

**HOUSE . . . . . No. 4879**

---

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act enabling partnerships for growth.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith finance improvements to the commonwealth's economic infrastructure and promote economic opportunity, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 2 and 2A, 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 2.

8           EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

9           Office of the Secretary

10           7002-8000    For the program administered by the Massachusetts Development Finance  
11 Agency for site assembly, site assessment, predevelopment permitting and other predevelopment  
12 and marketing activities that enhance a site’s readiness for commercial, industrial or mixed-use  
13 development; provided, that a portion of the funds shall be used to facilitate the expansion or  
14 replication of successful industrial parks ..... \$15,000,000

15           7002-8001    For the Massachusetts Growth Capital Corporation, established in section  
16 2 of chapter 40W of the General Laws, for a program to provide matching grants to community  
17 development financial institutions certified by the United States Treasury or community  
18 development corporations certified under chapter 40H of the General Laws to enable the  
19 community development financial institution or community development corporation to leverage  
20 federal or private investments for the purpose of making loans to small businesses, including, but  
21 not limited to, businesses owned by women, veterans, minorities and immigrants  
22 ..... \$35,000,000

23           7002-8002    To provide funds to the Massachusetts Broadband Incentive Fund  
24 established in section 6C of chapter 40J of the General Laws for capital repairs and  
25 improvements to broadband infrastructure owned by the Massachusetts Technology Park  
26 Corporation established by section 3 of chapter 40J ..... \$5,000,000

27           7002-8003    For the Massachusetts Technology Park Corporation established by  
28 section 3 of chapter 40J for matching grants that support collaboration among manufacturers  
29 located in the commonwealth and institutions of higher education, nonprofits and other public or  
30 quasi-public entities; provided, that eligible grantees shall include, but not be limited to,  
31 participants in the Manufacturing USA Institutes established under the National Network for

32 Manufacturing Innovation; and provided further, that grants shall be awarded and administered  
33 consistent with the strategic goals and priorities of the advanced manufacturing collaborative  
34 established by section 10B of chapter 23A ..... \$10,000,000

35           7002-8004    For projects receiving assistance from the Scientific and Technology  
36 Research and Development Matching Grant Fund established by section 4G of chapter 40J of the  
37 General Laws; provided, that not less than \$2,000,000 shall be expended for the University of  
38 Massachusetts Amherst for capital improvements to the marine station in Gloucester; provided  
39 further, that use of funds may include the following purposes: (a) capital improvements,  
40 equipment and faulty start-up costs at the marine station, and (b) capital equipment and other  
41 start-up costs for a sustainable seafood production center of excellence including, but not limited  
42 to, acquiring, expanding, improving or leasing a facility on Gloucester Harbor in Gloucester; and  
43 provided further, that the University of Massachusetts Amherst shall provide a 50 per cent match  
44 to these funds ..... \$47,000,000

45           7002-8027    For a competitive program of grants or other financial assistance to  
46 support economic development, job creation and housing and climate resilience initiatives,  
47 including nature-based solutions projects, that incorporate these elements, for the public purpose  
48 of promoting economic opportunity and prosperity in small towns or rural areas of the  
49 commonwealth; provided, that such financial assistance may be offered to a municipality or  
50 other public entity, a community development corporation, nonprofit entity or for-profit entity;  
51 provided further, that such financial assistance must support a project located in a municipality  
52 with a population of fewer than 7,000 year-round residents or a population density of not more  
53 than 500 persons per square mile; provided further, that financial assistance offered pursuant to  
54 this line item may be administered by the executive office through a contract with the

55 Massachusetts Development Finance Agency established by section 2 of chapter 23G; and  
56 provided further, that the administering agency may establish additional program requirements  
57 through regulations or policy guidelines ..... \$10,000,000

58           7002-8028     For the Massachusetts Growth Capital Corporation established in section  
59 2 of chapter 40W of the General Laws, to provide matching grants to low- and moderate-income  
60 entrepreneurs to acquire, expand, improve or lease a facility, to purchase or lease equipment or to  
61 meet other capital needs of a business with not more than 20 employees and annual revenues not  
62 exceeding \$2,500,000; provided, that preference shall be given to businesses located in low- or  
63 moderate-income areas or owned by women, veterans, minorities or immigrants; provided  
64 further, that not less than \$5,000,000 shall be given to minority-owned businesses  
65 ..... \$15,000,000

66           7002-8029     For a competitive grant program administered by the Massachusetts office  
67 of travel and tourism to improve facilities and destinations visited by in-state and out-of-state  
68 travelers, with the goals of increasing visitation, enticing repeat visitation and increasing the  
69 direct and indirect economic impacts of the tourism industry in all regions of the commonwealth;  
70 provided, that grants shall support the design, repair, renovation, improvement, expansion and  
71 construction of facilities owned by municipalities or nonprofit entities; provided further, that all  
72 grantees shall provide a match based on a graduated formula determined by the Massachusetts  
73 office of travel and tourism; and provided further, that grant recipients shall be required to  
74 measure and report on return-on-investment data after the expenditure of grant funds  
75 ..... \$10,000,000

76           7002-8031    For a program to provide assistance to projects that will improve,  
77   rehabilitate or redevelop blighted, abandoned, vacant or underutilized properties to achieve the  
78   public purposes of eliminating blight, increasing housing production, supporting economic  
79   development projects, increasing the number of commercial buildings accessible to persons with  
80   disabilities and conserving natural resources through the targeted rehabilitation and reuse of  
81   vacant and underutilized property; provided, that such assistance shall take the form of a grant or  
82   a loan provided to a municipality or other public entity, a community development corporation,  
83   nonprofit entity or for-profit entity; provided further, that eligible uses of funding shall include,  
84   but not be limited to, improvements and additions to or alterations of structures and other  
85   facilities necessary to comply with requirements of building codes, fire or other life safety codes  
86   and regulations pertaining to accessibility for persons with disabilities, where such code or  
87   regulatory compliance is required in connection with a new commercial, residential or civic use  
88   of such structure or facility, and also shall include the targeted removal of existing underutilized  
89   structures or facilities to create or activate publicly-accessible recreational or civic spaces;  
90   provided further, that funding shall be awarded on a competitive basis in accordance with  
91   guidelines developed by the agency; provided further, that financial assistance offered pursuant  
92   to this line item may be administered by the executive office through a contract with the  
93   Massachusetts Development Finance Agency established by section 2 of chapter 23G; provided  
94   further, that the executive office or the Massachusetts Development Finance Agency may  
95   establish additional program requirements through regulations or policy guidelines; provided  
96   further, that program funds may be used for the reasonable costs of administering the program;  
97   and provided further, that such costs shall not exceed 5 per cent of the total assistance made  
98   during the fiscal year ..... \$40,000,000

99           7002-8032     For grants and technical assistance to be made to municipalities and  
100 regional applicants, to support planning and locally-driven initiatives related to community  
101 development, housing production, workforce training and economic opportunity, childcare and  
102 early education initiatives and climate resilience initiatives, including nature-based solutions  
103 projects, that incorporate these elements, across the commonwealth within individual  
104 communities, regions or a defined subset of communities therein; provided, that funds shall be  
105 expended for culturally competent and multi-lingual technical assistance and training to small  
106 businesses; and provided further, that preference for these funds shall be given to businesses  
107 located in low- or moderate-income areas and owned by women, veterans, minorities or  
108 immigrants ..... \$10,000,000

109           7002-8033     For an employment social enterprise capital grant program to be  
110 administered by the executive office of housing and economic development, in consultation with  
111 the executive office of labor and workforce development, for the development of eligible  
112 facilities for nonprofit employment social enterprises that sell goods and services and enhance  
113 economic development; provided, that eligible applicants shall be nonprofit organizations with a  
114 demonstrated history of operating employment social enterprises targeting individuals facing  
115 significant barriers to employment; provided further, that grants shall support costs associated  
116 with the acquisition of real property, and design, construction, repair, rehabilitation or renovation  
117 of an eligible facility, and costs directly related to the development of an eligible facility;  
118 provided further, that the employment social enterprises shall employ low-income individuals,  
119 with priority to targeted populations who experience complex needs and barriers to employment  
120 that require intensive interventions; and provided further, that eligible organizations provide the  
121 following services for targeted individuals as an integrated part of their paid employment in a

122 social enterprise: (i) outreach to targeted populations; (ii) on-the-job training and skill  
123 development, including worksite supervision and performance coaching; (iii) supportive services  
124 provided for at least 1 year, including, but not limited to, case management aimed at helping to  
125 overcome barriers to employment; (iv) assistance to obtain external employment; and (v) job  
126 retention services which includes follow up with beneficiaries for at least 1 year and employers  
127 to support job retention and advancement..... \$10,000,000

128           7002-8034    For the Commonwealth Zoological Corporation established in section 2 of  
129 chapter 92B of the General Laws, for costs associated with the preparation of plans, studies and  
130 specifications, repairs, construction, renovations, improvements, maintenance, asset management  
131 and demolition and other capital improvements including those necessary for the operation of  
132 facilities operated by Zoo New England, including the Franklin Park Zoo and the Walter D.  
133 Stone Memorial Zoo; provided, that not less than \$2,500,000 shall be used for construction and  
134 be required to have a one-to-one match; and provided further, that Zoo New England shall  
135 provide a matching amount equal to \$1 for every \$1 disbursed from this item.....  
136 \$10,000,000

137           7002-8035    For the Massachusetts Growth Capital Corporation established in section 2  
138 of chapter 40W of the General Laws, to provide working capital loans to small businesses  
139 severely impacted by the 2019 novel coronavirus pandemic; provided, that funds shall include,  
140 but not be limited to, employee payroll and benefit costs, mortgage interest, rent, utilities and  
141 interest on other debt obligations; provided further, that loan amounts dispersed under this item  
142 shall not require repayment if the loan recipient: (i) expends the entirety of the loan payment on  
143 employee payroll and benefit costs, mortgage interest, rent, utilities and interest on other debt  
144 obligations and not less than 60 per cent of the loan payment on payroll and benefit costs; (ii)

145 maintains the same or greater number of employees as the period prior to the governor's March  
146 10, 2020 declaration of a state of emergency relative to the 2019 novel coronavirus pandemic;  
147 and (iii) maintains employee wage or annual salary levels at not less than 75 per cent as the  
148 period prior to the governor's March 10, 2020 declaration of a state of emergency relative to the  
149 2019 novel coronavirus pandemic; provided further, that priority in awarding grants shall be  
150 given to: (i) businesses that serve areas of the commonwealth particularly impacted by the  
151 outbreak of the 2019 novel coronavirus pandemic; and (ii) businesses that have not received aid  
152 from federal programs related to the 2019 novel coronavirus; provided further, that not less than  
153 \$20,000,000 shall be made available to minority-owned, women-owned and veteran-owned  
154 businesses; provided further, that not later than April 1, 2021, the Massachusetts Growth Capital  
155 Corporation shall submit a report to the house and senate committees on ways and means  
156 detailing: (i) loan recipients; (ii) loan amounts by recipient; and (iii) any additional criteria  
157 considered in the awarding of loans and in determining loan forgiveness...\$30,000,000

158 SECTION 2A.

159 JUDICIARY

160 Trial Court

161 1102-5702 For costs associated with information technology capital improvements at  
162 the trial court to support the provision of virtual mediation services pursuant to section 109 of  
163 this act ....\$15,000,000

164 TREASURER AND RECEIVER GENERAL

165 Massachusetts Cultural Council



166           0640-0303     For a competitive grant program to be administered by the Massachusetts  
167 cultural council to: (i) promote artists, among all disciplines and sectors, including, arts,  
168 humanities and sciences, in creating new mediums to showcase their art, including showcasing  
169 their work in a variety of media formats and platforms, including, video, audio and interactive  
170 platforms; and (ii) promote local museums in the commonwealth, to showcase their exhibits and  
171 events by using remote access, including, video, audio and interactive platforms; provided, that  
172 funds may be used to assist artists to enhance and expand remote media platforms in response to  
173 the outbreak of the 2019 novel coronavirus, also known as COVID-19; provided further, that the  
174 funds may be used to increase remote access to enhance and provide remote programming and  
175 operations by local museums; provided further, that the Massachusetts cultural council shall  
176 determine the criteria to evaluate applications for the grant program; provided further, that the  
177 criteria shall promote remote access to cultural experiences, including new operation and  
178 programming models within the arts, humanities and sciences; provided further, that the criteria  
179 shall include, but not be limited to, the commitment by the artists and museums to improve and  
180 diversify access to remote cultural experiences, the artists and museums having the knowledge  
181 and skill to develop and implement the remote media platforms; and provided further, that the  
182 criteria shall prioritize local artists and local museums in the commonwealth, including, small to  
183 mid-sized museums....\$5,000,000

184           0640-0304     For a competitive grant program to be administered by the Massachusetts  
185 cultural council, in consultation with the department of elementary and secondary education, to  
186 assist public school districts in providing access to cultural experiences in the community,  
187 including arts, humanities and sciences, through the use of information technology to provide  
188 remote experiences; provided, that the funds may be used to reimburse the costs incurred by

189 school districts providing remote cultural experiences in response to the outbreak of the 2019  
190 novel coronavirus, also known as COVID-19; provided further, that the Massachusetts cultural  
191 council, in consultation with the department of elementary and secondary education, shall  
192 determine criteria used to evaluate applications for the grant program; provided further, that the  
193 criteria shall promote access to cultural experiences, including, arts, humanities and sciences, for  
194 public school districts; and provided further, that the criteria shall include, but not be limited to,  
195 school districts using creative means to educate students during the outbreak of COVID-19 in  
196 place of school field trips and the ease of student access to the remote cultural  
197 experience.....\$5,000,000

198 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

199 Department of Housing and Community Development

200 7004-0059 For state financial assistance in the form of grants or loans to accelerate  
201 and support the creation of low- and moderate-income housing in close proximity to transit  
202 nodes; provided, that the program shall be administered to achieve the following public benefits:  
203 (1) maximize the amount of affordable residential and mixed-use space in close proximity to  
204 transit nodes, resulting in higher density, compact development and pedestrian-friendly,  
205 inclusive and connected neighborhoods; (2) increase mass transit ridership; (3) decrease traffic  
206 congestion and reduce greenhouse gas emissions; and (4) increase economic opportunity for  
207 disadvantaged populations by making it easier for residents of affordable housing to access  
208 public transportation, including transportation supporting commutes to employment centers;  
209 provided further, that entities eligible to receive financial assistance shall include governmental  
210 bodies, community development corporations, local housing authorities, community action

211 agencies, community-based or neighborhood-based nonprofit housing organizations, other  
212 nonprofit organizations and for-profit entities; provided further, that financial assistance  
213 provided pursuant to this section shall be made on a competitive basis, with preference for  
214 projects in communities that are most impacted by the 2019 novel coronavirus pandemic;  
215 provided further, that funds may be used to assist units occupied by and affordable to persons  
216 with incomes up to, but not exceeding, 110 per cent of the area median income, as defined by the  
217 United States Department of Housing and Urban Development, with priority given to projects  
218 that provide higher and deeper levels of affordability; provided further, that not less than 25 per  
219 cent of the occupants of housing in projects assisted by this item shall be persons whose income  
220 is not more than 60 per cent of the area median income, as so defined; provided further, that  
221 financial assistance offered pursuant to this line item may be administered by the department  
222 through a contract with the Massachusetts Housing Partnership Fund, established in section 35 of  
223 chapter 405 of the acts of 1985, which in turn may directly offer financial assistance for the  
224 purposes set forth herein, or may enter into subcontracts with nonprofit organizations established  
225 pursuant to chapter 180 of the General Laws for those purposes; provided further, that the  
226 department may provide financial support to nonprofit and for-profit developers that enter into  
227 binding agreements to set aside residential units in market-rate transit-oriented housing, over and  
228 above any units required to be set aside under local zoning or approvals, for rent or sale to  
229 income-qualified households at affordable rents or sale prices, as applicable; and provided  
230 further, that the department may establish additional program requirements through regulations  
231 or policy guidelines ..... \$50,000,000

232           7004-0064    For financial assistance to accelerate and support the creation and  
233 preservation of sustainable and climate-resilient affordable multifamily housing; provided, that

234 such financial assistance shall be made to achieve the following public benefits: (1) incorporate  
235 efficient, sustainable and climate-resilient design practices in affordable residential development,  
236 to support positive climate mitigation outcomes; (2) reduce greenhouse gas emissions and  
237 reliance on fossil fuels; (3) increase resiliency of existing housing developments to mitigate  
238 impacts of climate change, including flooding and extreme temperatures; and (4) enhance  
239 emergency preparedness, including sustainable means of power generation to allow for  
240 sheltering vulnerable populations in place; provided further, that financial assistance shall be  
241 made available on a competitive basis to community development corporations, local housing  
242 authorities, community action agencies, community-based or neighborhood-based nonprofit  
243 housing organizations, other nonprofit organizations and for-profit entities; provided further, that  
244 funds may be used to assist units occupied by and affordable to persons with incomes up to, but  
245 not exceeding, 110 per cent of the area median income, as defined by the United States  
246 Department of Housing and Urban Development, with priority given to projects that provide  
247 higher and deeper levels of affordability; provided further, that not less than 25 per cent of the  
248 occupants of housing in projects assisted by this item shall be persons whose income is not more  
249 than 60 per cent of the area median income, as so defined; provided further, that financial  
250 assistance provided pursuant to this section may be administered by the department through  
251 contracts with the Massachusetts Housing Partnership Fund, established in section 35 of chapter  
252 405 of the acts of 1985, the Massachusetts Housing Finance Agency, established in chapter 708  
253 of the acts of 1966, or both, which authorities may directly offer financial assistance for the  
254 purposes set forth herein, or may enter into subcontracts with nonprofit organizations established  
255 pursuant to chapter 180 for those purposes; and provided further, that the administering agency

256 may establish additional program requirements through regulations or policy guidelines  
257 ..... \$10,000,000

258           7004-0065     For state financial assistance to cities and towns, or to agencies, boards,  
259 commissions, authorities, departments or instrumentalities within cities or towns, or to  
260 community development corporations or nonprofit organizations, to assist in the revitalization of  
261 neighborhoods and communities with properties in blighted or substandard conditions by  
262 subsidizing the purchase price, borrowing costs or costs of demolition or renovation of up to 50  
263 units of residential rental housing or 1 to 4 units of home ownership residential housing that have  
264 been cited for building or sanitary code violations or that are subject to cancellation of  
265 commercial property insurance due to substandard property conditions or are otherwise blighted  
266 or substandard; provided, that contracts entered into by the department of housing and  
267 community development for those projects may include, but shall not be limited to, projects  
268 providing for demolition, renovation, remodeling, reconstruction, redevelopment and hazardous  
269 material abatement, including asbestos and lead paint, and for compliance with state codes and  
270 laws and for adaptations necessary for compliance with the Americans with Disabilities Act of  
271 1990; provided further, that preference shall be given to community development corporations  
272 and local nonprofit organizations, to organizations sponsoring projects that secure private funds,  
273 and to projects with the greatest impact on community stabilization in weak markets, including,  
274 but not limited to, rural communities and communities that have been disproportionately affected  
275 by the 2019 novel coronavirus pandemic, disinvestment, foreclosure and abandonment; provided  
276 further, that such rehabilitated housing shall remain affordable for such period as shall be  
277 established by the department through guidance, taking into account differences in market  
278 conditions and the type of restrictions best suited to promoting community stabilization in

279 different markets; and provided further, that an amount not to exceed 2 per cent of the amount  
280 expended may pay for administrative costs directly attributable to the purposes of this program,  
281 including costs of support personnel ..... \$40,000,000

282 SECTION 3. Section 7 of chapter 4 of the General Laws, appearing in the 2018 Official  
283 Edition, is hereby amended by striking out the Tenth clause and inserting in place thereof the  
284 following clause:-

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

293 SECTION 4. Section 1 of chapter 23G of the General Laws, as so appearing, is hereby  
294 amended by striking out the definition “Equity investments” and inserting in place thereof the  
295 following definition:-

296 “Equity investments”, (i) investments that result in the agency holding an ownership  
297 interest in any company; (ii) a membership interest that constitutes voting rights in a company;  
298 (iii) an interest in real estate or other assets; (iv) a grant or loan designated pursuant to a  
299 competitive process administered by the agency, provided to governmental subdivisions,  
300 community development corporations, community action agencies, for-profit entities, private

301 property owners, nonprofit entrepreneur support organizations and business operators for design,  
302 construction or improvement of buildings or real estate to spur economic development; (v) a  
303 transaction which in substance falls into any of these categories even though it may be structured  
304 as some other form of business transaction, including, but not limited to, a lease of real estate for  
305 such duration as the agency deems appropriate in light of the amount of the equity to be invested;  
306 and (vi) an equity security; provided, however, that "equity investments" shall not include any of  
307 the foregoing if the interest is taken as security for a loan.

308 SECTION 5. Subsection (c) of section 6 of chapter 23I of the General Laws, as so  
309 appearing, is hereby amended by striking out, in lines 70 to 71 and in lines 87 to 89, inclusive, in  
310 each instance, the words "minority students at schools where at least 80 per cent of the student  
311 population is eligible for free or reduced lunch" and inserting in place thereof the following  
312 words:- minority students attending schools in which at least 25 per cent of the student  
313 population is considered economically disadvantaged as measured by the department of  
314 elementary and secondary education.

