations on how to advance the

1517 state’s competitiveness in the emerging industry. The study shall include, but not be limited to,
1518 cybersecurity; data privacy, data analytics, artificial intelligence, the internet of things,
1519 navigational software, robotics, advanced manufacturing, other emerging technologies related to
1520 autonomous vehicles, fuel emission and land use, and identification of legal and regulatory
1521 barriers to highly autonomous vehicles within existing state statutes, and recommendations on
1522 how to efficiently remove such barriers. Provided further, the study shall examine ways to
1523 accommodate research and development in a safe and productive manner. The Massachusetts
1524 Technology Collaborative may conduct this study in collaboration with relevant stakeholders,
1525 including but not limited to, the insurance industry, municipalities, institutions of higher
1526 education, automobile manufacturers, technology companies, policymakers, regional planning
1527 agencies, and other entities deemed necessary and relevant. The recommendations shall provide
1528 ways for the state to improve on its strengths and weaknesses through policies, strategies and
1529 initiatives to create new or stronger working relationships between key institutions, agencies,
1530 organizations and businesses. The study and recommendations shall be submitted to the joint
1531 committee on economic development and emerging technologies and joint committee on
1532 transportation no later than December 31, 2019.

1533 SECTION 77. Establishing a Minority Owned Economy of Scale Business Initiative.

1534 There shall be a commission to plan, develop, and implement strategies to maximize
1535 participation of minority owned real estate and financial services corporations of the
1536 commonwealth called the “Minority Owned Economy of Scale Business Initiative” (in this
1537 section referred to as the “commission”). Among other goals, the commission shall strive to
1538 realize the professional licensing of socially or economically disadvantaged persons; specifically
1539 of at least 15 mortgage lender and mortgage broker licensees; 8 state bank charters; and 10

1540 insurance or carrier licensees. Such disadvantage may arise from cultural, racial, chronic
1541 economic circumstances or background or other similar cause. Such persons include, but are not
1542 limited to, African Americans, Cape Verdeans, Western Hemisphere Hispanics, Asians,
1543 American Indians, Eskimos, and Aleuts.

1544 The commission shall consist of the commissioner of banks, or a designee; the director of
1545 the division of professional licensure, or a designee, 1 representative of the National Association
1546 of Real Estate Brokers; and 1 minority business enterprise owner, as described in section 58 of
1547 chapter 7 of the General Laws, as appointed by the governor.

1548 The commission shall file a report of its findings and recommendations with the clerks of
1549 the senate and house of representatives and the chairs of the senate and house committees on
1550 ways and means no later than June 30, 2019.

1551 SECTION 78. Notwithstanding section 109 of chapter 13 of the General Laws, the initial
1552 members of the board of registration of applied behavior analysts shall consist of 9 members to
1553 be appointed by the governor, 2 of whom shall be doctoral-level, board-certified behavior
1554 analysts designated as such by the Behavior Analyst Certification Board, 4 of whom shall be
1555 board-certified behavior analysts designated as such by the Behavior Analyst Certification
1556 Board, 1 of whom shall be a board-certified assistant behavior analyst designated as such by the
1557 Behavior Analyst Certification Board and 2 of whom shall be selected from and shall represent
1558 the public, subject to section 9B of said chapter 13. Of the initial members appointed to the
1559 board, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years and 3 shall serve for a
1560 term of 1 year.

1561 SECTION 79. Notwithstanding any general or special law to the contrary, the
1562 commissioner of capital asset management and maintenance, on behalf of and in consultation
1563 with the department of conservation and recreation, may lease, for a term not to exceed 25 years,
1564 inclusive of any options for renewal or extension of such lease, all or a portion of the land,
1565 tidelands and piers, together with the buildings, structures and appurtenances thereon, known as
1566 the New Bedford State Pier and the Fall River State Pier located in the cities of New Bedford and
1567 Fall River, respectively, to the Massachusetts Development Finance Agency established in
1568 chapter 23G of the Massachusetts General Laws, or any affiliated or subsidiary entity controlled
1569 by the Massachusetts Development Finance Agency, to be used for public purposes; provided
1570 however, that the Massachusetts Development Finance Agency, or any affiliated or subsidiary
1571 entity controlled by the Massachusetts Development Finance Agency, shall be subject to the use
1572 restrictions, as described in section 80.

1573 SECTION 80. Use Restrictions. Massachusetts Development Finance Agency established
1574 in chapter 23G of the Massachusetts General Laws, or any affiliated or subsidiary entity
1575 controlled by the Massachusetts Development Finance Agency (in this section referred to as the
1576 "lessee"), may sublease all or portions of the Fall River State Pier and buildings and facilities
1577 located thereon to one or more public or private entities for commercial, industrial and other uses
1578 that the lessee determines will serve a public purpose, including without limitation the public
1579 purpose of generating revenue for the upkeep, maintenance and improvement of the Fall River
1580 State Pier; provided, that the Fall River State Pier may not be used to support facilities for
1581 offshore energy exploration or development; and no person or entity or group of affiliated
1582 persons or entities shall be permitted the exclusive use or lease of the Fall River State Pier.