315 SECTION 6. Section 17 of said chapter 23I, as so appearing, is hereby amended by  
316 striking out, in line 23, the figure "2" and inserting in place thereof the following figure:- 1.

317 SECTION 7. The General Laws are hereby amended by inserting after chapter 23M the  
318 following chapter:-

319 CHAPTER 23N.

320 AUTHORIZATION AND REGULATION OF SPORTS WAGERING

321 Section 1. This chapter shall be known and may be cited as the “Massachusetts Sports  
322 Wagering Act”.

323 Section 2. Notwithstanding any provision of law to the contrary, the operation of sports  
324 wagering and ancillary activities are lawful when conducted in accordance with the provisions of  
325 this chapter and the rules and regulations of the commission.

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

328 “Adjusted gross sports wagering receipts”, an operator’s total gross receipts from sports  
329 wagering, excluding sports wagers made with promotional gaming credits, less the total of all  
330 winnings paid to wagerers in such games, which shall include the cash equivalent of any  
331 merchandise or thing of value awarded as a prize, and all excise taxes paid pursuant to federal  
332 law.

333 “Category 1 license”, a license issued by the commission that permits the operation of  
334 sports wagering through a mobile application and other digital platforms approved by the  
335 commission and in person at a gaming establishment as defined in section 2 of chapter 23K.

336 “Category 2 license”, a license issued by the commission that permits the operation of  
337 sports wagering in person at a race track as defined in section 1 of chapter 128A.

338 “Category 3 license”, a license issued by the commission that permits the operation of  
339 sports wagering through a mobile application and other digital platforms approved by the  
340 commission.



341 “Collegiate sport or athletic event”, a sport or athletic event offered or sponsored by, or  
342 played in connection with, a public or private institution that offers educational services beyond  
343 the secondary level.

344 “Commission”, the Massachusetts gaming commission established in section 3 of chapter  
345 23K.

346 “Governmental authority”, any governmental unit of a national, state or local body  
347 exercising governmental functions, other than the United States government.

348 “License”, any license, applied for or issued by the commission under this chapter,  
349 including, but not limited to: (i) an operator license; or (ii) an occupational license.

350 “National criminal history background check system”, the criminal history record system  
351 maintained by the Federal Bureau of Investigation, based on fingerprint identification or any  
352 other method of positive identification.

353 “Occupational license”, a license required by an employee of an operator when the  
354 employee performs duties directly related to the operation of sports wagering in the  
355 commonwealth in a supervisory role.

356 “Operator” or “sports wagering operator”, any entity permitted under this chapter to offer  
357 sports wagering to persons in the commonwealth through a category 1 license, category 2 license  
358 or category 3 license.

359 “Operator license”, a category 1 license, category 2 license or category 3 license to  
360 operate sports wagering.

361 “Official league data”, statistics, results, outcomes and other data relating to a sporting  
362 event that is obtained pursuant to an agreement with the relevant sports governing body, or with  
363 an entity expressly authorized by the relevant sports governing body to provide such data to  
364 sports wagering operators, which authorizes the use of such data for determining the outcome of  
365 tier 2 sports wagers on such sporting event.

366 “Professional sport or athletic event”, an event at which 2 or more persons participate in a  
367 sports event and receive compensation in excess of actual expenses for their participation in such  
368 event.

369 “Promotional gaming credit”, a sports wagering credit or other item issued by an operator  
370 to a patron to enable the placement of a sports wager.

371 “Qualified gaming entity”, an entity that: (i) holds a gaming license as defined in section  
372 2 of chapter 23K; (ii) holds a license to conduct a racing meeting as defined in section 1 of  
373 chapter 128A; or (iii) has offered fantasy sports contests in the commonwealth pursuant to 940  
374 C.M.R. 34.00 for at least 1 year at the time of enactment of this act and has been permitted to  
375 offer sports wagering in at least 2 other jurisdictions in the United States by the relevant  
376 regulatory body in those jurisdictions.

377 “Sports event” or “sporting event”, any professional sport or athletic event, collegiate  
378 sport or athletic event, motor race event, electronic sports event, competitive video game event  
379 or any other event authorized by the commission under this chapter.

380 “Sports governing body”, an organization that is headquartered in the United States and  
381 prescribes final rules and enforces codes of conduct with respect to a sporting event and  
382 participants therein.

383 “Sports wagering”, the business of accepting wagers on sporting events or portions of  
384 sporting events, other events, the individual performance statistics of athletes in a sporting event  
385 or other events or a combination of any of the same by any system or method of wagering  
386 approved by the commission including, but not limited to, mobile applications and other digital  
387 platforms; provided, that sports wagering shall not include the acceptance of any wager with an  
388 outcome dependent on the performance of an individual athlete in any collegiate sport or athletic  
389 event, including but not limited, to in-game or in-play wagers; provided, further that sports  
390 wagering shall not include any acceptance of wagers on a high school or youth sporting event;  
391 provided further, that sports wagering shall not include fantasy contests as defined in section 135  
392 of chapter 219 of the acts of 2016. Sports wagering shall include, but is not limited to, single-  
393 game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game  
394 wagering, in-play bets, proposition bets and straight bets.

395 “Sports wagering account”, a financial record established by an operator for an individual  
396 patron in which the patron may deposit by any method approved by the commission and  
397 withdraw funds for sports wagering and other authorized purchases, and to which the operator  
398 may credit winnings or other amounts due to or authorized by that patron. Such account may be  
399 established and funded by the patron electronically through an approved mobile application or  
400 digital platform.

401 “Tier 1 sports wager”, a sports wager that is determined solely by the final score or  
402 outcome of a sporting event and is placed before the sporting event has begun.

403 “Tier 2 sports wager”, a sports wager that is not a tier 1 sports wager.

404 “Wager”, a sum of money or thing of value risked on an uncertain occurrence.

405 Section 4. (a) The commission shall have the authority to regulate the conduct of sports  
406 wagering under this chapter.

407 (b) The commission shall examine the rules and regulations implemented in other states  
408 where sports wagering is authorized and shall, as far as practicable, adopt a similar regulatory  
409 framework through promulgation of rules and regulations.

410 (c) The commission shall have the authority to promulgate rules and regulations  
411 necessary for the implementation, administration and enforcement of this chapter. The  
412 commission may promulgate emergency rules and regulations in accordance with applicable  
413 procedures for the promulgation of emergency rules and regulations.

414 (d) The commission may promulgate rules and regulations including, but not limited to,  
415 those governing the acceptance of wagers on a sports event, other event or a series of sports  
416 events; types of wagering receipts which may be used; methods of issuing receipts; methods of  
417 accounting to be used by operators; types of records to be kept; types of systems for wagering;  
418 protections for patrons placing wagers; and promotion of social responsibility and responsible  
419 gambling; provided, that such regulations shall include a requirement that all mobile applications  
420 and digital platforms authorized for sports wagering include prominently upon each entry into  
421 the application or platform, the following statement: "If you or someone you know has a  
422 gambling problem and wants help, call the Massachusetts Council on Compulsive Gambling  
423 hotline at 1-800-426-1234."

424 (e) The commission shall determine the eligibility of a person to hold or continue to hold  
425 a license, shall issue all licenses and shall maintain a record of all licenses issued under this  
426 chapter. The commission may accept applications, evaluate qualifications of applicants,

427 undertake initial review of licenses and issue temporary licenses upon the effective date of this  
428 chapter.

429 (f) The commission shall levy and collect all fees, surcharges, civil penalties and taxes on  
430 adjusted gross sports wagering receipts imposed by this chapter, except as otherwise provided  
431 under this chapter.

432 (g) The commission shall have the authority to enforce this chapter and any rule or  
433 regulation of the commission and may request that the attorney general bring an action to enforce  
434 this chapter or any rule or regulation of the commission by civil action or petition for injunctive  
435 relief.

436 (h) The commission may hold hearings, administer oaths and issue subpoenas or  
437 subpoenas duces tecum in order to enforce this chapter and the rules and regulations of the  
438 commission.

439 (i) The commission may exercise any other powers necessary to effectuate this chapter  
440 and the rules and regulations of the commission.

441 Section 5. (a) No person shall engage in any activity in connection with sports wagering  
442 in the commonwealth unless all necessary licenses or temporary licenses have been obtained in  
443 accordance with this chapter and rules and regulations of the commission.

444 (b) The commission shall not grant an operator license, other than a temporary license  
445 pursuant to subsection (c) of section 6, until it determines that each person who has control of the  
446 applicant meets all qualifications for licensure. The following persons are considered to have  
447 control of an applicant:

448 (1) Each person who owns 10 per cent or more of a corporate applicant and who has the  
449 ability to control the activities of the corporate applicant; provided, however, that a bank or other  
450 licensed lending institution which holds a mortgage or other lien acquired in the ordinary course  
451 of business shall not be considered to have control of an applicant;

452 (2) Each person who holds a beneficial or proprietary interest of 10 per cent or more of a  
453 non-corporate applicant's business operation and who has the ability to control the activities of  
454 the non-corporate applicant; and

455 (3) At the commission's discretion, any executive, employee or agent having the power  
456 to exercise significant influence over decisions concerning the applicant's sports wagering  
457 operations in the commonwealth.

458 (c) Each controlling person pursuant to subsection (b) shall submit to the commission an  
459 application in a form determined by the commission, and each such controlling person who is a  
460 natural person shall submit to the commission: (i) fingerprints for a national criminal records  
461 check by the department of the state police and the Federal Bureau of Investigation; and (ii) a  
462 signed authorization for the release of information by the department of the state police and the  
463 Federal Bureau of Investigation; provided, however, that a controlling person who is a natural  
464 person that has submitted to a national criminal records check in any jurisdiction within the  
465 previous year shall not be required to submit to another national criminal records check if such  
466 person submits to the commission the results of such previous national criminal records check.  
467 Any applicant convicted of any disqualifying offense shall not be licensed.

468 (d) Each person licensed under this chapter shall give the commission written notice  
469 within 30 days of any change to any material information provided in the application for a  
470 license or renewal.

471 (e) No commission employee shall be an applicant for any license issued under this  
472 chapter.

473 Section 6. (a) A licensed qualified gaming entity may operate sports wagering upon the  
474 approval of the commission.

475 (b)(1) The commission shall issue a category 1 license to any holder of a gaming license,  
476 as defined in section 2 of chapter 23K, that meets the requirements of this chapter and the rules  
477 and regulations of the commission.

478 (2) The commission shall issue a category 2 license to any holder of a license to conduct  
479 a racing meeting, as defined in section 1 of chapter 128A, that meets the requirements of this  
480 chapter and the rules and regulations of the commission.

481 (3) The commission shall issue a category 3 license to any entity that has offered fantasy  
482 sports contests in the commonwealth pursuant to 940 C.M.R. 34.00 for at least 1 year at the time  
483 of enactment of this act, has been permitted to offer sports wagering in at least 2 other  
484 jurisdictions in the United States by the relevant regulatory body in those jurisdictions and meets  
485 the requirements of this chapter and the rule and regulations of the commission.

486 (c)(1) A qualified gaming entity may submit to the commission a request for a temporary  
487 license for the immediate commencement of sports wagering operations. Such request shall  
488 include an initial license fee of \$50,000 payable to the commission.

489           (2) Upon receiving a request for a temporary license, the executive director of the  
490 commission shall review the request. If the executive director determines that the entity  
491 requesting the temporary license is a qualified gaming entity and has paid the sports wagering  
492 initial license fee, the commission shall authorize the qualified gaming entity to conduct sports  
493 wagering for a period of 2 years under a temporary license or until a final determination on its  
494 operator license application is made.

495           (3) All sports wagering conducted under authority of a temporary license shall comply  
496 with the house rules adopted under section 9.

497           (d) Upon application by a qualified gaming entity and payment of a \$250,000 application  
498 fee, the commission shall grant an operator license to a qualified gaming entity that provides for  
499 the right to conduct sports wagering; provided, that the qualified gaming entity meets the  
500 requirements for licensure under this chapter and the rules and regulations of the commission.  
501 Such license shall be issued for a 5-year period, and may be renewed for 5-year periods upon  
502 payment of a \$100,000 renewal fee; provided, that an operator continues to meet all requirements  
503 under this chapter and the rules and regulations of the commission.

504           (e) An operator shall submit to the commission such documentation or information as the  
505 commission may require demonstrating that the operator continues to meet the requirements of  
506 this chapter and the rules and regulations of the commission. An operator shall submit required  
507 documentation or information no later than 5 years after issuance of its operator license and  
508 every 5 years thereafter, or within lesser periods based on circumstances specified by the  
509 commission.



510 Section 7. (a) All persons employed by an operator to perform duties directly related to  
511 the operation of sports wagering in Massachusetts in a supervisory role shall maintain a valid  
512 occupational license issued by the commission. The commission shall issue such occupational  
513 license to a person who meets the requirements of this section.

514 (b) An occupational license authorizes the licensee to be employed in the capacity  
515 designated by the commission while the license is active. The commission may establish, by rule  
516 or regulation, job classifications with different requirements based on the extent to which a  
517 particular job impacts, or has the potential to impact, the lawful operation of sports wagering.

518 (c) An applicant for an occupational license shall submit any required application forms  
519 established by the commission and shall pay a nonrefundable application fee of \$100. An  
520 employer may pay an application fee on behalf of an applicant.

521 (d) Each occupational license holder shall annually pay to the commission a license fee of  
522 \$100 by March 1 and submit a renewal application on the form required by the commission. An  
523 employer may pay an application fee on behalf of the licensed employee.

524 Section 8. (a) The commission may deny a license to any applicant, reprimand any  
525 licensee or suspend or revoke a license, if the applicant or licensee:

526 (1) has knowingly made a false statement of a material fact to the commission;

527 (2) has had a license revoked by any governmental authority responsible for regulation of  
528 gaming activities;

529 (3) has been convicted of a crime of moral turpitude, a gambling-related offense or a theft  
530 or fraud offense;

531 (4) has not demonstrated to the satisfaction of the commission financial responsibility  
532 sufficient to adequately meet the requirements of the proposed enterprise; or

533 (5) is not the true owner of the business or is not the sole owner and has not disclosed the  
534 existence or identity of other persons who have an ownership interest in the business.

535 (b) The commission may deny, suspend or revoke an operator license or reprimand any  
536 licensee if the applicant or licensee has not met the requirements of this chapter.

537 Section 9. (a) Each operator shall adopt comprehensive house rules for game play  
538 governing sports wagering transactions with its patrons. The house rules shall specify the  
539 amounts to be paid on winning wagers and the effect of sports event schedule changes. The  
540 commission shall approve house rules prior to implementation.

541 (b) The house rules, together with any other information the commission deems  
542 appropriate, shall be accessible to any patrons of the sports wagering system. The operator shall  
543 make copies readily available to patrons.

544 Section 10. (a) Sports wagering operators shall employ commercially reasonable methods  
545 to:

546 (1) prohibit the operator, directors, officers, owners and employees of the operator, and  
547 any relative living in the same household as such persons, from placing bets with the operator;

548 (2) prohibit athletes, coaches, referees, team owners, employees of a sports governing  
549 body or its member teams and player and referee union personnel from wagering on any sporting  
550 event of their sport's governing body; provided, that in determining which persons are excluded

551 from placing wagers under this subsection, operators shall use lists of such persons that the  
552 sports governing body may provide to the commission;

553 (3) prohibit any individual with access to non-public confidential information held by the  
554 operator from placing wagers with the operator;

555 (4) prohibit persons from placing wagers as agents or proxies for others; and

556 (5) maintain the security of wagering data, customer data and other confidential  
557 information from unauthorized access and dissemination; provided, however, that nothing in this  
558 chapter shall preclude the use of internet or cloud-based hosting of such data and information or  
559 disclosure as required by court order, other law or this chapter.

560 (b) A sports governing body may submit to the commission in writing, by providing  
561 notice in such form and manner as the commission may require, a request to restrict, limit or  
562 exclude a certain type, form or category of sports wagering with respect to sporting events of  
563 such body, if the sports governing body believes that such type, form or category of sports  
564 wagering with respect to sporting events of such body is contrary to public policy, unfair to  
565 consumers, may undermine the perceived integrity of such body or sporting events of such body  
566 or affects the integrity of such body or sporting events of such body. The commission shall  
567 request comment from sports wagering operators on all such requests. After giving due  
568 consideration to all comments received, the commission shall, upon a demonstration of good  
569 cause from the requestor, grant the request. The commission shall respond to a request  
570 concerning a particular event before the start of the event, or if it is not feasible to respond before  
571 the start of the event, no later than 7 days after the request is made; provided, that if the  
572 commission determines that the requestor is more likely than not to prevail in successfully

573 demonstrating good cause for its request, the commission may provisionally grant the request of  
574 the sports governing body until the commission makes a final determination as to whether the  
575 requestor has demonstrated good cause. Absent such a provisional grant by the commission,  
576 sports wagering operators may continue to offer sports wagering on sporting events that are the  
577 subject of such a request during the pendency of the consideration of the applicable request.

578 (c) The commission shall designate a state law enforcement entity to have primary  
579 responsibility for conducting, or assisting the commission in conducting, investigations into  
580 abnormal betting activity, match fixing and other conduct that corrupts a betting outcome of a  
581 sporting event or events for purposes of financial gain.

582 (d) The commission and sports wagering operators shall use commercially reasonable  
583 efforts to cooperate with investigations conducted by sports governing bodies or law  
584 enforcement agencies, including but not limited to, using commercially reasonable efforts to  
585 provide or facilitate the provision of anonymized account-level betting information and audio or  
586 video files relating to persons placing wagers. All disclosures under this section are subject to the  
587 obligation of a sports wagering operator to comply with all federal, state and local laws and  
588 regulations, including but not limited to, laws and regulations relating to privacy and personally  
589 identifiable information.

590 (e) Sports wagering operators shall immediately report to the commission any  
591 information relating to:

592 (1) criminal or disciplinary proceedings commenced against the sports wagering operator  
593 in connection with its operations;

594 (2) abnormal betting activity or patterns that may indicate a concern with the integrity of  
595 a sporting event or events;

596 (3) any potential breach of the internal rules and codes of conduct pertaining to sports  
597 wagering of a relevant sports governing body;

598 (4) any other conduct that corrupts a betting outcome of a sporting event or events for  
599 purposes of financial gain, including match fixing; and

600 (5) suspicious or illegal wagering activities, including use of funds derived from illegal  
601 activity, wagers to conceal or launder funds derived from illegal activity, using agents to place  
602 wagers and using false identification.

603 Sports wagering operators shall immediately report information relating to conduct  
604 described in paragraphs (2), (3) and (4) of this subsection to the relevant sports governing body.

605 (f) The commission and sports wagering operators shall maintain the confidentiality of  
606 information provided by a sports governing body for purposes of investigating or preventing the  
607 conduct described in paragraphs (2), (3) and (4) of subsection (e), unless disclosure is required  
608 by this chapter, the commission, other law or court order or unless the sports governing body  
609 consents to disclosure.

610 (g) With respect to any information provided by a sports wagering operator to a sports  
611 governing body relating to conduct described in paragraphs (2), (3) and (4) of subsection (e), a  
612 sports governing body:

613 (1) shall only use such information for integrity purposes and shall not use the  
614 information for any commercial or other purpose; and

615 (2) shall maintain the confidentiality of such information, unless disclosure is required by  
616 this chapter, the commission, other law or court order or unless the sports wagering operator  
617 consents to disclosure; provided, that the sports governing body may make disclosures necessary  
618 to conduct and resolve integrity-related investigations and may publicly disclose such  
619 information if required by its integrity policies or if deemed by the sports governing body in its  
620 reasonable judgment to be necessary to maintain the actual or perceived integrity of its sporting  
621 events, and subject in all cases to the sports governing body's compliance with federal, state and  
622 local laws and regulations, including but not limited to, laws and regulations relating to privacy  
623 and personally identifiable information. Prior to any such public disclosure that would identify  
624 the sports wagering operator by name, the sports governing body shall provide such sports  
625 wagering operator with notice of such disclosure and an opportunity to object to such disclosure.

626 (h) Sports wagering operators shall maintain records of all wagers placed by its patrons,  
627 including personally identifiable information of the patron, amount and type of the bet, the time  
628 the bet was placed, the location of the bet, including the IP address if applicable, the outcome of  
629 the bet and records of abnormal betting activity for 3 years after a sporting event occurs and  
630 video camera recordings in the case of in-person wagers for at least 1 year after a sporting event  
631 occurs, and shall make such data available for inspection upon request of the commission or as  
632 required by court order.

633 (i) A sports wagering operator shall use commercially reasonable efforts to maintain in  
634 real time and at the account level, anonymized information for each patron, including the amount  
635 and type of bet, the time the bet was placed, the location of the bet, including the IP address if  
636 applicable, the outcome of the bet and records of abnormal betting activity. The commission may  
637 request such information in the form and manner as it requires. Nothing in this section shall

638 require a sports wagering operator to provide any information prohibited by federal, state or local  
639 laws or regulations, including but not limited to, laws and regulations relating to privacy and  
640 personally identifiable information.