1583 The lessee may sublease all or portions of the New Bedford State Pier and buildings and
1584 facilities located thereon to one or more public or private entities for uses that the lessee
1585 determines will serve a public purpose, including without limitation the public purpose of
1586 generating revenue for the upkeep, maintenance and improvement of the New Bedford State
1587 Pier; and any use that conforms with Designated Port Area uses, as described in 301 C.M.R.
1588 25.02; provided, that the lessee may sublease an area not to exceed 10 per cent of the square
1589 footage of the pier and that is located on the west side of the pier, adjacent to MacArthur Drive,
1590 and between the north-western and south-western corner, to one or more public or private
1591 entities for any accessory use, as described in 310 C.M.R. 9.12(3); provided however, the New
1592 Bedford State Pier may not be used to support facilities for offshore energy exploration or
1593 development; and no person or entity or group of affiliated persons or entities shall be permitted
1594 the exclusive use or lease of the New Bedford State Pier.

1595 SECTION 81. There shall be a commission to investigate the official seal and motto of
1596 the commonwealth to determine that it accurately reflects and embodies (1) the historic and
1597 contemporary commitments of the commonwealth to peace, justice, liberty and equality; and (2)
1598 the commonwealth's commitment to an inclusive business and tourism industry. Said
1599 commission shall publish its findings and recommendations to any revisions to the design of the
1600 seal and motto of the commonwealth, as described in sections 2 through 6 of chapter 2 of the
1601 General Laws. The commission shall consist of 2 members of the senate; 3 members of the
1602 house of representatives; 5 persons to be appointed by the governor, 3 of whom shall be of native
1603 American descent of Massachusetts tribes to be selected from a list of 6 nominees to be
1604 submitted by the executive director of the commission on Indian affairs; and the following
1605 members, each of whom may substitute a designee: the secretary of the commonwealth, the

1606 secretary of housing and economic development, the executive director of the Massachusetts
1607 historical commission, the executive director of the council on arts and humanities, and the chair
1608 of the Massachusetts arts commission. The report and recommendations shall be filed with the
1609 clerk of the house of representatives on or before the first Wednesday of December, 2019. Said
1610 commission shall not receive funds appropriated by the commonwealth.

1611 SECTION 82. Notwithstanding any general or special law to the contrary, to meet the
1612 expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a
1613 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified
1614 by the governor from time to time but not exceeding, in the aggregate, \$455,750,000. All bonds
1615 issued by the commonwealth, as aforesaid, shall be designated on their face, Commonwealth
1616 Economic Development Act of 2018, and shall be issued for a maximum term of years, not
1617 exceeding 30 years, as the governor may recommend to the general court pursuant to Section 3
1618 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds
1619 shall be payable not later than June 30, 2053. All interest and payments on account of principal
1620 on such obligations shall be payable from the General Fund. Bonds and interest thereon issued
1621 under the authority of this section shall, notwithstanding any other provision of this act, be
1622 general obligations of the commonwealth.

1623 SECTION 83. Notwithstanding any general or special law to the contrary, to meet the
1624 expenditures necessary in carrying out section 2B, the state treasurer shall, upon receipt of a
1625 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified
1626 by the governor from time to time but not exceeding, in the aggregate, \$235,000,000. All bonds
1627 issued by the commonwealth, as aforesaid, shall be designated on their face, Commonwealth
1628 Economic Development Act of 2018, and shall be issued for a maximum term of years, not

1629 exceeding 30 years, as the governor may recommend to the general court pursuant to Section 3
1630 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds
1631 shall be payable not later than June 30, 2053. All interest and payments on account of principal
1632 on such obligations shall be payable from the General Fund. Bonds and interest thereon issued
1633 under the authority of this section shall, notwithstanding any other provision of this act, be
1634 general obligations of the commonwealth.

1635 SECTION 84. Sections 4 to 6, inclusive; 14; 28 to 30, inclusive; 50 to 66, inclusive; 71;
1636 and 72, shall take effect 90 days after enactment.

1637 SECTION 85. Sections 7 to 11, inclusive; and 15 to 26, inclusive, shall take effect on
1638 January 1, 2019 and shall be effective for all tax years beginning on or after January 1, 2019.

1639 SECTION 86. Sections 19 and 25 are hereby repealed.

1640 SECTION 87. Section 86 shall take effect on January 1, 2022.

1641 SECTION 88. Except as otherwise specified, this bill shall become effective upon
1642 enactment.