641 (j) If a sports governing body has notified the commission and demonstrated a need for  
642 access to the information described in subsection (i) for wagers placed on sporting events of such  
643 sports governing body for integrity monitoring purposes, and demonstrated the capability to use  
644 such data for the purpose of effectively monitoring the integrity of sporting events of such sports  
645 governing body, a sports wagering operator shall share, in a commercially reasonable frequency,  
646 form and manner, with the sports governing body or its designee the same information the sports  
647 wagering operator is required to maintain under subsection (i) with respect to sports wagers on  
648 sporting events of such sports governing body. A sports governing body and its designee shall  
649 only use information received under this section for integrity-monitoring purposes and shall not  
650 use information received under this section for any commercial or other purpose. Nothing in this  
651 section shall require a sports wagering operator to provide any information that is prohibited by  
652 federal, state or local laws or regulations, including but not limited to, laws and regulations  
653 relating to privacy and personally identifiable information.

654 (k) A sports wagering operator shall conduct a background check on each newly hired  
655 employee, and a single background check on any employee hired prior to the effective date of  
656 this act. Background checks shall search for criminal history, charges or convictions involving  
657 corruption or manipulation of sporting events and association with organized crime.

658 Section 11. (a) All operators licensed under this chapter to conduct sports wagering shall:

659 (1) employ a monitoring system utilizing software to identify irregularities in volume or  
660 changes in odds that could signal suspicious activities and promptly report such information to  
661 the commission for further investigation. System requirements and specifications shall be  
662 developed according to industry standards and implemented by the commission as part of the  
663 minimum internal control standards;

664 (2) promptly report to the commission any facts or circumstances related to the operation  
665 of a sports wagering licensee which constitute a violation of state or federal law and promptly  
666 report to the appropriate state or federal authorities any suspicious betting over a threshold set by  
667 the operator that has been approved by the commission;

668 (3) conduct all sports wagering activities and functions in a manner that does not pose a  
669 threat to the public health, safety or welfare of the residents of the commonwealth;

670 (4) keep current in all payments and obligations to the commission;

671 (5) prevent any person from tampering with or interfering with the operation of any  
672 sports wagering;

673 (6) ensure that mobile sports wagering occurs only using a commission-approved mobile  
674 application or other digital platform to accept wagers initiated within the commonwealth;

675 (7) maintain sufficient cash and other supplies to conduct sports wagering at all times;

676 and

677 (8) maintain daily records showing the gross sports wagering receipts and adjusted gross  
678 sports wagering receipts of the licensee from sports wagering and shall timely file with the  
679 commission any additional reports required by rule, regulation or this chapter.



680 (b) Sports wagering operators may use any data source for determining:  
681 (1) the results of any and all tier 1 sports wagers on any and all sporting events; and  
682 (2) the results of any and all tier 2 sports wagers on sporting events of an organization  
683 that is not headquartered in the United States.

684 (c) A sports governing body may notify the commission that it desires sports wagering  
685 operators to use official league data to settle tier 2 sports wagers on sporting events of such  
686 sports governing body. Such notification shall be made in the form and manner as the  
687 commission may require. Within 5 days of receipt of such notification, the commission shall  
688 notify each sports wagering operator of the requirement to use official league data to settle tier 2  
689 sports wagers. If a sports governing body notifies the commission of its desire to supply official  
690 league data, a sports wagering operator may use any data source for determining the results of  
691 tier 2 sports wagers on sporting events of such sports governing body.

692 (d) Within 60 days of the commission notifying a sport wagering operator of the  
693 requirement to use official league data to settle tier 2 sports wagers pursuant to subsection (c), or  
694 such longer period as may be agreed between the sports governing body and the applicable  
695 sports wagering operator, a sports wagering operator shall use only official league data to  
696 determine the results of tier 2 sports wagers on sporting events of that sports governing body,  
697 unless:

698 (1) the sports governing body or its designee cannot provide a feed of official league data  
699 to determine the results of a particular type of tier 2 sports wager, in which case a sports  
700 wagering operator may use any data source for determining the results of the applicable tier 2

701 sports wager until such time a data feed becomes available from the sports governing body on  
702 commercially reasonable terms and conditions; or

703 (2) a sports wagering operator can demonstrate to the commission that the sports  
704 governing body or its designee will not provide a feed of official league data to the sports  
705 wagering operator on commercially reasonable terms and conditions.

706 (e) In evaluating whether official league data is offered on commercially reasonable  
707 terms and conditions for purposes of paragraphs (1) and (2) of subsection (d), the commission  
708 may consider factors, including but not limited to:

709 (1) the availability of official league data to a sports wagering operator from more than 1  
710 authorized source;

711 (2) market information, including but not limited to, price and other terms and conditions  
712 regarding the purchase by sports wagering operators of comparable data for the purpose of  
713 settling sports wagers in the commonwealth and other jurisdictions;

714 (3) the nature and quantity of data, including the quality and complexity of the process  
715 used for collecting such data; and

716 (4) the extent to which a sports governing body or its designee has made data used to  
717 settle tier 2 wagers available to sports wagering operators and any terms and conditions relating  
718 to the use of that data.

719 (f) Notwithstanding anything to the contrary set forth herein, including but not limited to,  
720 subsection (d), during the pendency of the determination of the commission as to whether a  
721 sports governing body or its designee may provide official league data on commercially

722 reasonable terms, a sports wagering operator may use any data source to determine the results of  
723 tier 2 sports wagers. The determination shall be made within 120 days of the sports wagering  
724 operator notifying the commission that it requests to demonstrate that the sports governing body  
725 or its designee will not provide a feed of official league data to the sports wagering operator on  
726 commercially reasonable terms.

727 (g) A sports governing body may enter into commercial agreements with a sports  
728 wagering operator or other entity in which such sports governing body may share in the amount  
729 bet or revenues derived from sports wagering on sporting events of such sports governing body.  
730 A sports governing body shall not be required to obtain a license or any other approval from the  
731 commission to lawfully accept such amounts or revenues.

732 Section 12. (a) Holders of category 1 and category 2 licenses may accept wagers on  
733 sports events and other events authorized under this chapter in person at authorized facilities.

734 (b) Holders of category 1 and category 3 licenses may accept wagers on sports events and  
735 other events authorized under this chapter from individuals physically located within the  
736 commonwealth using mobile applications or digital platforms approved by the commission,  
737 through the patron's sports wagering account. The branding for each mobile application or  
738 digital platform shall be determined by the operator. All bets authorized under this section must  
739 be initiated, received and otherwise made within the commonwealth. Consistent with the intent  
740 of the federal Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. section 5361 to  
741 5367, inclusive, the intermediate routing of electronic data related to a lawful intrastate wager  
742 authorized under this chapter shall not determine the location or locations in which the wager is  
743 initiated, received or otherwise made.

744 (c) An operator may accept wagers placed by other operators, and may place wagers with  
745 other operators; provided, that any operator that places a wager with another operator shall  
746 inform the operator accepting the wager that the wager is being placed by an operator and shall  
747 disclose its identity.

748 (d) A person placing a wager shall be at least 21 years of age.

749 (e)(1) The commission or operator may ban any person from participating in the play or  
750 operation of any sports wagering consistent with rules and regulations promulgated by the  
751 commission. A list of all excluded patrons shall be kept by the commission and provided to each  
752 licensee, and no patron on the exclusion list shall be permitted to conduct sports wagering under  
753 this chapter.

754 (2) The commission shall establish a list of self-excluded persons from sports wagering.  
755 A person may request such person's name to be placed on the list of self-excluded persons by  
756 filing a statement with the commission acknowledging that the person is a problem gambler and  
757 by agreeing that, during any period of voluntary exclusion, the person shall not collect any  
758 winnings or recover any losses resulting from any sports wagering. The commission shall adopt  
759 further regulations for the self-excluded persons list including procedures for placement, removal  
760 and transmittal of such list to sports wagering operators. The commission may revoke, limit,  
761 condition, suspend or fine a sports wagering operator if the operator knowingly or recklessly  
762 fails to exclude or eject from its premises any person placed on the list of self-excluded persons.

763 (f) No licensed employee may place a sports wager through any mobile application or  
764 digital platform owned or operated by their employer.

765 (g) No licensed employee may place a sports wager at any facility owned or operated by  
766 their employer.

767 (h) Sections 24, 24A and 27 of chapter 10 of the General Laws shall not apply to an  
768 operator conducting sports wagering in accordance with this chapter.

769 Section 13. (a)(1) For the privilege of holding a license to operate sports wagering under  
770 this chapter, the commonwealth shall impose and collect an excise equal to 15 per cent of the  
771 operator's adjusted gross sports wagering receipts from the operation of sports wagering,  
772 hereinafter "privilege tax". The accrual method of accounting shall be used for purposes of  
773 calculating the amount of the tax owed by the licensee.

774 (2) Annually not later than October 15, each sports wagering operator shall submit to the  
775 commission the number of sports events or other events that took place at sports stadiums or  
776 other sports facilities physically located in the commonwealth and the adjusted gross sports  
777 wagering receipts collected from each such event. The commission shall impose and collect an  
778 excise equal to 1 per cent of the operator's adjusted gross sports wagering receipts from such  
779 events. Annually, no later than December 31, the commission shall proportionately distribute the  
780 amounts received to each sports facility based on the amount collected at each such facility  
781 during the previous calendar year. A sports facility shall use such funds only for the purpose of  
782 sports wagering security and integrity and shall report annually to the commission the amounts  
783 spent and purposes of such spending in a form prescribed by the commission.

784 (b)(1) The tax levied and collected pursuant to paragraph (1) of subsection (a) shall be  
785 due and payable to the commission in monthly installments on or before the 15th calendar day  
786 following the calendar month in which the adjusted gross sports wagering receipts were received.

787 (2) The operator shall complete and submit the return for the preceding month by  
788 electronic communication to the commission, on or before the 15th of each month, in the form  
789 prescribed by the commission that provides:

790 (i) the total gross sports wagering receipts and adjusted gross sports wagering receipts  
791 from operation of sports wagering during that month;

792 (ii) the tax amount for which the sports wagering licensee is liable; and

793 (iii) any additional information necessary in the computation and collection of the tax on  
794 adjusted gross sports wagering receipts required by the commission.

795 (3) The tax amount shown to be due shall be remitted by electronic funds transfer  
796 simultaneously with the filing of the return.

797 (4) When adjusted gross receipts for a month is a negative number because the winnings  
798 paid to patrons wagering on the operator's sports wagering exceed the operator's total gross  
799 receipts from sports wagering by patrons, the commission shall allow the operator to carry over  
800 the negative amount to returns filed for subsequent months. The negative amount of adjusted  
801 gross receipts shall not be carried back to an earlier month and taxes previously received by the  
802 commission will not be refunded, except if the operator surrenders its license and the operator's  
803 last return reported negative adjusted gross receipts.

804 (c) The tax on adjusted gross sports wagering receipts imposed by this section shall be in  
805 lieu of all other state and local taxes and fees imposed on the operation of, or the proceeds from  
806 operation of sports wagering.

807 Section 14. There shall be established and set up on the books of the commonwealth a  
808 Sports Wagering Fund which shall receive revenues collected pursuant to sections 6 and 13. The  
809 commission shall be the trustee of the fund and shall transfer monies in the fund as follows:

810 (1) 40 per cent to the Workforce Investment Trust Fund established in section 2IIIII  
811 of chapter 29;

812 (2) 30 per cent to the Distressed Restaurant Trust Fund;

813 (3) 10 per cent to the Youth Development and Achievement Fund established in  
814 section 15;

815 (4) 10 per cent to the Gaming Local Aid Fund established in section 63 of section  
816 23K;

817 (5) 9 per cent to the Public Health Trust Fund established in section 58 of section  
818 23K; and

819 (6) 1 per cent to the Players' Benevolence Fund established in section 2JJJJJ of  
820 chapter 29.

821 Section 15. There shall be established and set up on the books of the commonwealth a  
822 fund to be known as the Youth Development and Achievement Fund. The fund shall be credited  
823 any monies transferred under section 14 and all monies credited to or transferred to the fund  
824 from any other fund or source. Expenditures from the fund shall be subject to appropriation and  
825 shall be expended equally for the following purposes:

826 (1) For the purposes of providing financial assistance to students from the commonwealth  
827 enrolled in and pursuing a program of higher education in any approved public or independent

828 college, university, school of nursing or any other approved institution furnishing a program of  
829 higher education; and

830 (2) For the purposes after school and out of school activities including, but not limited to,  
831 youth athletics and other activities that improve student health, literacy programs, academic  
832 tutoring, art, theater and music programs and community service programs.

833 Section 16. The commission may impose on any person who violates this chapter a civil  
834 penalty not to exceed \$2,000 for each violation or \$5,000 for violations arising from the same  
835 series of events. Such penalty shall be imposed on all individuals and is not limited to individuals  
836 licensed under this chapter.

837 Section 17. (a) Any person, other than an operator under this chapter, who engages in  
838 accepting, facilitating or operating a sports wagering operation is guilty of a misdemeanor and,  
839 upon conviction thereof, shall be fined not more than \$10,000 or confined in jail for not more  
840 than 90 days, or both fined and confined.

841 (b) Any person convicted of a second violation of subsection (a) is guilty of a  
842 misdemeanor and, upon conviction thereof, shall be fined not more than \$50,000, or confined in  
843 jail for not more than 6 months, or both fined and confined.

844 (c) Any person convicted of a third or subsequent violation of subsection (a) is guilty of a  
845 felony, and upon conviction thereof, shall be fined not less than \$25,000 nor more than \$100,000  
846 or imprisoned in a state correctional facility for not less than 1 year nor more than 5 years, or  
847 both fined and confined.



848 SECTION 8. Chapter 23N is hereby amended by striking section 14 and inserting in  
849 place thereof the following section:-

850 Section 14. Tax payments collected under section 13 shall be transferred as follows:

851 (1) 40 per cent to the Workforce Investment Trust Fund established in section 2IIIII;

852 (2) 25 per cent to the Youth Development and Achievement Fund established in  
853 section 15;

854 (3) 25 per cent to the Gaming Local Aid Fund established in section 63 of chapter  
855 23K;

856 (4) 9 per cent to the Public Health Trust Fund established in section 58 of chapter  
857 23K;

858 (5) 1 per cent to the Players' Benevolence Fund established in section 2JJJJJ.

859 SECTION 9. Subsection (b) of section 6A of chapter 25C of the General Laws, as so  
860 appearing, is hereby amended by striking out, in line 18, the word "(f)" and inserting in place  
861 thereof the following word:- (h).

862 SECTION 10. Said section 6A of said chapter 25C is hereby further amended by adding  
863 the following 2 subsections:-

864 (g) Subsection (b) shall not be construed to affect or modify any obligations or authority  
865 in chapter 159C.

866 (h) Subsection (b) shall not be construed to affect the authority of the department to  
867 administer federal programs supported by the federal Universal Service Fund, including the  
868 Lifeline program, the E-rate program or the Connect America Fund.

869 SECTION 11. Chapter 29 of the General Laws is hereby amended by inserting after  
870 section 2HHHHH, added by section 4 of chapter 142 of the acts of 2019, the following 2  
871 sections:-

872 Section 2IIIII. (a) There is hereby established and set up on the books of the  
873 commonwealth a separate fund to be known as the Workforce Investment Trust Fund, in this  
874 section called the fund. There shall be credited to the fund any sports wagering revenue  
875 transferred by section 14 of chapter 23N. Monies transferred to the fund shall be continuously  
876 expended, without regard for fiscal year, exclusively for carrying out the purposes of this section.  
877 Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

878 (b) The fund shall be administered by the secretary of housing and economic  
879 development. Money in the fund shall be competitively granted to develop and strengthen  
880 workforce opportunities for low-income communities and vulnerable youth and young adults in  
881 the commonwealth, including providing opportunities and strategies to promote stable  
882 employment and wage growth.

883 (c) Eligible grant recipients shall provide opportunities which: (i) target at risk youth,  
884 including resources to empower youth to succeed in the workforce; (ii) provide job skills  
885 trainings, including programs offering trainings in multiple languages and areas for development,  
886 including education and hands on skills; and (iii) promote adult literacy, including strategies to  
887 master reading and writing and providing digital formats to increase accessibility. The secretary

888 of housing and economic development shall establish criteria to evaluate applications for the  
889 grant program; provided, the criteria shall include, but shall not be limited to, at risk populations.

890 (d) Annually, not later than October 1, the board shall provide a report of the grants given  
891 and a breakdown of expenditures made by the fund. The report shall be posted on the website of  
892 the executive office of housing and economic development.

893 Section 2JJJJ. (a) There shall be a Players' Benevolence Fund to be administered by the  
894 Massachusetts gaming commission established in section 3 of chapter 23K. The fund shall be  
895 credited with: (i) funds collected under section 14 of chapter 23N; (ii) revenue from  
896 appropriations or other money authorized by the general court and specifically designated to be  
897 credited to the fund; (iii) interest earned on money in the fund; and (iv) funds from private  
898 sources including, but not limited to, gifts, grants and donations received by the commonwealth  
899 that are specifically designated to be credited to the fund. All amounts credited to the fund shall  
900 be used without further appropriation for the purpose of making distributions to charitable  
901 organizations as recommended pursuant to subsection (c). Any unexpended balance in the fund  
902 at the close of a fiscal year shall not revert to the General Fund and shall be available for  
903 expenditure in subsequent fiscal years.

904 (b) There shall be a Players' Benevolence Fund advisory committee. The advisory  
905 committee shall consist of 9 members: 1 of whom shall be appointed by the governor and who  
906 shall serve as chair; 1 of whom shall be the state treasurer, or a designee; 1 of whom shall be  
907 appointed by the senate president; 1 of whom shall be appointed by the speaker of the house of  
908 representatives; 1 of whom shall be a designee of the National Football League Players'  
909 Association, 1 of whom shall be a designee of the Major League Baseball Players' Association; 1

910 of whom shall be a designee of the National Basketball Players' Association; 1 of whom shall be  
911 a designee of the National Hockey League Players' Association; and 1 of whom shall be a  
912 designee of the Major League Soccer Players' Association.

913 (c) The advisory committee shall convene at least annually and make recommendations  
914 to the commission for distributions from the Players' Benevolence Fund in a method to be  
915 determined by said committee. The committee shall recommend to the commission a distribution  
916 schedule for funds deposited in the Players' Benevolence Fund to organizations that benefit  
917 current and former professional sports players or their charitable foundations. In developing its  
918 recommendations, the advisory committee shall consider charitable organizations, including but  
919 not limited to, organizations involved in medical research related to athletic participation,  
920 delivery of literacy and other academic assistance to disadvantaged and underserved youth  
921 populations, financial literacy and education.

922 (d) Annually, not later than July 1, the commission shall report to the clerks of the house  
923 of representatives and senate on the fund's activities. The report shall include, but not be limited  
924 to: (i) the source and amounts of funds received; and (ii) the amounts and purpose of  
925 expenditures from the fund, including the name of each organization to which funds were  
926 distributed.

927 SECTION 12. Subsection (a) of section 4 of chapter 30B of the General Laws, as so  
928 appearing, is hereby amended by adding the following words:- or section 6.

929 SECTION 13. Said section 4 of said chapter 30B, as so appearing, is hereby further  
930 amended by striking out subsection (b) and inserting in place thereof the following subsection:-

931 (b) Quotations shall not be modified or disclosed until the award of the contract after  
932 submission; however, the procurement officer shall waive minor informalities or allow the  
933 person submitting quotations to correct the minor informality. The procurement officer shall  
934 award the contract to the responsible and responsive person offering the needed quality of supply  
935 or service at the lowest quotation. A contract requiring payment to the governmental body of a  
936 net monetary amount shall be awarded to the responsible and responsive person offering the  
937 needed quality of supply or service at the highest quotation.

938 SECTION 14. Section 6 of said chapter 30B, as so appearing, is hereby amended by  
939 striking out, in line 2, the words “\$50,000 utilizing” and inserting in place thereof the following  
940 words:- \$50,000, except as permitted pursuant to subsection (a) of section 4, utilizing.

941 SECTION 15. Section 4A of chapter 40 of the General Laws, as so appearing, is hereby  
942 amended by adding the following paragraph:-

943 By a majority vote of their legislative bodies, and with the approval of the mayor, board  
944 of selectmen or other chief executive officer, any contiguous cities and towns may enter into an  
945 agreement to allocate public infrastructure costs, municipal service costs and local tax revenue  
946 associated with the development of an identified parcel or parcels or development within the  
947 contiguous communities generally; provided, that the agreement shall be approved by the  
948 department of revenue.

949 SECTION 16. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby  
950 amended by inserting after the introductory paragraph the following 8 definitions:-

951 “Accessory dwelling unit”, a self-contained housing unit, inclusive of sleeping, cooking  
952 and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable

953 dimensional and parking requirements, that: (i) maintains a separate entrance, either directly  
954 from the outside or through an entry hall or corridor shared with the principal dwelling sufficient  
955 to meet the requirements of the state building code for safe egress; (ii) is not larger in floor area  
956 than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii)  
957 is subject to such additional restrictions as may be imposed by a municipality, including but not  
958 limited to additional size restrictions, owner-occupancy requirements and restrictions or  
959 prohibitions on short-term rental of accessory dwelling units.

960 “As of right”, development that may proceed under a zoning ordinance or by-law without  
961 the need for a special permit, variance, zoning amendment, waiver or other discretionary zoning  
962 approval.

963 “Eligible locations”, areas that by virtue of their infrastructure, transportation access,  
964 existing underutilized facilities or location make highly suitable locations for residential or  
965 mixed use smart growth zoning districts or starter home zoning districts, including without  
966 limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry  
967 terminals; or (ii) areas of concentrated development, including town and city centers, other  
968 existing commercial districts in cities and towns and existing rural village districts.

969 “Lot”, an area of land with definite boundaries that is used or available for use as  
970 the site of a building or buildings.

971 “Mixed-use development”, development containing a mix of residential uses and non-  
972 residential uses, including, without limitation, commercial, institutional, industrial or other uses;

973 “Multi-family housing”, a building with 3 or more residential dwelling units or 2 or more  
974 buildings on the same lot with more than 1 residential dwelling unit in each building.

975 “Natural resource protection zoning”, zoning ordinances or by-laws enacted principally  
976 to protect natural resources by promoting compact patterns of development and concentrating  
977 development within a portion of a parcel of land so that a significant majority of the land remains  
978 permanently undeveloped and available for agriculture, forestry, recreation, watershed  
979 management, carbon sequestration, wildlife habitat or other natural resource values.

980 “Open space residential development”, a residential development in which the buildings  
981 and accessory uses are clustered together into 1 or more groups separated from adjacent property  
982 and other groups within the development by intervening open land. An open space residential  
983 development shall be permitted only on a plot of land of such minimum size as a zoning  
984 ordinance or by-law may specify which is divided into building lots with dimensional control,  
985 density and use restrictions for such building lots varying from those otherwise permitted by the  
986 ordinance or by-law and open land. The open land may be situated to promote and protect  
987 maximum solar access within the development. The open land shall either be conveyed to the  
988 city or town and accepted by said city or town for park or open space use, or be made subject to a  
989 recorded use restriction enforceable by said city or town or a non-profit organization the  
990 principal purpose of which is the conservation of open space, providing that such land shall be  
991 kept in an open or natural state and not be built for residential use or developed for accessory  
992 uses such as parking or roadway.

993 SECTION 17. Said section 1A of said chapter 40A, as so appearing, is hereby further  
994 amended by striking out the definition of “Transfer of development rights” and inserting in place  
995 thereof the following definition:-

996 “Transfer of development rights”, the regulatory procedure whereby the owner of a  
997 parcel may convey development rights, extinguishing those rights on the first parcel, and where  
998 the owner of another parcel may obtain and exercise those rights in addition to the development  
999 rights already existing on that second parcel.

1000 SECTION 18. Section 5 of said chapter 40A, as so appearing, is hereby amended by  
1001 striking out the fifth paragraph and inserting in place thereof the following paragraph:-

1002 Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be  
1003 adopted or changed except by a two-thirds vote of all the members of the town council, or of the  
1004 city council where there is a commission form of government or a single branch, or of each  
1005 branch where there are 2 branches, or by a two-thirds vote of a town meeting; provided,  
1006 however, that the following shall be adopted by a vote of a simple majority of all members of the  
1007 town council or of the city council where there is a commission form of government or a single  
1008 branch or of each branch where there are 2 branches or by a vote of a simple majority of town  
1009 meeting:

1010 (1) an amendment to a zoning ordinance or by-law to allow any of the following as of  
1011 right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory  
1012 dwelling units, whether within the principal dwelling or a detached structure on the same lot; or  
1013 (c) open-space residential development;

1014 (2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-  
1015 family housing or mixed-use development in an eligible location; (b) an increase in the  
1016 permissible density of population or intensity of a particular use in a proposed multi-family or  
1017 mixed use development pursuant to section 9; (c) accessory dwelling units in a detached



1018 structure on the same lot; or (d) a diminution in the amount of parking required for residential or  
1019 mixed-use development pursuant to section 9;

1020 (3) zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning  
1021 or natural resource protection zoning in instances where the adoption of such zoning promotes  
1022 concentration of development in areas that the municipality deems most appropriate for such  
1023 development, but will not result in a diminution in the maximum number of housing units that  
1024 could be developed within the municipality; or (b) modify regulations concerning the bulk and  
1025 height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage  
1026 requirements to allow for additional housing units beyond what would otherwise be permitted  
1027 under the existing zoning ordinance or by-law; and

1028 (4) the adoption of a smart growth zoning district or starter home zoning district in  
1029 accordance with section 3 of chapter 40R. Any amendment that requires a simple majority vote  
1030 shall not be combined with an amendment that requires a two-thirds majority vote. If, in a city or  
1031 town with a council of fewer than 25 members, there is filed with the clerk prior to final action  
1032 by the council a written protest against a zoning change under this section, stating the reasons  
1033 duly signed by owners of 50 per cent or more of the area of the land proposed to be included in  
1034 such change or of the area of the land immediately adjacent extending 300 feet therefrom, no  
1035 change of any such ordinance shall be adopted except by a two-thirds vote of all members.

1036 SECTION 19. Section 9 of said chapter 40A, as so appearing, is hereby amended by  
1037 inserting after the word “interests,” in line 34, the following words:- ; provided, however, that  
1038 nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of

1039 development rights to be permitted as of right, without the need for a special permit or other  
1040 discretionary zoning approval.

1041 SECTION 20. Said section 9 of said chapter 40A, as so appearing, is hereby further  
1042 amended by striking out, in lines 39 and 43, the word “cluster” each time it appears and inserting  
1043 in place thereof in each instance the following words:- open space residential.

1044 SECTION 21. Said section 9 of said chapter 40A, as so appearing, is hereby further  
1045 amended by inserting, after the word “control,” in line 47, the following words:- ; provided,  
1046 however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing open  
1047 space residential developments to be permitted as of right, without the need for a special permit  
1048 or other discretionary zoning approval.

1049 SECTION 22. Said section 9 of said chapter 40A, as so appearing, is hereby further  
1050 amended by striking out the seventh paragraph and inserting in place thereof the following  
1051 paragraph:-

1052 Zoning ordinances or by-laws may also provide that special permits may be granted for  
1053 reduced parking space to residential unit ratio requirements after a finding by the special permit  
1054 granting authority that the public good would be served and that the area in which the  
1055 development is located would not suffer a substantial adverse effect from such diminution in  
1056 parking.

1057 SECTION 23. Said section 9 of said chapter 40A, as so appearing, is hereby further  
1058 amended by inserting after the twelfth paragraph the following paragraph:-

1059 A special permit issued by a special permit granting authority shall require a simple  
1060 majority vote for any of the following: (a) multifamily housing that is located within 1/2 mile of  
1061 a commuter rail station, subway station, ferry terminal or bus station; provided, that not less than  
1062 10 per cent of the housing shall be affordable to and occupied by households whose annual  
1063 income is less than 80 per cent of the area wide median income as determined by the United  
1064 States Department of Housing and Urban Development and affordability is assured for a period  
1065 of not less than 30 years through the use of an affordable housing restriction as defined in section  
1066 31 of chapter 184; (b) mixed-use development in centers of commercial activity within a  
1067 municipality, including town and city centers, other commercial districts in cities and towns and  
1068 rural village districts; provided, that not less than 10 per cent of the housing shall be affordable to  
1069 and occupied by households whose annual income is less than 80 per cent of the area wide  
1070 median income as determined by the United States Department of Housing and Urban  
1071 Development and affordability is assured for a period of not less than 30 years through the use of  
1072 an affordable housing restriction as defined in section 31 of chapter 184; or (c) a reduced parking  
1073 space to residential unit ratio requirement, pursuant to this section; provided, that a reduction in  
1074 the parking requirement will result in the production of additional housing units.

1075 SECTION 24. Section 2 of chapter 40G, as so appearing, is hereby amended by striking  
1076 out, in lines 23 through 25, inclusive, the words “1 person appointed by the governor who is a  
1077 cabinet secretary or officer of the commonwealth having experience appropriate to the functions  
1078 of MTDC” and inserting in place thereof the following words:- the executive director of the  
1079 Massachusetts Technology Park Corporation established by chapter 40J.

1080 SECTION 25. Section 6B of chapter 40J, as so appearing, is hereby amended by inserting  
1081 after the word “development”, in line 33, the following words:- , or a designee.

1082 SECTION 26. Section 2 of chapter 40R of the General Laws, as amended by section 12  
1083 of chapter 5 of the acts of 2019, is hereby amended by inserting after the word “is”, in line 4, the  
1084 following words:- equal to or.

1085 SECTION 27. Said section 2 of said chapter 40R, as so amended, is hereby further  
1086 amended by striking out the definition of “Approving authority”.

1087 SECTION 28. Said section 2 of said chapter 40R, as so amended, is hereby further  
1088 amended by inserting after the definition of “Open space” the following definition:-

1089 “Plan approval authority”, a unit of municipal government designated by the city or town  
1090 to review projects and issue approvals under section 11.

1091 SECTION 29. Section 3 of said chapter 40R, as appearing in the 2018 Official Edition, is  
1092 hereby amended by inserting after the word “have”, in line 4, the following word:- safe.

1093 SECTION 30. Said section 3 of said chapter 40R, as so appearing, is hereby further  
1094 amended by inserting after the word “frequent”, in line 5, the following word:- pedestrian.

1095 SECTION 31. Said section 3 of said chapter 40R, as so appearing, is hereby further  
1096 amended by striking out, in line 14, the words “by a city or town”.

1097 SECTION 32. Said section 3 of said chapter 40R, as so appearing, is hereby further  
1098 amended by inserting after the word “use”, in line 19, the following words:-

1099 ; provided, however, that a smart growth zoning district or starter home zoning district  
1100 ordinance or by-law shall be adopted by a simple majority vote of all the members of the town  
1101 council, or of the city council where there is a commission form of government or a single

1102 branch, or of each branch where there are 2 branches, or by a simple majority vote of a town  
1103 meeting.

1104 SECTION 33. Section 6 of said chapter 40R, as so appearing, is hereby amended by  
1105 striking out, in lines 55 to 56, the words “the comprehensive housing plan, housing production  
1106 plan or housing production summary submitted as part of”.

1107 SECTION 34. Subsection (a) of said section 6 of said chapter 40R, as so appearing, is  
1108 hereby amended by striking out clause (8) and inserting in place thereof the following clause:-

1109 (8) A proposed smart growth zoning district or starter home zoning district shall not  
1110 impose restrictions on age or any other occupancy restrictions on the district as a whole or any  
1111 portion thereof or project therein. Applicants may pursue the development of specific projects  
1112 within a smart growth zoning district that are exclusively for the elderly, the disabled or for  
1113 assisted living; provided, that the department shall adopt regulations limiting the percentage of  
1114 units in the district that qualify the city or town for density bonus payments under section 9 that  
1115 may be subject to such restrictions that limit occupancy exclusively for the elderly, the disabled  
1116 or for assisted living. Not less than 25 per cent of the housing units in a project that limits  
1117 occupancy exclusively for the elderly, the disabled or for assisted living within a smart growth  
1118 zoning district shall be affordable housing, as defined in section 2.

1119 SECTION 35. Said section 6 of said chapter 40R, as so appearing, is hereby further  
1120 amended by striking out, in line 86, the word “approving” and inserting in place thereof the  
1121 following words:- plan approval.

1122 SECTION 36. Said section 6 of said chapter 40R, as so appearing, is hereby further  
1123 amended by striking out subsection (c) and inserting in place thereof the following subsection:-

1124 (c) The zoning for a proposed smart growth zoning district or starter home zoning district  
1125 may provide for mixed use development subject to any limitations that may be imposed by  
1126 regulations of the department. In a starter home zoning district, mixed use development shall  
1127 only be permitted if the proposed density achieves a minimum of 4 units per acre.

1128 SECTION 37. Said section 6 of said chapter 40R, as so appearing, is hereby further  
1129 amended by striking out subsection (g) and inserting in place thereof the following subsection:-

1130 (g) Any amendment or repeal of a zoning ordinance or by-law affecting an approved  
1131 smart growth zoning district or starter home zoning district shall not be effective without the  
1132 written approval by the department. No such amendment or repeal shall be effective until the  
1133 city or town has made the payment required under subsection (b) of section 14. Each  
1134 amendment or repeal shall be submitted to the department with an evaluation of the effect on the  
1135 number of projected units that will remain developable, if any, in relation to the number of units  
1136 that have been built and the number of units that determined any corresponding zoning incentive  
1137 payment paid to the city or town. Amendments shall be approved only to the extent that the  
1138 district remains in compliance with this chapter. If the department does not respond to a  
1139 complete request for approval of an amendment or repeal within 60 days of receipt, the request  
1140 shall be deemed approved.

1141 SECTION 38. Section 7 of said chapter 40R, as so appearing, is hereby amended by  
1142 striking out, in line 14, the word “approving” and inserting in place thereof the following words:-  
1143 plan approval.

1144 SECTION 39. Said section 7 of said chapter 40R, as so appearing, is hereby further  
1145 amended by striking out, in lines 17 through 20, inclusive, the words “the city or town’s

1146 comprehensive housing plan, housing production plan, or the housing production summary  
1147 submitted with the city or town’s initial application for approval by the department, as  
1148 applicable.”.

1149 SECTION 40. Section 9 of said chapter 40R, as amended by section 13 of chapter 5 of  
1150 the acts of 2019, is hereby further amended by striking out, in lines 18 through 21, inclusive, the  
1151 words “, and consistent with either the city or town’s comprehensive housing plan or housing  
1152 production plan, if any, or the housing production summary submitted in accordance with section  
1153 8”.

1154 SECTION 41. Section 10 of said chapter 40R, as appearing in the 2018 Official Edition,  
1155 is hereby amended by striking out, in line 3, the words “approving” and inserting in place thereof  
1156 the following words:- plan approval.

1157 SECTION 42. Said section 10 of said chapter 40R, as so appearing, is hereby further  
1158 amended by striking out, in lines 6 through 8, inclusive, the words “and is consistent with the  
1159 city or town’s comprehensive housing plan or housing production plan, if any, and any  
1160 applicable master plan or plans for the city or town”.

1161 SECTION 43. Said chapter 40R, as so appearing, is hereby amended by striking out  
1162 section 11 and inserting in place thereof the following section:-

1163 Section 11. (a) A city or town may incorporate provisions within the smart growth zoning  
1164 district or starter home zoning district ordinance or by-law that prescribe contents of an  
1165 application for approval of a project. The ordinance or by-law may require the applicant to pay  
1166 for reasonable consulting fees to provide peer review of the applications for the benefit of the  
1167 plan approval authority. Such fees shall be held by the municipality in a separate account and

1168 used only for expenses associated with the review of the development application by outside  
1169 consultants and any surplus remaining after the completion of such review, including any interest  
1170 accrued, shall be returned to the applicant forthwith. The smart growth zoning district or starter  
1171 home zoning district ordinance or by-law may provide for the referral of the plan to municipal  
1172 officers, agencies or boards other than the plan approval authority for comment. Any such  
1173 board, agency or officer shall provide any comments within 60 days of its receipt of a copy of  
1174 the plan and application for approval.

1175 (b) An application to a plan approval authority for approval under a smart growth zoning  
1176 district or starter home zoning district ordinance or by-law shall be governed by the applicable  
1177 zoning provisions in effect at the time of the submission, while the plan is being processed,  
1178 during the pendency of any appeal and for 3 years after approval. If an application is denied, the  
1179 zoning provisions in effect at the time of the application shall continue in effect with respect to  
1180 any further application filed within 2 years after the date of the denial except as the applicant  
1181 may otherwise choose.

1182 (c) An application for approval under this section shall be filed by the applicant with the  
1183 city or town clerk and a copy of the application including the date of filing certified by the town  
1184 clerk shall be filed forthwith with the plan approval authority. The plan approval authority shall  
1185 hold a public hearing for which notice has been given as provided in section 11 of chapter 40A.  
1186 The decision of the plan approval authority shall be made, and a written notice of the decision  
1187 filed with the city or town clerk, within 120 days of the receipt of the application by the city or  
1188 town clerk. The required time limits for such action may be extended by written agreement  
1189 between the applicant and the plan approval authority, with a copy of such agreement being filed  
1190 in the office of the city or town clerk. Failure of the plan approval authority to take action within



1191 said 120 days or extended time, if applicable, shall be deemed to be an approval of the plan. The  
1192 applicant who seeks approval of a plan by reason of the failure of the plan approval authority to  
1193 act within such time prescribed, shall notify the city or town clerk, in writing within 14 days  
1194 from the expiration of said 120 days or extended time, if applicable, of such approval and that  
1195 notice has been sent by the applicant to parties in interest. The applicant shall send such notice  
1196 to parties in interest by mail and each such notice shall specify that appeals, if any, shall be made  
1197 pursuant to this section and shall be filed within 20 days after the date the city or town clerk  
1198 received such written notice from the applicant that the plan approval authority failed to act  
1199 within the time prescribed.

1200 (d) The plan approval authority shall issue to the applicant a copy of its decision  
1201 containing the name and address of the owner, identifying the land affected, and the plans that  
1202 were the subject of the decision, and certifying that a copy of the decision has been filed with the  
1203 city or town clerk and that all plans referred to in the decision are on file with the plan approval  
1204 authority. If 20 days have elapsed after the decision has been filed in the office of the city or  
1205 town clerk without an appeal having been filed or if such appeal, having been filed, is dismissed  
1206 or denied, the city or town clerk shall so certify on a copy of the decision. If the plan is approved  
1207 by reason of the failure of the plan approval authority to timely act, the clerk shall make such  
1208 certification on a copy of the application. A copy of the decision or application bearing such  
1209 certification shall be recorded in the registry of deeds for the county and district in which the  
1210 land is located and indexed in the grantor index under the name of the owner of record or  
1211 recorded and noted on the owner's certificate of title. The fee for recording or registering shall be  
1212 paid by the owner or applicant.

1213 (e) The project shall be approved by the plan approval authority subject only to those  
1214 conditions that are necessary: (1) to ensure substantial compliance of the proposed project with  
1215 the requirements of the smart growth zoning district or starter home zoning district ordinance or  
1216 by-law; or (2) to mitigate any extraordinary adverse impacts of the project on nearby properties.  
1217 An application may be denied only on the grounds that: (i) the project does not meet the  
1218 conditions and requirements set forth in the smart growth zoning district or starter home zoning  
1219 district ordinance or by-law; (ii) the applicant failed to submit information and fees required by  
1220 the ordinance or by-law and necessary for an adequate and timely review of the design of the  
1221 project or potential project impacts; or (iii) it is not possible to adequately mitigate extraordinary  
1222 adverse project impacts on nearby properties by means of suitable conditions.

1223 (f) Any court authorized to hear appeals under section 17 of chapter 40A shall be  
1224 authorized to hear an appeal from a decision under this section by a party who is aggrieved by  
1225 such decision. Such appeal may be brought within 20 days after the decision has been filed in  
1226 the office of the city or town clerk. Notice of the appeal, with a copy of the complaint shall be  
1227 given to such city or town clerk so as to be received within such 20 days. Review shall be based  
1228 on the record of information and plans presented to the plan approval authority. To avoid delay  
1229 in the proceedings, instead of the usual service of process, the plaintiff shall within 14 days after  
1230 the filing of the complaint, send written notice thereof, with a copy of the complaint, by delivery  
1231 or certified mail to all defendants, including the members of the plan approval authority, and  
1232 shall within 21 days after the entry of the complaint file with the clerk of the court an affidavit  
1233 that such notice has been given. If no such affidavit is filed within such time, the complaint shall  
1234 be dismissed.

1235 (g) A complaint by a plaintiff challenging the approval of a project under this section  
1236 shall allege the specific reasons why the project fails to satisfy the requirements of this chapter or  
1237 other applicable law and allege specific facts establishing how the plaintiff is aggrieved by such  
1238 decision. The plan approval authority's decision in such a case shall be affirmed unless the court  
1239 concludes the plan approval authority abused its discretion under subsection (e) in approving the  
1240 project. The applicant and all members of the plan approval authority shall be named as  
1241 defendant parties.

1242 (h) A plaintiff seeking to reverse approval of a project under this section shall post a bond  
1243 in an amount to be set by the court that is sufficient to cover twice the estimated: (i) annual  
1244 carrying costs of the property owner, or a person or entity carrying such costs on behalf of the  
1245 owner for the property, as may be established by affidavit; plus (ii) an amount sufficient to cover  
1246 the defendant's attorneys fees, all of which shall be computed over the estimated period of time  
1247 during which the appeal is expected to delay the start of construction. The bond shall be forfeited  
1248 to the property owner in an amount sufficient to cover the property owner's carrying costs and  
1249 legal fees less any net income received by the plaintiff from the property during the pendency of  
1250 the court case in the event a plaintiff does not substantially prevail on its appeal.

1251 (i) An applicant for plan approval who appeals from a project denial or conditional  
1252 approval shall identify in its complaint the specific reasons why the plan approval authority's  
1253 decision fails to satisfy requirements of this chapter or other applicable law. The plan approval  
1254 authority shall have the burden of justifying its decision by substantial evidence in the record.

1255 (j) The land court department, the superior court department and the housing court  
1256 department shall have jurisdiction over an appeal under this section and shall give priority to  
1257 such an appeal.

1258 (k) The first paragraph of section 16 of chapter 40A shall not apply to applications for  
1259 projects within a smart growth zoning district or starter home zoning district.

1260 (l) A project approval shall remain valid and shall run with the land indefinitely provided  
1261 that construction has commenced within 2 years after the decision is issued, which time shall be  
1262 extended by the time required to adjudicate any appeal from such approval and which time shall  
1263 also be extended if the project proponent is actively pursuing other required permits for the  
1264 project or there is other good cause for the failure to commence construction, or as may be  
1265 provided in an approval for a multi-phase project.

1266 SECTION 44. Chapter 40R is hereby amended by striking out section 14, as amended by  
1267 section 14 of chapter 5 of the acts of 2019, and inserting in place thereof the following section:-

1268 Section 14. (a) If, within 3 years, no construction of an approved project has been started  
1269 within the smart growth zoning district or starter home zoning district, the department shall  
1270 require the cities and towns to repay to the department all monies paid to the city or town under  
1271 this chapter for said smart growth zoning district or starter home zoning district. Said 3 years  
1272 shall commence on the date of the payment of the zoning incentive payment for said smart  
1273 growth zoning district or starter home zoning district and may be extended by the department for  
1274 good cause in accordance with the department's regulations. All monies repaid to the department  
1275 under this section shall be credited to the funding source from which the payment originated.

1276 (b) Within 60 days of receiving written approval by the department of an amendment of a  
1277 zoning ordinance or by-law affecting an approved smart growth zoning district or starter home  
1278 zoning district in accordance with subsection (g) of section 6, the city or town shall repay to the  
1279 department any portion of the zoning incentive payment received in excess of the zoning  
1280 incentive payment that would have been payable based on the sum of (i) the number of units that  
1281 have been built and (ii) the number of units, if any, that will remain developable under the smart  
1282 growth zoning or starter home zoning. The department may include under clause (ii) in the  
1283 preceding sentence any units that are developable in 1 or more adopted smart growth zoning  
1284 district or starter home zoning district for which no zoning incentive payment has been paid but  
1285 for which the city or town is nonetheless eligible if the associated units would have the effect of  
1286 replacing some or all of the units that will no longer be developable as a result of the proposed  
1287 amendment or repeal. All monies repaid to the department under this section shall be credited to  
1288 the funding source from which the payment originated.

1289 SECTION 45. Section 1 of chapter 40S of the General Laws, as so appearing, is hereby  
1290 amended by striking out, in line 51, the word “properties” and inserting in place thereof the  
1291 following word:- buildings.

1292 SECTION 46. Said section 1 of said chapter 40S, as so appearing, is hereby further  
1293 amended by inserting, in line 61, after the figure “40R,” the following words:- including without  
1294 limitation smart growth zoning districts and starter home zoning districts as defined in section 1  
1295 of said chapter 40R.

1296 SECTION 47. The General Laws are hereby amended by inserting after chapter 40W the  
1297 following chapter:-

1298 CHAPTER 40X.

1299 TOURISM DESTINATION MARKETING DISTRICTS.

1300 Section 1. As used in this chapter the following words shall, unless the context clearly  
1301 requires otherwise, have the following meanings:-

1302 “Commissioner”, the commissioner of revenue.

1303 “Elector”, a tourism destination marketing district member or the authorized  
1304 representative of a district member.

1305 “Lead jurisdiction”, the city or town in which the tourism destination marketing district  
1306 petition is filed.

1307 “Lodging business”, any hotel or motel, as defined in section 1 of chapter 64G, and  
1308 subject to the excise imposed by chapter 64G.

1309 “Lodging business owner”, the owner of record or the owner's authorized representative,  
1310 of a lodging business.

1311 “Management entity”, an entity designated in a tourism destination marketing district  
1312 plan to receive funds to carry out and implement the purposes of the tourism destination  
1313 marketing district. The tourism destination marketing district plan shall designate a regional  
1314 tourism council as the management entity. The management entity shall be required to furnish a  
1315 surety bond conditioned on the faithful performance of its duties.

1316 “Municipal governing body”, the city council or board of aldermen in a city or the board  
1317 of selectmen or town council in a town.

1318           “Special assessment”, a payment for supplemental services or improvements specified by  
1319 the tourism destination marketing district plan.

1320           “Special assessment formula”, a formula used to calculate the special assessment  
1321 pursuant to section 7.

1322           “Standard government services”, governmental functions, programs, activities, facilities,  
1323 improvements and other services that a municipality is authorized to perform or provide.

1324           “Supplemental services”, the provision of programs, activities or information in addition  
1325 to the standard governmental services provided in the tourism destination marketing district,  
1326 including, marketing, sales activities or events in addition to other tourism and travel promotion  
1327 activities.

1328           “Tourism destination marketing district”, a district formed pursuant to this chapter, which  
1329 is a geographic area with clearly defined boundaries. A tourism destination marketing district  
1330 may include multiple tourism regions served by multiple regional tourism councils; provided,  
1331 however, that there shall only be 1 regional tourism council designated as the management entity  
1332 for each tourism destination marketing district. Only those lodging businesses meeting the  
1333 criteria described in the petition and tourism destination marketing district plan shall be liable for  
1334 the tourism destination marketing district’s special assessment. The geographic regions within a  
1335 tourism destination marketing district need not be contiguous.

1336           “Tourism destination marketing district committee” or “district committee”, a committee  
1337 selected by the management entity's board of directors responsible for overseeing the ongoing  
1338 district plan.

1339 “Tourism destination marketing district member” or “district member”, a lodging  
1340 business owner who participates in a tourism destination marketing district.

1341 “Tourism destination marketing district plan” or “district plan”, the strategic plan for the  
1342 tourism destination marketing district that sets forth the supplemental services and programs,  
1343 budget and special assessment structure, the criteria for inclusion of lodging businesses, and the  
1344 management entity and tourism destination marketing district committee for the tourism  
1345 destination marketing district, and is approved by the local municipal governing body as part of  
1346 the creation of the tourism destination marketing district. The updated tourism destination  
1347 marketing district plan shall take effect upon the approval of a majority of electors, with each  
1348 elector's vote having the same weight. Any amendment to the tourism destination marketing  
1349 district plan under section 9 shall be deemed to be an update of the tourism destination marketing  
1350 district plan.

1351 Section 2. The rights and powers of the management entity of the tourism destination  
1352 marketing district approved by a municipal governing body pursuant to section 3 shall include:  
1353 (i) retaining or recruiting business; (ii) administering and managing the tourism destination  
1354 marketing district; (iii) promoting economic development; (iv) formulating a special assessment  
1355 structure; (v) planning and design services; (vi) design, engineer, construct, maintain or operate  
1356 buildings, facilities, urban streetscapes or infrastructure to further economic development and  
1357 public purposes; (vii) accumulating interest; (viii) incurring costs or indebtedness; (ix) entering  
1358 into contracts; (x) suing and being sued; (xi) employing legal and accounting services; (xii)  
1359 undertaking planning, feasibility and market analyses; (xiii) developing, implementing, and  
1360 conducting tourism marketing and promotional activities; and (xiv) other supplemental services  
1361 or programs that would further the purposes of this chapter.



1362 Section 3. (a) The organization of a tourism destination marketing district shall be  
1363 initiated by a petition of the lodging business owners within the proposed tourism destination  
1364 marketing district, which shall be filed in the office of the clerk of the municipality that is to  
1365 serve as the lead jurisdiction. The petition shall contain:-

1366 (i) the signatures of a majority of the tourism destination marketing district members in  
1367 the proposed tourism destination marketing district;

1368 (ii) a description of and site map delineating the boundaries of the proposed tourism  
1369 destination marketing district;

1370 (iii) the initial list of lodging businesses to be included in the proposed tourism  
1371 destination marketing district. Lodging businesses that commence operations after the formation  
1372 of the tourism destination marketing district and meet the criteria by which lodging businesses  
1373 are assessed by the tourism destination marketing district shall be included in the tourism  
1374 destination marketing district pursuant to section 4;

1375 (iv) the proposed tourism destination marketing district plan, which shall set forth the  
1376 supplemental services and programs, update mechanism, criteria by which lodging businesses  
1377 are assessed by the tourism destination marketing district, and budget and special assessment  
1378 structures; and

1379 (v) the identity and address of the management entity and the tourism destination  
1380 marketing district committee.

1381 A copy of said petition shall be filed with the clerk of the lead jurisdiction and the  
1382 commissioner within 30 days of receipt of such petition by the clerk of the lead jurisdiction.

1383 (b) All required procedures related to the formation, operation and renewal of the tourism  
1384 destination marketing district shall only be carried out by the lead jurisdiction. A lead  
1385 jurisdiction is authorized to form a tourism destination marketing district that includes other  
1386 cities or towns; provided, however, that the lead jurisdiction may not vote to form a tourism  
1387 destination marketing district that includes the territorial jurisdiction of another city or town  
1388 within the tourism destination marketing district's boundaries until it has received consent, by  
1389 vote, from such other city or town's local municipal governing body.

1390 Section 4. (a) The municipal governing body of the lead jurisdiction shall hold a public  
1391 hearing within 60 days of the receipt of a petition. Written notification of such hearing shall be  
1392 sent to each tourism destination marketing district member within the boundary of the proposed  
1393 tourism destination marketing district at least 30 days prior to such hearing, by mailing notice to  
1394 the address listed in the business records of the municipalities proposed to be included within the  
1395 boundaries of the tourism destination marketing district or, if no such records exist, by such other  
1396 method as determined by the clerk of the municipality. Notification of the hearing shall also be  
1397 published for 2 consecutive weeks in a newspaper of general circulation in the area, with the first  
1398 date of publication beginning at least 14 days prior to such hearing listed on the municipality's  
1399 website. Such public notice shall contain the proposed boundaries of the tourism destination  
1400 marketing district, the proposed special assessment rate formula, a summary of the supplemental  
1401 services provided by the petitioners and where the property owner may obtain a full copy of the  
1402 petition and the management plan.

1403 (b) Prior to the public hearing, the municipal governing body of the lead jurisdiction shall  
1404 direct the clerk of the lead jurisdiction or the clerk's designee to determine that the establishment  
1405 criteria and other petition requirements have been met, as set forth in section 3.

1406 (c) At the public hearing, the municipal governing body of the lead jurisdiction shall  
1407 determine if the petition satisfies the purposes set forth and the establishment criteria of this  
1408 chapter and shall obtain public comment regarding the tourism destination marketing district  
1409 plan and the effect the proposed tourism destination marketing district will have on the lodging  
1410 business owners within the proposed tourism destination marketing district. If it appears that said  
1411 petition is not in conformity with the purposes and establishment criteria, said local municipal  
1412 governing body shall dismiss the petition. At the public hearing, the presiding officer or clerk of  
1413 said local municipal governing body shall read into the record the basis for determining the  
1414 special assessment pursuant to section 7 and the process by which tourism destination marketing  
1415 district members may vote not to renew such tourism destination marketing district.

1416 (d) Not more than 45 days after the close of the public hearing, the municipal governing  
1417 body, in its sole discretion, may approve or disapprove the tourism destination marketing district  
1418 by majority vote. Upon such declaration, the tourism destination marketing district may  
1419 commence operations.

1420 (e) Notice of the declaration of the organization of the tourism destination marketing  
1421 district shall be mailed or delivered to each tourism destination marketing district member within  
1422 the proposed tourism destination marketing district. The notice shall explain: (i) that membership  
1423 in the tourism destination marketing district is irrevocable unless as provided in subsection (g) or  
1424 the dissolution under section 10; (ii) a description of the basis for determining the special  
1425 assessment; (iii) the criteria by which lodging businesses are assessed by the tourism destination  
1426 marketing district; (iv) the special assessment rate; and (v) the proposed supplemental services to  
1427 be provided by the tourism destination marketing.

1428           Such notice shall be published for 2 consecutive weeks in a newspaper of general  
1429 circulation in the area, the last publication being not more than 14 days after the vote to declare  
1430 the tourism destination marketing district organized and shall be posted on the municipality's  
1431 website.

1432           (f) Once established, participation in the tourism destination marketing district shall be  
1433 permanent until after the discontinuation of the tourism destination marketing district as provided  
1434 in this section, or until the dissolution of the tourism destination marketing district under section  
1435 10. All participating lodging business owners shall make payments in accordance with the  
1436 special assessment set out in the petition or management plan. Non-participating lodging  
1437 business owners in the tourism destination marketing district shall become tourism destination  
1438 marketing district members and shall be assessed on the date that their business meets the criteria  
1439 by which lodging businesses are assessed by the tourism destination marketing district.

1440           (g) On or before the fifth anniversary of the organization of a newly created tourism  
1441 destination marketing district and the fifth anniversary thereafter of the date of the most recent  
1442 renewal of the tourism destination marketing district under this section, the tourism destination  
1443 marketing district committee shall call a renewal meeting of the tourism destination marketing  
1444 district members to: (i) review the history of the tourism destination marketing district since its  
1445 organization or, if applicable, its most recent renewal; (ii) propose an updated tourism  
1446 destination marketing district plan to succeed the then current tourism destination marketing  
1447 district plan; and (iii) consider whether to continue the tourism destination marketing district.  
1448 The meeting shall be held at a location within the tourism destination marketing district. Notice  
1449 of the meeting shall be given to tourism destination marketing district members at least 30 days  
1450 prior to the meeting. The tourism destination marketing district shall continue after each renewal

1451 meeting if a majority of tourism destination marketing district members who are not more than  
1452 30 days in arrears in any payment due to the tourism destination marketing district and are  
1453 present at the renewal meeting, in person or by proxy, vote to renew the tourism destination  
1454 marketing district.

1455           Such renewal shall last for a term of 5 years commencing on the first day of the next  
1456 fiscal year of the tourism destination marketing district.

1457           (h) If the tourism destination marketing district members elect not to continue the tourism  
1458 destination marketing district, the tourism destination marketing district committee shall  
1459 conclude the business of the tourism destination marketing district prior to the sixth anniversary  
1460 of the tourism destination marketing district's creation, or of the prior renewal vote, as the case  
1461 may be, and proceed to discontinue the tourism destination marketing district. Notice of the  
1462 discontinuation vote shall be given to the municipal governing body of the lead jurisdiction,  
1463 which shall formally declare the tourism destination marketing district dissolved as of such sixth  
1464 anniversary; provided, however, that the tourism destination marketing district shall not be  
1465 dissolved until it has received the accounts receivable due to the tourism destination marketing  
1466 district and until it has satisfied or paid in full all of its outstanding indebtedness, obligations and  
1467 liabilities, or until funds are on deposit and available therefor, or until a repayment schedule has  
1468 been formulated and approved by said local municipal governing body.

1469           (i) Except as necessary to conclude the business of the tourism destination marketing  
1470 district, the tourism destination marketing district shall not incur any new or increased financial  
1471 obligations after such sixth anniversary. Upon the dissolution of a tourism destination marketing  
1472 district, the remaining assets shall first be applied to repay obligations of the tourism destination

1473 marketing district, and then in accordance with the tourism destination marketing district plan, as  
1474 updated.

1475 (j) Nothing in this section shall prevent the filing of a subsequent petition for a similar  
1476 project.

1477 Section 5. (a) Each tourism destination marketing district shall be governed by a  
1478 management entity's tourism destination marketing district committee to oversee its operations  
1479 and ensure the implementation of the tourism destination marketing district plan. The  
1480 management entity and its tourism destination marketing district committee shall be set forth in  
1481 the petition and tourism destination marketing district plan. A majority of the membership of the  
1482 tourism destination marketing district committee shall be lodging business owners paying the  
1483 tourism destination marketing district assessment.

1484 (b) A tourism destination marketing district plan shall, within the limitations described in  
1485 section 9, be updated at least once every 5 years by the tourism destination marketing district  
1486 committee, and a copy thereof shall be mailed or delivered to each tourism destination marketing  
1487 district member and shall file a copy of such update with the municipal governing body and the  
1488 commissioner.

1489 Section 6. All lodging businesses described in the petition and located within the  
1490 proposed tourism destination marketing district shall be considered in the special assessment  
1491 methodology for the supplemental services and programs as outlined in the tourism destination  
1492 marketing district plan.

1493 Section 7. (a) By formal approval of a tourism destination marketing district, the  
1494 municipal governing body of a lead jurisdiction shall adopt the special assessment methodology

1495 for the financing of supplemental services submitted in the tourism destination marketing district  
1496 plan for the tourism destination marketing district.

1497 (b) The basis of such special assessment may be determined by a formula utilizing any 1  
1498 or a combination of the following:

1499 (i) different rates for varying classifications of lodging businesses;

1500 (ii) different rates for different benefit zones; or

1501 (iii) any other formula which meets the objectives of the tourism destination marketing  
1502 district.

1503 The special assessment shall be equal to a percentage, not to exceed 2 per cent, of the  
1504 total amount of rent taxable under chapter 64G.

1505 (c) The methodology for determining the tourism destination marketing district special  
1506 assessment shall be set forth in the original petition as required by section 3.

1507 (d) In addition to receiving funds from the tourism destination marketing district special  
1508 assessment, the management entity may receive grants, donations or gifts on behalf of the  
1509 tourism destination marketing district.

1510 Section 8. (a) Assessed lodging businesses shall pay the tourism destination marketing  
1511 district special assessment to the commissioner at the time provided for filing the return required  
1512 by section 16 of chapter 62C. All sums received by the commissioner under this chapter shall, at  
1513 least quarterly, be distributed, credited and paid by the state treasurer upon certification of the  
1514 commissioner, to each management entity in proportion to the amount of such sums received  
1515 from the respective tourism destination marketing districts.

1516 (b) The special assessments collected shall be used solely to fund supplemental services  
1517 identified and approved in the tourism destination marketing district plan for the tourism  
1518 destination marketing district.

1519 (c) Following establishment of the tourism destination marketing district, if any return by  
1520 an assessed lodging business is not filed with the commissioner on or before its due date or  
1521 within any extension of time granted by the commissioner, there shall be added to and become a  
1522 part of the special assessment a penalty of 1 per cent of the amount required to be shown as the  
1523 special assessment on such return for each month or fraction thereof during which such failure  
1524 continues, not exceeding, in the aggregate, 25 per cent of said amount.

1525 (d) If any amount of the special assessment is not paid to the commissioner on or before  
1526 the date prescribed for payment of such special assessment, determined with regard to any  
1527 extension of time for payment, there shall be added to the amount shown as the special  
1528 assessment on such return a penalty of 1 per cent of the amount of such special assessment for  
1529 each month or fraction thereof during which such failure continues, not exceeding, in the  
1530 aggregate, 25 per cent of said amount.

1531 (e) An annual audit, certified by a certified public accountant, of the revenues generated,  
1532 the grants, donations and gifts received, and the expenses incurred by the tourism destination  
1533 marketing district shall be made within 120 days of the close of the fiscal year, and shall be  
1534 placed on file with the commissioner. Such accounting shall be a public record.

1535 (f) The commissioner may promulgate rules and regulations for the assessing, reporting,  
1536 collecting, remitting and enforcement of the special assessment under this section.



1537           Section 9. (a) At any time after the establishment of a tourism destination marketing  
1538 district pursuant to this chapter, the tourism destination marketing district plan upon which the  
1539 establishment was based may, upon the recommendation of the management entity's tourism  
1540 destination marketing district committee be amended by the municipal governing body of the  
1541 lead jurisdiction after compliance with the procedures set forth in this section; provided,  
1542 however, that a lead jurisdiction may not approve amendments to the boundaries of a tourism  
1543 destination marketing district that include the territorial jurisdiction of a city or town not yet  
1544 included in the tourism destination marketing district without the consent, by vote, from such  
1545 other city or town's local municipal governing body.

1546           Amendments to the tourism destination marketing district plan shall be subject to the  
1547 approval of the municipal governing body of the lead jurisdiction for the following: (i) providing  
1548 for additional supplemental services that affect more than 25 per cent of the total annual budget;  
1549 (ii) incurring indebtedness; (iii) changing the special assessment methodology, management  
1550 entity or tourism destination marketing district committee; or (iv) change the tourism destination  
1551 marketing district boundaries; provided, however, that said municipal governing body, after a  
1552 public hearing, determines that it is in the public interest to adopt said amendments.

1553           (b) The municipal governing body shall give notice of the public hearing for the  
1554 amendment to the district plan. Such notice shall be published for 2 consecutive weeks in a  
1555 newspaper of general circulation in the area, with the first date of publication beginning at least  
1556 14 days prior to such hearing, and shall specify the time and the place of such hearing and the  
1557 amendments to be considered.

1558 (c) The local municipal governing body may, within 30 days of the public hearing and, in  
1559 its sole discretion, declare the amendments approved or disapproved. If approved, such  
1560 amendments shall be effective upon the date of such approval.

1561 (d) Upon the adoption of any amendment to the tourism destination marketing district  
1562 boundaries that increases the size of the tourism destination marketing district, any assessed  
1563 lodging business owner to be added to the tourism destination marketing district shall be notified  
1564 of the new boundaries of the tourism destination marketing district in accordance with section 4.

1565 Section 10. (a) Any tourism destination marketing district established or extended  
1566 pursuant to this chapter may be disestablished by declaration of the local municipal governing  
1567 body of the lead jurisdiction in either of the following circumstances:

1568 (i) if said local municipal governing body finds there has been misappropriation of funds,  
1569 malfeasance or a violation of law in connection with the management of the tourism destination  
1570 marketing district, it shall hold a hearing on disestablishment. Notice of the hearing shall be  
1571 mailed to all tourism destination marketing district members within the tourism destination  
1572 marketing district and shall be published in a newspaper of general circulation in the area at least  
1573 14 days prior to such hearing; or

1574 (ii) during the operation of the tourism destination marketing district, there shall be a 30-  
1575 day period each year in which the tourism destination marketing district may be dissolved by  
1576 petition to the local municipal governing body and a subsequent decision by the local municipal  
1577 governing body to authorize the dissolution. The 30-day period shall begin each successive year  
1578 on the anniversary of the date the local municipal governing body formally approved the tourism  
1579 destination marketing district. In order to be considered by the local municipal governing body, a

1580 petition to dissolve a tourism destination marketing district shall contain the signatures of a  
1581 majority of the electors. The local municipal governing body shall hold a public hearing within  
1582 30 days of receipt of a completed petition on the issue of dissolution. Notice of the hearing shall  
1583 be mailed to all tourism destination marketing district members within the tourism destination  
1584 marketing district and shall be published in a newspaper of general circulation in the area at least  
1585 14 days prior to such hearing.

1586           Following the public hearing, the local municipal governing body may declare the  
1587 tourism destination marketing district dissolved; provided, however, that no tourism destination  
1588 marketing district shall be dissolved until it has satisfied or paid in full all of its outstanding  
1589 indebtedness, obligations and liabilities; or until funds are on deposit and available therefor; or  
1590 until a repayment schedule has been formulated and municipally approved therefor. In addition,  
1591 the tourism destination marketing district shall be prohibited from incurring any new or  
1592 increased financial obligations.

1593           (b) Any liabilities, either current or future, incurred as a result of action to accomplish the  
1594 purposes of the tourism destination marketing district plan shall not be an obligation of the  
1595 municipality. Said liabilities shall be paid for entirely from special assessment revenue gained  
1596 from the assessed lodging businesses in the tourism destination marketing district.

1597           (c) Upon the dissolution of a tourism destination marketing district, any remaining  
1598 revenues derived from the sale of assets acquired with special assessments collected shall be  
1599 refunded to the lodging businesses owners in the tourism destination marketing district in which  
1600 special assessments were charged by applying the same methodology used to calculate the  
1601 special assessment in the fiscal year in which the tourism destination marketing district is

1602 dissolved in amounts proportionate to each lodging business's share of the total special  
1603 assessments collected in the fiscal year in which the tourism destination marketing district is  
1604 dissolved or in accordance with the tourism destination marketing district plan, as updated.

1605           Section 11. The validity of an assessment levied pursuant to this chapter shall not be  
1606 contested in any action or proceeding unless the action or proceeding is commenced within 30  
1607 days after the formal approval of the tourism destination marketing district by the local  
1608 municipal governing body of the lead jurisdiction. Any appeal from a final judgment in an action  
1609 or proceeding shall be perfected within 30 days after entry of judgment.

1610           SECTION 48. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby  
1611 amended by adding the following clause:-

1612           Fifty-ninth. Up to 100 per cent of the assessed value of real estate in agricultural,  
1613 horticultural or agricultural and horticultural use, as those terms are set forth in sections 1 and 2  
1614 of chapter 61A; provided, that the real estate or portion thereof in agricultural, horticultural or  
1615 agricultural and horticultural use is less than 2 acres in area; provided further, that gross sales of  
1616 agricultural, horticultural or agricultural and horticultural products resulting from such uses  
1617 together total not less than \$500 in the previous year. The exemption provided in this clause shall  
1618 apply only to the portion of real estate in agricultural, horticultural or agricultural and  
1619 horticultural use. This clause shall take effect in any city or town upon acceptance of this section;  
1620 provided, that such city or town has a population of at least 50,000 inhabitants or meets the  
1621 definition of a gateway municipality under section 3A of chapter 23A. The legislative body of  
1622 any city or town that accepts this clause shall establish and may thereafter modify the percentage  
1623 of the assessed value exempt from taxation.

1624 SECTION 49. Paragraph (5) of subsection (q) of section 6 of chapter 62 of the General  
1625 Laws, as so appearing, is hereby further amended by striking out, in lines 896 through 898,  
1626 inclusive, the words “The total amount of credits that may be authorized by DHCD in a calendar  
1627 year pursuant to this subsection and section 38BB of chapter 63 shall not exceed \$10,000,000  
1628 and” and inserting in place thereof the following words:- DHCD may authorize up to  
1629 \$30,000,000 in credits annually under this subsection and section 38BB of chapter 63. In  
1630 addition, DHCD may authorize (i) any unused credits for the preceding calendar years under this  
1631 subsection or said section 38BB of said chapter 63; and (ii) any credits under this subsection or  
1632 said section 38BB of said chapter 63 returned to DHCD by a certified housing development  
1633 project. The total amount of credits authorized during a year.

1634 SECTION 50. Said paragraph (5) of said subsection (q) of said section 6 of said chapter  
1635 62, as so appearing, is hereby further amended by inserting, in line 900, after the words “chapter  
1636 63;” the following word:- and.

1637 SECTION 51. Said paragraph (5) of said subsection (q) of said section 6 of said chapter  
1638 62, as so appearing, is hereby further amended by striking out, in lines 903 through 905,  
1639 inclusive, the words “Any portion of the \$10,000,000 annual cap not awarded by the DHCD in a  
1640 calendar year shall not be applied to awards in a subsequent year.”

1641 SECTION 52. Said paragraph (5) of said subsection (q) of said section 6 of said chapter  
1642 62, as so appearing, is hereby further amended by striking out, in line 906, the words “The  
1643 DHDC” and inserting in place thereof the following word:- DHCD.

1644 SECTION 53. Paragraph (1) of subsection (v) of said section 6 of said chapter 62, as so  
1645 appearing, is hereby amended by inserting, in line 1158, after the words “NAICS code 31-33”

1646 the following words:- and other expansion industries new to apprenticeship the secretary of labor  
1647 and workforce development identifies as critical to a regional labor market economy.

1648 SECTION 54. Section 6I of said chapter 62, as so appearing, is hereby amended by  
1649 striking out, in line 70, the figure “\$20,000,000” and inserting in place thereof the following  
1650 figure:- \$40,000,000.

1651 SECTION 55. Said section 6I of said chapter 62, as so appearing, is hereby further  
1652 amended by striking out the figure “\$40,000,000”, inserted by section 54, and inserting in place  
1653 thereof the following figure:- \$20,000,000.

1654 SECTION 56. Subsection (b) of section 31H of chapter 63 of the General Laws, as so  
1655 appearing, is hereby amended by striking out the figure “\$20,000,000” and inserting in place  
1656 thereof the following figure:- \$40,000,000.

1657 SECTION 57. Said section 31H of said chapter 63, as so appearing, is hereby further  
1658 amended by striking out the figure “\$40,000,000”, inserted by section 56, and inserting in place  
1659 thereof the following figure:- \$20,000,000.

1660 SECTION 58. Subdivision (5) of section 38BB of said chapter 63, as so appearing, is  
1661 hereby amended by striking out, in lines 42 through 44, inclusive, the words “The total amount  
1662 of credits that may be authorized by DHCD in a calendar year under this section and subsection  
1663 (q) of section (6) of chapter 62 shall not exceed \$10,000,000 and” and inserting in place thereof  
1664 the following:- DHCD may authorize up to \$30,000,000 in credits annually under this section  
1665 and subsection (q) of section (6) of chapter 62. In addition, DHCD may authorize: (i) any unused  
1666 credits for the preceding calendar years under this section or said subsection (q) of said section  
1667 (6) of said chapter 62; and (ii) any credits under this section or said subsection (q) of said section

1668 (6) of said chapter 62 returned to DHCD by a certified housing development project. The total  
1669 amount of credits authorized during a year.

1670 SECTION 59. Said subdivision (5) of said section 38BB of said chapter 63, as so  
1671 appearing, is hereby further amended by inserting, in line 46, after the words “chapter 62;” the  
1672 following word:- and.

1673 SECTION 60. Said subdivision (5) of said section 38BB of said chapter 63, as so  
1674 appearing, is hereby further amended by striking out, in lines 50 through 52, inclusive, the words  
1675 “Any portion of the \$10,000,000 annual cap not awarded by DHCD in a calendar year shall not  
1676 be applied to awards in a subsequent year.”

1677 SECTION 61. Subsection (a) of section 38HH of said chapter 63, as so appearing, is  
1678 hereby amended by adding, in line 18, after the words “NAICS code 31-33” the following  
1679 words:- and other expansion industries new to apprenticeship, the secretary of labor and  
1680 workforce development identifies as critical to a regional labor market economy.

1681 SECTION 62. Chapter 63 of the General Laws is hereby amended by inserting after  
1682 section 38HH the following section:-

1683 Section 38II. (a) The purpose of this section shall be to attract capital investment to  
1684 businesses in rural areas of the commonwealth in order to promote the retention and expansion  
1685 of existing jobs, stimulate the creation of new jobs, and attract new business and industry to rural  
1686 areas of the commonwealth.

1687 (b) For the purposes of this section, the following words shall, unless the context clearly  
1688 requires otherwise, have the following meanings:

1689           “Affiliate”, an entity that directly or indirectly through 1 or more intermediaries, controls,  
1690 is controlled by, or is under common control with another entity. An entity is controlled by  
1691 another entity if: (i) the controlling entity holds, directly or indirectly, the majority voting or  
1692 ownership interest in the controlled entity; or (ii) has control over the day-to-day operations of  
1693 the controlled entity by contract or by law.

1694           “Closing date”, the date on which a rural growth fund has collected all of the amounts  
1695 specified by subsection (c).

1696           “Credit-eligible capital contribution”, an investment of cash by a person subject to tax  
1697 under this chapter in a rural growth fund that equals the amount specified on a tax credit  
1698 certificate issued by the MOBD under paragraph (5) of subsection (c) of this section; provided,  
1699 however, that the investment shall purchase an equity interest in the rural growth fund or  
1700 purchase, at par value or premium, a debt instrument that has a maturity date at least 5 years  
1701 from the closing date.

1702           “MOBD”, the Massachusetts office of business development established in section 1 of  
1703 chapter 23A.

1704           “Investment authority”, the amount stated on the notice issued under paragraph (5) of  
1705 subsection (c) certifying the rural growth fund; provided, however, that at least 60 per cent of a  
1706 rural growth fund's investment authority shall be comprised of credit-eligible capital  
1707 contributions.

1708           “Jobs created”, newly created positions of employment that were not previously located  
1709 in the commonwealth at the time of the initial rural growth investment in the rural business  
1710 concern and that require a minimum of 35 hours worked each week, measured each year by



1711 subtracting the number of employment positions at the time of the initial rural growth investment  
1712 in the rural business concern from the monthly average of employment positions for the  
1713 applicable year. The monthly average shall be calculated by adding together the number of  
1714 employment positions existing on the last day of each month of the applicable year and dividing  
1715 by 12. Such number shall not be less than zero.

1716 “Jobs retained”, positions requiring a minimum of 35 hours worked each week that  
1717 existed prior to the initial rural growth investment. Retained jobs shall be counted each year  
1718 based on the monthly average of employment positions for the applicable year. The monthly  
1719 average shall be calculated by adding together the number of employment positions existing on  
1720 the last day of each month of the applicable year and dividing by 12. Such number shall not  
1721 exceed the initial amount of retained jobs reported and shall be reduced each year if employment  
1722 at the rural business concern drops below such number.

1723 “Principal business operations”, the principal operations of a business are located at the  
1724 place or places where at least 80 per cent of its employees work or where employees that are paid  
1725 at least 80 per cent of its payroll work; provided, however, that an out-of-state business that has  
1726 agreed to relocate employees using the proceeds of a rural growth investment to establish its  
1727 principal business operations in a rural area in the commonwealth shall be deemed to have its  
1728 principal business operations in this new location if it satisfies this definition within 180 days  
1729 after receiving the rural growth investment, unless the MOBD agrees to a later date.

1730 “Rural area”, a municipality with population densities of less than 500 residents per  
1731 square mile, according to the latest decennial census of the United States.

1732 “Rural business concern”, a business that, at the time of the initial investment in the  
1733 company by a rural growth fund: (i) has less than 250 employees and not more than \$10,000,000  
1734 in revenue for the preceding taxable year; (ii) has its principal business operations in 1 or more  
1735 rural areas in the commonwealth; and (iii) is engaged in industries related to manufacturing,  
1736 plant sciences, services or technology or other industries as MOBD may approve, or, if not  
1737 engaged in such industries, the MOBD makes a determination that the investment will be highly  
1738 beneficial to the economic growth of the commonwealth.

1739 “Rural growth fund”, an entity certified by the MOBD under subsection (c).

1740 “Rural growth investment”, any capital or equity investment in a rural business concern  
1741 or any loan to a rural business concern with a stated maturity at least 1 year after the date of  
1742 issuance.

1743 (c)(1) The MOBD shall accept applications for approval as a rural growth fund; provided,  
1744 however, that the application shall include:

1745 (i) the total investment authority sought by the applicant under the business plan;

1746 (ii) the following documents and other evidence:

1747 (A) a copy of the applicant’s or an affiliate of the applicant’s license as a rural business  
1748 investment company under 7 U.S.C. 2009cc, or as a small business investment company under  
1749 15 U.S.C. 681; and evidence sufficient to prove that at least 1 principal in a rural business  
1750 investment company licensed under 7 U.S.C. 2009cc et seq. or a small business investment  
1751 company licensed under 15 U.S.C. 681 is, and has been for at least 4 years, an officer or  
1752 employee of the applicant or of an affiliate of the applicant on the date the application is

1753 submitted; and (B) evidence sufficient to prove, to the satisfaction of the MOBD, that as of the  
1754 date the application is submitted, the applicant or affiliates of the applicant have invested at least  
1755 \$50,000,000 in non-public companies located in rural areas;

1756 (iii) an estimate of the number of jobs created and jobs retained in the commonwealth as  
1757 a result of the applicant's rural growth investments;

1758 (iv) a business plan that includes a revenue impact assessment projecting state and local  
1759 tax revenue to be generated by the applicant's proposed rural growth investments prepared by a  
1760 nationally recognized third-party independent economic forecasting firm using a dynamic  
1761 economic forecasting model that analyzes the applicant's business plan over the 10 years  
1762 following the date the application is submitted to the MOBD; provided, however, that the  
1763 dynamic forecasting model shall consider the economic impact of retained jobs as well as created  
1764 jobs in the business plan;

1765 (v) a signed affidavit from each investor stating the amount of credit-eligible capital  
1766 contributions each taxpayer commits to make; and

1767 (vi) a non-refundable application fee of \$5,000.

1768 (2) The MOBD shall make an application determination within 30 days of receipt in the  
1769 order in which the applications are received. The MOBD shall deem applications received on the  
1770 same day to have been received simultaneously. The MOBD shall not approve more than  
1771 \$100,000,000 in investment authority and not more than \$60,000,000 in credit-eligible capital  
1772 contributions under this section. If a request for investment authority exceeds this limitation, the  
1773 MOBD shall reduce the investment authority and the credit-eligible capital contributions for that  
1774 application as necessary to avoid exceeding the limit. If multiple applications received on the

1775 same day request a combined investment authority that exceeds this limitation, the MOBD shall  
1776 proportionally reduce the investment authority and the credit eligible capital contributions for  
1777 those applications as necessary to avoid exceeding the limit.

1778 (3) The MOBD shall deny an application submitted under this section if any of the  
1779 following are true:

1780 (i) the application is incomplete or the application fee is not paid in full;

1781 (ii) the applicant does not satisfy all the criteria described in clause (ii) of paragraph (1);

1782 (iii) the revenue impact assessment submitted under clause (iv) of paragraph (1) does not  
1783 demonstrate that the applicant's business plan, and associated created and retained jobs, will  
1784 result in a positive economic impact on the commonwealth over a 10-year period that exceeds  
1785 the cumulative amount of tax credits that would be issued to the applicant's investors under  
1786 subsection (d) if the application were approved;

1787 (iv) the credit-eligible capital contributions described in affidavits submitted under clause  
1788 (v) of paragraph (1) do not equal at least 60 per cent of the total amount of investment authority  
1789 sought under the applicant's business plan; or

1790 (v) the MOBD has already approved the maximum amount of investment authority and  
1791 credit eligible capital contributions allowed under paragraph (2).

1792 (4) If the MOBD denies an application, the applicant may provide additional information  
1793 to the MOBD to complete, clarify or cure defects in the application identified by the MOBD  
1794 within 15 days of the notice of denial for reconsideration and determination. If the applicant  
1795 completes, clarifies or cures its application within 15 days after the date of the notice of denial,

1796 the application shall be considered complete as of the original date of submission. If the  
1797 applicant fails to provide the information to complete, clarify or cure its application within the  
1798 15-day period, the application remains denied and must be resubmitted in full with a new date of  
1799 submission. The MOBD shall review and reconsider such applications within 30 days and before  
1800 any pending application submitted after the original submission date of the reconsidered  
1801 application.

1802 (5) The MOBD shall not deny a rural growth fund application or reduce the requested  
1803 investment authority for reasons other than those described in paragraphs (2) and (3). Upon  
1804 approval of an application, the MOBD shall provide a written approval to the applicant as a rural  
1805 growth fund specifying the amount of the applicant's investment authority and a tax credit  
1806 certificate to each investor whose affidavit was included in the application specifying the amount  
1807 of the investor's credit-eligible capital contribution.

1808 (6) After receiving the approval issued under paragraph (5), a rural growth fund shall:

1809 (i) within 60 days:

1810 (A) collect the credit-eligible capital contributions from each taxpayer issued a tax credit  
1811 certificate under paragraph (5), and

1812 (B) collect 1 or more investments of cash that, when added to the contributions collected  
1813 under subclause (A), equal the rural growth fund's investment authority; provided, however, that  
1814 at least 10 per cent of the rural growth fund's investment authority shall be comprised of equity  
1815 investments contributed by affiliates of the rural growth fund, including employees, officers and  
1816 directors of such affiliates; and

1817 (ii) within 65 days, send to the MOBD documentation sufficient to prove that the  
1818 amounts described in clause (i) have been collected.

1819 (7) If the rural growth fund fails to fully comply with paragraph (6), the rural growth  
1820 fund's approval shall lapse and the corresponding investment authority and credit-eligible capital  
1821 contributions under said paragraph (6) shall not count toward the limits on the program size  
1822 prescribed in paragraph (2). The MOBD shall first award lapsed investment authority pro rata to  
1823 each rural growth fund that was awarded less than the requested investment authority under said  
1824 paragraph (2), which a rural growth fund may allocate to its investors at its discretion. Any  
1825 remaining investment authority may be awarded by the MOBD to new applicants.

1826 (d) (1) There is hereby allowed a nonrefundable tax credit for taxpayers that made a  
1827 credit-eligible capital contribution to a rural growth fund and were issued a tax credit certificate  
1828 under paragraph (5) of subsection (c). The credit may be claimed against the tax imposed by this  
1829 chapter. The credit may not be sold, transferred or allocated to any other entity other than an  
1830 affiliate subject to the tax imposed by this chapter.

1831 (2) On the closing date, the taxpayer shall earn a vested credit equal to the amount of the  
1832 taxpayer's credit-eligible capital contribution to the rural growth fund as specified on the tax  
1833 credit certificate. The taxpayer may claim up to 25 per cent of the credit authorized under this  
1834 subsection for each of the taxable years that includes the third, fourth, fifth or sixth anniversary  
1835 of the closing date, exclusive of amounts carried forward pursuant to paragraph (3).

1836 (3) If the amount of the credit for a taxable year exceeds the tax otherwise due for that  
1837 year, the excess shall be carried forward to ensuing taxable years until fully used. A taxpayer

1838 claiming a credit under this section shall submit a copy of the tax credit certificate with the  
1839 taxpayer's return for each taxable year for which the credit is claimed.

1840 (e)(1) The MOBD shall revoke a tax credit certificate issued under subsection (c) if any  
1841 of the following occurs with respect to a rural growth fund before it exits the program in  
1842 accordance with paragraph (4):

1843 (i) the rural growth fund in which the credit-eligible capital contribution was made does  
1844 not invest 100 per cent of its investment authority in rural growth investments in the  
1845 commonwealth within 2 years of the closing date; provided, however, that, for the purpose of  
1846 satisfying the requirements of this clause, the maximum amount of rural growth investments that  
1847 a rural growth fund may count with respect to a single rural business concern, including amounts  
1848 invested in affiliates of the rural business concern, may not exceed the greater of \$5,000,000 or  
1849 20 per cent of the rural growth fund's investment authority;

1850 (ii) the rural growth fund, after satisfying clause (i), fails to maintain rural growth  
1851 investments equal to 100 per cent of its investment authority until the sixth anniversary of the  
1852 closing date; provided, however, that an investment shall be considered to be "maintained" even  
1853 if the investment is sold or repaid if the rural growth fund reinvests an amount equal to the  
1854 capital returned or recovered by the fund from the original investment, exclusive of any profits  
1855 realized, in other rural growth investments in the commonwealth within 12 months of the receipt  
1856 of such capital; provided further, that amounts received periodically by a rural growth fund shall  
1857 be treated as continually invested in rural growth investments if the amounts are reinvested in 1  
1858 or more rural growth investments by the end of the following calendar year; provided, further,  
1859 that, for purposes of satisfying the requirements of this clause, the maximum amount of rural

1860 growth investments that a rural growth fund may count with respect to a single rural business  
1861 concern, including amounts invested in affiliates of the rural business concern, may not exceed  
1862 the greater of \$5,000,000 or 20 per cent of the rural growth fund's investment authority;

1863 (iii) the rural growth fund, before exiting the program in accordance with paragraph (4),  
1864 makes a distribution or payment that results in the rural growth fund having less than 100 per  
1865 cent of its investment authority invested in rural growth investments in the commonwealth or  
1866 available for investment in rural growth investments and held in cash and other marketable  
1867 securities; or

1868 (iv) the rural growth fund makes a rural growth investment in a rural business concern  
1869 that directly or indirectly through an affiliate owns, has the right to acquire an ownership interest,  
1870 makes a loan to, or makes an investment in the rural growth fund, an affiliate of the rural growth  
1871 fund or an investor in the rural growth fund; provided, however, that this clause does not apply to  
1872 investments in publicly traded securities by a rural business concern or an owner or affiliate of  
1873 such concern; and provided further, that a rural growth fund shall not be considered an affiliate  
1874 of a rural business concern solely as a result of its rural growth investment.

1875 (2) Before revoking 1 or more tax credit certificates under this subsection, the MOBD  
1876 shall notify the rural growth fund of the reasons for the pending revocation. The rural growth  
1877 fund shall have 90 days from the date the notice was received to correct any violation outlined in  
1878 the notice to the satisfaction of the MOBD and avoid revocation of the tax credit certificate.

1879 (3) If tax credit certificates are revoked under this subsection, the associated investment  
1880 authority and credit-eligible capital contributions shall not count toward the limit on total  
1881 investment authority and credit-eligible capital contributions described in paragraph (2) of



1882 subsection (c). The MOBD shall first award reverted authority pro rata to each rural growth fund  
1883 that was awarded less than the requested investment authority under paragraph (5) of subsection  
1884 (c). The MOBD may award any remaining investment authority to new applicants.

1885 (4) On or after the sixth anniversary of the closing date, a rural growth fund may apply to  
1886 the MOBD to exit the program and no longer be subject to the provisions of this section. The  
1887 MOBD shall respond to the application within 30 days of receipt. In evaluating the application,  
1888 the fact that no tax credit certificates have been revoked and that the rural growth fund has not  
1889 received a notice of revocation that has not been cured under paragraph (2) shall be sufficient  
1890 evidence to prove that the rural growth fund is eligible to exit. The MOBD shall not  
1891 unreasonably deny an application submitted under this paragraph. If the application is denied, the  
1892 notice shall include the reasons for the denial.

1893 (5) The MOBD shall not revoke a tax credit certificate after the rural growth fund's exit  
1894 from the program.

1895 (6) Once a rural growth fund has been determined to be eligible to exit under paragraph  
1896 (4), if the number of jobs created and jobs retained by the rural business concerns that received  
1897 rural growth investments from the rural growth fund, calculated pursuant to reports filed by the  
1898 rural growth fund pursuant to subsection (g), is less than the number projected in the rural  
1899 growth fund's business plan filed as part of its application for certification under subsection (c),  
1900 then the commonwealth shall receive a percentage of any distribution or payment made to the  
1901 equity holders of the rural growth fund in excess of the rural growth fund's investment authority  
1902 and an amount equal to any projected increase in the equity holders' federal or state tax liability,  
1903 including penalties and interest, related to the equity holders' ownership, management or

1904 operation of the fund; such percentage shall be equal to the percentage shortfall of the number of  
1905 jobs created and retained relative to the projected jobs created and retained, as such number of  
1906 jobs is certified under subsection (g) of this section; provided, however, that all reports filed by a  
1907 rural growth fund under subsection (g) shall be taken into account to arrive at a summation of  
1908 jobs created and retained.

1909 (7) If the rural growth fund's rural growth investments achieved a 20 per cent or greater  
1910 internal rate of return, the commonwealth shall receive 15 per cent of any distribution or  
1911 payment made to the equity holders of the rural growth fund in excess of the rural growth fund's  
1912 investment authority and an amount equal to any projected increase in the equity holders' federal  
1913 or state tax liability, including penalties and interest, related to the equity holders' ownership of  
1914 the fund. Any amounts payable to the state pursuant to paragraph (6) of this subsection shall be  
1915 in addition to amounts due under this paragraph.

1916 (8) All amounts payable to the commonwealth pursuant to paragraph (6) and (7) shall be  
1917 subject to appropriation for purposes of supporting rural school aid.

1918 (f) A rural growth fund, before making a rural growth investment, may request from the  
1919 MOBD a written opinion as to whether the business in which it proposed to invest is a rural  
1920 business concern. The MOBD, not later than the 15 business day after the date of receipt of the  
1921 request, shall notify the rural growth fund of its determination. If the MOBD fails to notify the  
1922 rural growth fund by the 15 business day of its determination, the business in which the rural  
1923 growth fund proposes to invest shall be considered a rural business concern.

1924 (g)(1) Each rural growth fund shall submit a report to the MOBD on or before the fifth  
1925 business day after the second anniversary of the closing date. The report shall provide  
1926 documentation as to the rural growth fund's rural growth investments and include:

1927 (i) a bank statement evidencing each rural growth investment;

1928 (ii) the name, location and industry of each business receiving a rural growth investment,  
1929 including either the determination letter set forth in subsection (f) or evidence that the business  
1930 qualified as a rural business concern at the time the investment was made;

1931 (iii) the number of jobs created or jobs retained as a result of the rural growth fund's rural  
1932 growth investments as of the last day of the preceding 2 calendar years; provided, however, that  
1933 job numbers shall be certified by each rural business concern's independent certified public  
1934 accountant that is licensed to do business in the commonwealth or by the rural growth fund's  
1935 nationally recognized independent certified public accounting firm. MOBD shall publish a list of  
1936 nationally recognized independent certified public accounting firms, which shall include at least  
1937 10 firms, within 12 months of certifying the first rural growth fund and shall periodically update  
1938 such list as MOBD deems appropriate; and

1939 (iv) any other information required by the MOBD.

1940 (2) On or before the last day of February of each year following the year in which the  
1941 report required under paragraph (1) is due, the rural growth fund shall submit an annual report to  
1942 the MOBD, which shall include the following:

1943 (i) the number of jobs created or jobs retained as a result of the rural growth fund’s rural  
1944 growth investments as of the last day of the preceding calendar year, which number shall be  
1945 independently certified in accordance with clause (iii) of paragraph (1);

1946 (ii) the average annual salary of the positions described in clause (i); and

1947 (iii) any other information required by the MOBD.

1948 (h) The MOBD shall promulgate regulations necessary to implement the provisions in  
1949 this section.

1950 SECTION 63. Section 1 of chapter 137 of the General Laws, as appearing in the 2018  
1951 Official Edition, is hereby amended by inserting after the figure “23K”, in line 3, the following  
1952 words:- or sports wagering conducted pursuant to chapter 23N.

1953 SECTION 64. Section 2 of said chapter 137, as so appearing, is hereby amended by  
1954 inserting after the figure “23K”, in line 3, the following words:- or an operator who offers sports  
1955 wagering pursuant to chapter 23N.

1956 SECTION 65. Section 3 of said chapter 137, as so appearing, is hereby amended by  
1957 inserting after the figure “23K”, in line 7, the following words:- or sports wagering conducted  
1958 pursuant to chapter 23N.

1959 SECTION 66. Sections 19B, 19C, 19D, and 19E of chapter 159 of the General Laws are  
1960 hereby repealed.

1961 SECTION 67. Section 37 of chapter 159 of the General Laws, as appearing in the 2018  
1962 Official Edition, is hereby amended by inserting after the word “thereof,” , in line 3, the  
1963 following words:- by electronic medium as defined by the department,.

1964 SECTION 68. Section 1 of chapter 159C of the General Laws, as so appearing, is hereby  
1965 amended by adding the following 2 definitions:-

1966 “Voice service”, (a) any service that is interconnected with the public switched telephone  
1967 network and that furnishes voice communications to an end user using resources from the North  
1968 American Numbering Plan or any successor to the North American Numbering Plan adopted by  
1969 the Federal Communication Commission under section 251(e)(1) of the Communications Act of  
1970 1934, codified at 47 U.S.C. section 251(e)(1); and (b) includes:

1971 (i) transmissions from a telephone facsimile machine, computer, or other device to a  
1972 telephone facsimile machine; and

1973 (ii) without limitation, any service that enables real-time, two-way voice  
1974 communications, including any service that requires internet protocol-compatible customer  
1975 premises equipment, commonly known as CPE, and permits outbound calling, whether or not the  
1976 service is one-way or two-way voice over internet protocol.

1977 “Voice service provider”, a person that provides voice service to a subscriber or end user.

1978 SECTION 69. Section 5 of said chapter 159C, as so appearing, is hereby amended by  
1979 striking out, in lines 12 to 14, inclusive, the words “telephone company, subject to the authority  
1980 of the department of telecommunications and energy”, and inserting in place thereof the  
1981 following words:- voice service provider.

1982 SECTION 70. Said section 5 of said chapter 159C, as so appearing, is hereby further  
1983 amended by striking out, in lines 18 and 19, the words “telephone company” and inserting in  
1984 place thereof, in each instance, the following words:- voice service provider.

1985 SECTION 71. Section 6 of said chapter 159C, as so appearing, is hereby amended by  
1986 striking out, in line 2, the words “local exchange company” and inserting in place thereof the  
1987 following words:- voice service provider.

1988 SECTION 72. Said chapter 159C, as so appearing, is hereby further amended by inserting  
1989 after section 7 the following section:-

1990 Section 7A. A person shall not, with the intent to deceive, defraud, harass, cause harm, or  
1991 wrongfully obtain anything of value, including, but not limited to, financial resources or personal  
1992 identifying information, utilize voice service or engage in conduct that results in the display of  
1993 misleading, false or inaccurate caller identification information on the receiving party’s  
1994 telephone or device.

1995 SECTION 73. Section 8 of said chapter 159C, as so appearing, is hereby amended by  
1996 striking out, in line 4, the figure “\$5,000” and inserting in place thereof the following figure:-  
1997 \$25,000.

1998 SECTION 74. Said section 8 of said chapter 159C, as so appearing, is hereby further  
1999 amended by striking out, in line 5, the figure “\$1,500” and inserting in place thereof the  
2000 following figure:- \$5,000.

2001 SECTION 75. Section 8 of said chapter 159C, as so appearing, is hereby further amended  
2002 by striking out, in line 15, the figure “\$5,000” and inserting in place thereof the following  
2003 figure:- \$25,000.

2004 SECTION 76. Section 47E of chapter 164 of the General Laws, as so appearing, is  
2005 hereby amended by adding the following 2 sentences:- A cooperative or municipal lighting plant

2006 shall, upon commencing operations of a telecommunications system, provide notice to the  
2007 department of telecommunications and cable. A cooperative or municipal lighting plant that is  
2008 engaged in the business of operating a broadband telecommunications system shall file annually  
2009 with the department of telecommunications and cable, on a form prescribed by the department of  
2010 telecommunications and cable, a statement of its revenues and expenses and a financial balance  
2011 sheet, each of which shall be open to public inspection.

2012 SECTION 77. Section 20A of chapter 175 of the General Laws, as so appearing, is  
2013 hereby amended by inserting, in line 4, after the words “(E)” the following words:- , (E1/2).

2014 SECTION 78. Subsection (1) of said section 20A of said chapter 175, as so appearing, is  
2015 hereby amended by inserting after paragraph (E) the following paragraph:-

2016 (E1/2) (i) Credit shall be allowed when the reinsurance is ceded to an assuming insurer  
2017 meeting each of the conditions set forth in this paragraph.

2018 (a) The assuming insurer shall have its head office or be domiciled in, as applicable, and  
2019 be licensed in a reciprocal jurisdiction. A “reciprocal jurisdiction” shall mean jurisdiction that  
2020 meets 1 of the following:

2021 (1) A jurisdiction outside of the United States that is subject to an in-force covered  
2022 agreement with the United States, each within its legal authority, or, in the case of a covered  
2023 agreement between the United States and European Union, is a member state of the European  
2024 Union. For purposes of this paragraph, a “covered agreement” shall mean an agreement entered  
2025 into pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C.  
2026 sections 313 and 314, that is currently in effect or in a period of provisional application and  
2027 addresses the elimination, under specified conditions, of collateral requirements as a condition

2028 for entering into any reinsurance agreement with a ceding insurer domiciled in the  
2029 commonwealth or for allowing the ceding insurer to recognize credit for reinsurance.

2030 (2) A jurisdiction of the United States that meets the requirements for accreditation under  
2031 the NAIC financial standard and accreditation program; or

2032 (3) A qualified jurisdiction, as determined by the commissioner pursuant to clause (iii) of  
2033 paragraph (E) of subsection (1), which is not otherwise described in subclause (1) or (2) of this  
2034 subparagraph above and which meets certain additional requirements, consistent with the terms  
2035 and conditions of inforce covered agreements, as specified by the commissioner in regulation.

2036 (b) The assuming insurer shall have and maintain, on an ongoing basis, minimum capital  
2037 and surplus, or its equivalent, calculated according to the methodology of its domiciliary  
2038 jurisdiction, in an amount to be set forth in regulation. If the assuming insurer is an association,  
2039 including incorporated and individual unincorporated underwriters, it shall have and maintain, on  
2040 an ongoing basis, minimum capital and surplus equivalents (net of liabilities), calculated  
2041 according to the methodology applicable in its domiciliary jurisdiction, and a central fund  
2042 containing a balance in amounts to be set forth in regulation.

2043 (c) The assuming insurer shall have and maintain, on an ongoing basis, a minimum  
2044 solvency or capital ratio, as applicable, which will be set forth in regulation. If the assuming  
2045 insurer is an association, including incorporated and individual unincorporated underwriters, it  
2046 shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the  
2047 reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as  
2048 applicable, and is also licensed.



2049 (d) The assuming insurer shall agree and provide adequate assurance to the  
2050 commissioner, in a form specified by the commissioner pursuant to regulation, as follows:

2051 (1) The assuming insurer shall provide prompt written notice and explanation to the  
2052 commissioner if it falls below the minimum requirements set forth in subparagraphs (b) or (c), or  
2053 if any regulatory action is taken against it for serious noncompliance with applicable law;

2054 (2) The assuming insurer shall consent in writing to the jurisdiction of the courts of the  
2055 commonwealth and to the appointment of the commissioner as agent for service of process. The  
2056 commissioner may require that consent for service of process be provided to the commissioner  
2057 and included in each reinsurance agreement. Nothing in this provision shall limit, or in any way  
2058 alter, the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution  
2059 mechanisms, except to the extent such agreements are unenforceable under applicable insolvency  
2060 or delinquency laws;

2061 (3) The assuming insurer shall consent in writing to pay all final judgments, wherever  
2062 enforcement is sought, obtained by a ceding insurer or its legal successor, that have been  
2063 declared enforceable in the jurisdiction where the judgment was obtained;

2064 (4) Each reinsurance agreement shall include a provision requiring the assuming insurer  
2065 to provide security in an amount equal to 100 per cent of the assuming insurer's liabilities  
2066 attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists  
2067 enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it  
2068 was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer  
2069 or by its legal successor on behalf of its resolution estate; and

2070 (5) The assuming insurer shall confirm that it is not presently participating in any solvent  
2071 scheme of arrangement which involves the commonwealth's ceding insurers and agree to notify  
2072 the ceding insurer and the commissioner and to provide security in an amount equal to 100 per  
2073 cent of the assuming insurer's liabilities to the ceding insurer should the assuming insurer enter  
2074 into such a solvent scheme of arrangement. Such security shall be in a form consistent with the  
2075 provisions of paragraph (E) of subsection (1) and subsection (2) and as specified by the  
2076 commissioner in regulation.

2077 (e) The assuming insurer or its legal successor shall provide, if requested by the  
2078 commissioner, on behalf of itself and any legal predecessors, certain documentation to the  
2079 commissioner as specified by the commissioner in regulation.

2080 (f) The assuming insurer shall maintain a practice of prompt payment of claims under  
2081 reinsurance agreements, pursuant to criteria set forth in regulation.

2082 (g) The assuming insurer's supervisory authority shall confirm to the commissioner on an  
2083 annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported  
2084 to the reciprocal jurisdiction that the assuming insurer complies with the requirements set forth in  
2085 subparagraphs (b) and (c).

2086 (h) Nothing in this provision precludes an assuming insurer from providing the  
2087 commissioner with information on a voluntary basis.

2088 (ii) The commissioner shall timely create and publish a list of reciprocal jurisdictions.

2089 (a) The commissioner's list of reciprocal jurisdictions shall include any reciprocal  
2090 jurisdiction as defined under subclauses (1) and (2) of subparagraph (a) of clause (i) of this

2091 paragraph and shall consider any other reciprocal jurisdiction included on the list of reciprocal  
2092 jurisdictions published by NAIC. The commissioner may approve a jurisdiction that does not  
2093 appear on the NAIC list of reciprocal jurisdictions in accordance with criteria to be developed  
2094 under regulations issued by the commissioner.

2095 (b) The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions  
2096 upon a determination that the jurisdiction no longer meets the requirements of a reciprocal  
2097 jurisdiction, in accordance with a process set forth in regulations issued by the commissioner,  
2098 provided that the commissioner shall not remove from the list a reciprocal jurisdiction as defined  
2099 under subclauses (1) and (2) of subparagraph (a) of clause (i) of this paragraph. Upon removal  
2100 of a reciprocal jurisdiction from the list, credit for reinsurance ceded to an assuming insurer  
2101 which has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise  
2102 allowed pursuant to this section.

2103 (iii) The commissioner shall timely create and publish a list of assuming insurers that  
2104 have satisfied the conditions set forth in this subsection and to which cessions shall be granted  
2105 credit in accordance with this subsection. The commissioner may add an assuming insurer to  
2106 such list if a NAIC-accredited jurisdiction has added such assuming insurer to a list of such  
2107 assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to  
2108 the commissioner as required under subparagraph (d) of clause (i) of this paragraph and complies  
2109 with any additional requirements that the commissioner may impose by regulation, except to the  
2110 extent that they conflict with an applicable covered agreement.

2111 (iv) If the commissioner determines that an assuming insurer no longer meets 1 or more  
2112 of the requirements under this subsection, the commissioner may revoke or suspend the

2113 eligibility of the assuming insurer for recognition under this subsection in accordance with  
2114 procedures set forth in regulation.

2115 (a) While an assuming insurer's eligibility is suspended, no reinsurance agreement  
2116 issued, amended or renewed after the effective date of the suspension qualified for credit except  
2117 to the extent that the assuming insurer's obligations under the contract are secured in accordance  
2118 with subsection (2).

2119 (b) If an assuming insurer's eligibility is revoked, no credit for reinsurance may be  
2120 granted after the effective date of the revocation with respect to any reinsurance agreements  
2121 entered into by the assuming insurer, including reinsurance agreements entered into prior to the  
2122 date of revocation, except to the extent that the assuming insurer's obligations under the contract  
2123 are secured in a form acceptable to the commissioner and consistent with subsection (2).

2124 (v) If subject to a legal process of rehabilitation, liquidation or conservation, as  
2125 applicable, the ceding insurer or its representative may seek and, if determined appropriate by the  
2126 court in which the proceedings are pending, may obtain an order requiring that the assuming  
2127 insurer post security for all outstanding ceded liabilities.

2128 (vi) Nothing in this subsection shall limit or in any way alter the capacity of parties to a  
2129 reinsurance agreement to agree on requirements for security or other terms in that reinsurance  
2130 agreement, except as prohibited by this section or other applicable law or regulation.

2131 (vii) Credit may be taken under this subsection only for reinsurance agreements entered  
2132 into, amended, or renewed on or after the effective date of the statute adding this subsection, and  
2133 only with respect to losses incurred and reserves reported on or after the later of: (1) the date on

2134 which the assuming insurer has met all eligibility requirements pursuant to clause (i) of this  
2135 paragraph; or (2) the effective date of the new reinsurance agreement, amendment, or renewal.

2136 (a) This paragraph does not alter or impair a ceding insurer's right to take credit for  
2137 reinsurance, to the extent that credit is not available under this subsection, as long as the  
2138 reinsurance qualifies for credit under any other applicable provision of this section.

2139 (b) Nothing in this subsection shall authorize an assuming insurer to withdraw or reduce  
2140 the security provided under any reinsurance agreement except as permitted by the terms of the  
2141 agreement.

2142 (c) Nothing in this subsection shall limit, or in any way alter, the capacity of parties to  
2143 any reinsurance agreement to renegotiate the agreement.

2144 SECTION 79. Said subsection (1) of said section 20A of said chapter 175, as so  
2145 appearing, is hereby further amended by striking out paragraph (F) and inserting in place thereof  
2146 the following paragraph:-

2147 (F) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not  
2148 meeting the requirements of paragraphs (A), (B), (C), (D), (E), or (E1/2) but only with respect to  
2149 the insurance of risks located in jurisdictions where such reinsurance is required by applicable  
2150 law or regulation of that jurisdiction.

2151 SECTION 80. Said subsection (1) of said section 20A of said chapter 175, as so  
2152 appearing, is hereby further amended by striking out, in line 279, the words "(B) or (C)" and  
2153 inserting in place thereof the following words:- (B), (C) or (E1/2).

2154 SECTION 81. Clause (iv) of paragraph (B) of subsection (5) of said section 20A of said  
2155 chapter 175, as so appearing, is hereby amended by striking out subparagraphs (a) and (b) and  
2156 inserting in place thereof the following 3 subparagraphs:-

2157 (a) meets the conditions set forth in paragraph (E1/2) of subsection (1);

2158 (b) is certified in the commonwealth; or

2159 (c) maintains at least \$250,000,000 in capital and surplus when determined in accordance  
2160 with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto  
2161 adopted by the NAIC, excluding the impact of any permitted or prescribed practices; and is  
2162 licensed in at least 26 states; or licensed in at least 10 states and licensed or accredited in a total  
2163 of at least 35 states.

2164 SECTION 82. Said chapter 175, as so appearing, is hereby further amended by striking  
2165 out section 117C and inserting in place thereof the following section:-

2166 Section 117C. (a) The following method of determination of premium rates with respect  
2167 to credit life insurance and credit accident and health insurance is required only for such  
2168 insurance written in connection with obligations, other than loans secured by first liens on real  
2169 property, which are subject to section 12G of chapter 255, section 10 of chapter 255B, section  
2170 14A of chapter 255C, or subsection C of section 26 of chapter 255D, for which an identifiable  
2171 charge is paid by insured persons.

2172 (b) The following are the procedures for determining the maximum premium rates  
2173 permitted to be charged any account:

2174 A. (1) Minimum loss ratio test: Benefits shall be considered reasonable in relation to the  
2175 premium charged if the loss ratio equals or exceeds or is reasonably expected to equal or exceed  
2176 the minimum loss ratio standard specified below. The minimum loss ratio standard is:

2177 (i) for credit life insurance, 50 per cent; and

2178 (ii) for credit accident and health insurance, 55 per cent.

2179 In applying the minimum loss ratio test, the commissioner shall make appropriate  
2180 adjustment to account for differences in loss ratios that may be expected on single premium  
2181 credit life insurance plans resulting from changes in the benefit structure.

2182 The rate review will be made each year for all classes of business.

2183 B. (1) Each insurer writing said life insurance and accident and health insurance shall  
2184 report to the commissioner its claims experience and loss ratio data on said insurance separately  
2185 for the motor vehicle dealers class of business and for all classes of business combined on the  
2186 credit insurance supplement forms as specified by the National Association of Insurance  
2187 Commissioners for inclusion in the annual statement blanks filed pursuant to section 25.

2188 (2) Each insurer writing said life insurance and accident and health insurance shall  
2189 annually report to the commissioner, on a form prescribed by the commissioner, its claims  
2190 experience and loss ratio data on said insurance separately for motor vehicle dealers and other  
2191 than motor vehicle dealers. If the reported experience indicate that claims experience does not  
2192 meet the minimum loss ratio tests, taking into consideration the credibility of said experience as  
2193 measured by the credibility table, corrective action shall be required. If corrective action is

2194 indicated, the carrier shall include with its submission its proposed plan for such corrective  
2195 action.

2196 C. As used in this section the following terms, unless the context clearly requires  
2197 otherwise, shall have the following meanings:

2198 “Average Number of Life Years”, the average number of group certificates in force  
2199 during the experience period, without regard to multiple coverage, times the number of years in  
2200 the experience period, or some equivalent calculation, which shall be made separately for credit  
2201 life insurance and for credit accident and health insurance.

2202 “Credibility factor”, the extent to which past experience can be expected to recur in the  
2203 future. The credibility factor may be based on either the number of claims incurred or on the  
2204 “average number of life years” for the case during the experience period using the credibility  
2205 table.

2206 “Credibility table” means the following table:

2207

2208 The above integral numbers represent the lower end of the bracket for each “Z” factor.  
2209 The upper is 1 less than the lower end for the next higher “Z” factor.

2210 “Earned premiums”, the premiums earned at the premium rates actually charged for  
2211 coverage in force during the experience period.

2212 “Experience”, earned premiums, incurred claims, incurred claim count, number of life  
2213 years insured, and average amount of insurance during the experience period.



2214 “Incurred claims”, total claims paid during the experience period, adjusted for the  
2215 change in the claim reserve.

2216 “Incurred claim count”, the number of claims incurred during the experience period.  
2217 This means the total number of claims reported during the experience period, whether paid or in  
2218 the process of payment. If a debtor has been issued more than one certificate for the same plan of  
2219 insurance, only 1 claim is counted. If a debtor receives disability benefits, only the initial claim  
2220 payment for that period of disability is counted.

2221 “Loss Ratio”, the ratio of incurred claims to earned premiums.

2222 SECTION 83. Section 2 of chapter 239 of the General Laws, as so appearing, is hereby  
2223 amended by adding the following paragraph:- The defendant named in a summary process  
2224 summons and complaint shall not include any minors, and any such minors’ names so included  
2225 shall be expunged from any court record and electronic docket entry.

2226 SECTION 84. Section 1 of chapter 271 of the General Laws, as so appearing, is hereby  
2227 amended by striking out, in line 4, the words “chapter 23K” and inserting in place thereof the  
2228 following words:- chapters 23K and 23N.

2229 SECTION 85. Section 2 of said chapter 271, as so appearing, is hereby amended by  
2230 striking out, in line 4, the words “chapter 23K” and inserting in place thereof the following  
2231 words:- chapters 23K and 23N.

2232 SECTION 86. Section 3 of said chapter 271, as so appearing, is hereby amended by  
2233 striking out, in line 1, the words “chapter 23K” and inserting in place thereof the following  
2234 words:- chapters 23K and 23N.

2235 SECTION 87. Section 5 of said chapter 271, as so appearing, is hereby amended by  
2236 striking out, in line 1, the words “chapter 23K” and inserting in place thereof the following  
2237 words:- chapters 23K and 23N.

2238 SECTION 88. Section 5A of said chapter 271, as so appearing, is further amended by  
2239 inserting after the words “chapter 23K”, in line 32, the following words:- or sports wagering  
2240 conducted pursuant to chapters 23N.

2241 SECTION 89. Section 5B of said chapter 271, as so appearing, is hereby amended by  
2242 striking out, in line 58, the words “chapter 23K” and inserting in place thereof the following  
2243 words:- chapters 23K and 23N.

2244 SECTION 90. Section 8 of said chapter 271, as so appearing, is hereby amended by  
2245 striking out, in lines 10 to 11, the words “other game of chance that is not being conducted in a  
2246 gaming establishment licensed under chapter 23K” and inserting in place thereof the following  
2247 words:- other game that is not being conducted pursuant to chapter 23K and any other sports  
2248 wagering that is being conducted pursuant to chapter 23N.

2249 SECTION 91. Section 17 of said chapter 271, as so appearing, is hereby amended by  
2250 inserting after the words “chapter 23K”, in line 27, the following words:- or for the purpose of  
2251 sports wagering conducted in accordance with chapter 23N.

2252 SECTION 92. Said chapter 271, as so appearing, is hereby further amended by striking  
2253 out section 17A and inserting in place thereof the following section:-

2254 Section 17A. Except as permitted under chapter 23N, whoever uses a telephone, internet  
2255 or other communications technology or, being the occupant in control of premises where a

2256 telephone, internet or other communications technology is located or a subscriber for such  
2257 communications technology, knowingly permits another to use a telephone, internet or other  
2258 communications technology so located or for which such person subscribes, as the case may be,  
2259 for the purpose of accepting wagers or bets, or buying or selling of pools, or for placing all or  
2260 any portion of a wager with another, upon the result of a trial or contest of skill, speed or  
2261 endurance of man, beast, bird or machine, or upon the result of an athletic game or contest, or  
2262 upon the lottery called the numbers game, or for the purpose of reporting the same to a  
2263 headquarters or booking office, or who under another name or otherwise falsely or fictitiously  
2264 procures telephone, internet or other communications technology service for oneself or another  
2265 for such purposes, shall be punished by a fine of not more than \$2,000 or by imprisonment for  
2266 not more than 1 year.

2267 SECTION 93. Section 19 of said chapter 271, as so appearing, is hereby amended by  
2268 inserting after the words “chapter 23K”, in line 19, the following words:- and shall not apply to  
2269 advertising of sports wagering conducted pursuant to chapter 23N.

2270 SECTION 94. Section 20 of said chapter 271, as so appearing, is hereby amended by  
2271 inserting at the end thereof the following sentence:- Nothing in this section shall prohibit an  
2272 operator licensed under chapter 23N from posting, advertising or displaying materials relevant to  
2273 its sports wagering operations.

2274 SECTION 95. Section 23 of said chapter 271, as so appearing, is hereby amended by  
2275 inserting after the words “chapter 23K”, in line 31, the following words:- and shall not apply to  
2276 sports wagering conducted pursuant to chapter 23N.

2277 SECTION 96. Section 27 of said chapter 271, as so appearing, is hereby amended by  
2278 inserting after the word “thereto”, in line 15, the following words:- ; provided, however, that  
2279 such provisions shall not apply to sports wagering conducting pursuant to chapter 23N.

2280 SECTION 97. Section 28 of said chapter 271, as so appearing, is hereby amended by  
2281 inserting after the word “prescribed”, in line 12, the following words:- ; provided, however, that  
2282 such provisions shall not apply to sports wagering conducting pursuant to chapter 23N.

2283 SECTION 98. Section 42 of said chapter 271, as so appearing, is hereby amended by  
2284 inserting after the word “both”, in line 4, the following words:- ; provided, however, that such  
2285 provisions shall not apply to sports wagering conducting pursuant to chapter 23N.

2286 SECTION 99. Section 3 of chapter 614 of the acts of 1968 is hereby amended by  
2287 inserting after paragraph (p), added by section 3 of chapter 419 of the acts of 1984, the following  
2288 paragraph:-

2289 (q) “Nonprofit Beneficiary”, Any nonprofit person, as defined in section 1 of chapter 23G  
2290 of the General Laws, to which the agency is authorized to provide financing.

2291 SECTION 100. Section 5 of said chapter 614 is hereby amended by striking out  
2292 paragraph (p), as inserted by section 4 of chapter 769 of the acts of 1979, and inserting in place  
2293 thereof the following 2 paragraphs:-

2294 (q) to make loans from the assets of any existing authority trust to nonprofit beneficiaries  
2295 in support of such trust;

2296 (r) to do all things necessary and convenient to carry out the purposes of this act.

2297 SECTION 101. Section 100 of chapter 142 of the acts of 2011 is hereby repealed.

2298 SECTION 102. Sections 46, 48, 61 and 63 of chapter 287 of the acts of 2014 are hereby  
2299 repealed.

2300 SECTION 103. Section 124A of chapter 287 of the acts of 2014 is hereby repealed.

2301 SECTION 104. The second sentence of section 135 of chapter 219 of the acts of 2016 is  
2302 hereby amended by inserting after the words “includes any fantasy or simulated game or contest”  
2303 the following words:- , including but not limited to, any fantasy or simulated game or contest  
2304 based on college or professional sports events.

2305 SECTION 105. The executive office of housing and economic development shall issue  
2306 guidance to assist local officials in determining the voting thresholds for various zoning  
2307 amendments. Such guidance shall be assembled in consultation with the department of housing  
2308 and community development, the Massachusetts attorney general’s municipal law unit, and  
2309 Massachusetts Housing Partnership.

2310 SECTION 106. The secretary of housing and economic development shall report  
2311 annually to the clerks of the house of representatives and the senate, the chairs of the joint  
2312 committee on housing and the chairs of the senate and house committees on ways and means, on  
2313 the activities and status of the Housing Choice Initiative, as described by the governor in a  
2314 message to the general court dated December 11, 2017, including progress made towards the  
2315 production of 135,000 new units by 2025. The report also shall include a list of all cities and  
2316 towns that qualify as “housing choice” communities, a list and description of grant funds  
2317 disbursed to such cities and towns and a description of how the funds were used to support the  
2318 production of new housing.

2319           SECTION 107. Notwithstanding any general or special law to the contrary, to meet the  
2320 expenditures necessary in carrying out section 2, the state treasurer shall, upon receipt of a  
2321 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified  
2322 by the governor from time to time but not exceeding, in the aggregate, \$247,000,000. All bonds  
2323 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
2324 Economic Development Act of 2020”, and shall be issued for a maximum term of years, not  
2325 exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of  
2326 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall  
2327 be payable not later than June 30, 2055. All interest and payments on account of principal on  
2328 such obligations shall be payable from the General Fund. Bonds and interest thereon issued  
2329 under the authority of this section shall, notwithstanding any other provision of this act, be  
2330 general obligations of the commonwealth.

2331           SECTION 108. Notwithstanding any general or special law to the contrary, to meet the  
2332 expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a  
2333 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified  
2334 by the governor from time to time but not exceeding, in the aggregate, \$125,000,000. All bonds  
2335 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
2336 Economic Development Act of 2020”, and shall be issued for a maximum term of years, not  
2337 exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of  
2338 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall  
2339 be payable not later than June 30, 2055. All interest and payments on account of principal on  
2340 such obligations shall be payable from the General Fund. Bonds and interest thereon issued

2341 under the authority of this section shall, notwithstanding any other provision of this act, be  
2342 general obligations of the commonwealth.

2343 SECTION 109. As used in this section, the following words shall, unless the context  
2344 clearly requires otherwise, have the following meanings:

2345 “COVID-19 emergency”, the state of emergency concerning the novel coronavirus  
2346 disease outbreak declared by the governor pursuant to executive order 591 on March 10, 2020.

2347 “Good-faith effort”, an effort by each party upon being present or taking part in the pre-  
2348 eviction mediation conference as required pursuant to subsection (b), to negotiate and agree upon  
2349 a reasonable alternative to eviction.

2350 “Notice of eviction rights and responsibilities form”, a form developed by the executive  
2351 office of housing and economic development pursuant to subsection (e) and approved by the  
2352 chief justice of the housing court.

2353 “Pre-eviction mediation”, a conference with the plaintiff and defendant conducted by a  
2354 housing specialist, as described in section 16 of chapter 185C of the General Laws.

2355 (a) Notwithstanding chapter 186 or chapter 239 of the General Laws, or any other general  
2356 or special law, rule, regulation or order to the contrary, any notice, including a notice to quit,  
2357 requesting or demanding a tenant of a residential dwelling unit to vacate the premises shall, as  
2358 part of said notice, include a notice of eviction rights and responsibilities form. A court having  
2359 jurisdiction over an action for summary process related to said chapter 239, including the Boston  
2360 municipal court department, shall not accept for filing a writ, summons or complaint for entry

2361 without a copy of the notice of eviction rights and responsibilities form which has been delivered  
2362 to the tenant, with proof of delivery of such notice.

2363 (b) Notwithstanding said chapter 186 or said chapter 239, or any other general or special  
2364 law, rule, regulation or order to the contrary, a court having jurisdiction over an action for  
2365 summary process related to said chapter 239, including the Boston municipal court department,  
2366 shall require pre-eviction mediation prior to an eviction hearing or trial for non-payment of rent  
2367 by a tenant of a residential dwelling unit. An eviction hearing or trial for non-payment of rent by  
2368 a tenant of a residential dwelling unit shall not proceed unless the court determines that the  
2369 parties have made a good-faith effort to come to a resolution in a pre-eviction mediation. If the  
2370 court determines the plaintiff did not act in good-faith, the hearing shall be postponed and  
2371 rescheduled for a date 2 weeks from the original trial date, at which time the court shall make a  
2372 new determination as to whether the plaintiff has acted in good-faith. If the court determines the  
2373 defendant did not act in good-faith at the rescheduled hearing, the hearing or trial shall proceed  
2374 as scheduled.

2375 (c) Notwithstanding said chapter 186 or said chapter 239, or any other general or special  
2376 law, rule, regulation or order to the contrary, in an action for nonpayment of rent due to a  
2377 financial impact from the COVID-19 emergency, a tenant, whether at will or under lease, a  
2378 tenant shall have the right to prevent the termination of the tenancy by paying or tendering to the  
2379 landlord or to the landlord's attorney all rent then due, including, interest and costs of such  
2380 action, by the day of the hearing or trial; provided, however, that the tenant shall provide  
2381 documentation and the court shall determine that non-payment of rent was due to a financial  
2382 impact resulting from the COVID-19 emergency.



2383 (d) Notwithstanding subsections (a), (b) and (c) of this section, pre-eviction mediation  
2384 shall not be required in an action against a tenant at sufferance if the landlord has acquired new  
2385 tenants for the residential dwelling for which the action is brought prior to the date of the  
2386 eviction hearing or trial.

2387 (e) The executive office of housing and economic development shall develop a standard  
2388 notice of eviction rights and responsibilities form. The form shall include, but not be limited to,  
2389 the following information: (i) a tenant’s right to mediation, including notice that mediation may  
2390 be required; (ii) a tenant’s right to cure, if the eviction is for non-payment of rent; (iii) housing  
2391 consumer education services; (iv) legal services, including contact information; and (v) how to  
2392 transfer a case to housing court, if applicable. The notice of eviction rights and responsibilities  
2393 form shall include, for evictions related to the non-payment of rent, in a fillable format, easy to  
2394 use by the landlord, to provide the following information: (i) the amount owed and the date by  
2395 which the amount shall be furnished to avoid eviction; (ii) attempts taken by the landlord to  
2396 collect payment of rent, including dates and responses from the tenant, if any; (iii) whether the  
2397 tenant provided notice and documentation to the landlord that non-payment of rent was due to a  
2398 financial impact resulting from the COVID-19 emergency; and (iv) any agreements between the  
2399 tenant and landlord for the tenant to repay the landlord for non-payment of rent. The notice shall  
2400 be made available in the 5 most common languages in the commonwealth, in addition to English.

2401 (f) The executive office of housing and economic development shall issue emergency  
2402 regulations and guidance as necessary to implement this section.

2403 SECTION 110. (a) For the purposes of this section, the following words shall, unless the  
2404 context clearly requires otherwise, have the following meanings:

2405 “COVID-19 emergency”, the state of emergency concerning the 2019 novel coronavirus  
2406 disease outbreak declared by the governor pursuant to executive order 591 on March 10, 2020.

2407 “Small business premises unit”, a premises occupied by a tenant for commercial  
2408 purposes; provided, however that “small business premises unit” shall not include a premises  
2409 occupied by a tenant if the tenant or a party that controls, is controlled by or is in common  
2410 control with the tenant: (i) operates multi-state; (ii) operates multi-nationally; (iii) is publically  
2411 traded; or (iv) has no fewer than 150 full-time equivalent employees.

2412 (b) There shall be a Distressed Restaurant Trust Fund. The secretary of the executive  
2413 office of housing and economic development shall be trustee of the fund and shall expend money  
2414 in the fund to address the financial impacts of the COVID-19 emergency on distressed  
2415 restaurants in the commonwealth. There shall be credited to the fund: (i) revenue transferred  
2416 pursuant to section 14 of chapter 23N; (ii) any interest earned on money in the fund; and (iii) any  
2417 gifts, grants or private contributions. Money deposited in the fund that is unexpended at the end  
2418 of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the  
2419 subsequent fiscal year.

2420 (c) Money in the fund shall be expended for a competitive one-time grant program to  
2421 assist distressed restaurants in the commonwealth financially impacted by the COVID-19  
2422 emergency; said assistance shall include: (i) rental assistance for restaurants in small business  
2423 premises units; and (ii) mortgage assistance for restaurants located on a property that is owner  
2424 occupied; provided, that the cost of rent or mortgage payment constitutes 10 per cent or more of  
2425 a restaurant’s revenue, based on the restaurant’s 2019 total revenue and rent or mortgage  
2426 payments; provided, further, the maximum amount each restaurant is eligible for rent or

2427 mortgage expenses under the fund is 7 per cent of the restaurant's 2019 total revenue. Money  
2428 from the fund shall also be expended to provide other support to restaurants, including: (i)  
2429 insurance costs; (ii) payroll expenses; (iii) past due payment orders for supplies, goods or  
2430 services used by the restaurant; and (iv) procuring personal protective equipment. No recipient  
2431 shall receive more than \$15,000 for assistance under said one time grant program for distressed  
2432 restaurants.

2433 (d) The executive office of housing and economic development shall determine criteria to  
2434 evaluate financial needs of distressed restaurants; provided, that the criteria shall prioritize small  
2435 business owners financially impacted by the COVID-19 emergency; provided further, that the  
2436 criteria shall promote the continued operation of restaurants in diverse locations throughout the  
2437 commonwealth.

2438 (e) Not later than October 1, 2021 and October 1, 2022, the secretary of the executive  
2439 office of housing and economic development shall provide a report of the funds used to support  
2440 distressed restaurants, including a breakdown of expenditures. The report shall be provided the  
2441 clerks of the house of representatives and the senate, the house and senate committees on ways  
2442 and means, the joint committee on economic development and emerging technologies and the  
2443 joint committee on tourism, arts and cultural development.

2444 SECTION 111. There is hereby established a special legislative commission pursuant to  
2445 section 2A of chapter 4 of the General Laws to examine and make recommendations on  
2446 addressing the recovery of the cultural and creative sector, including the arts, humanities and  
2447 sciences, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19,  
2448 and the effects of the governor's March 10, 2020 declaration of a state of emergency pursuant to

2449 executive order 591. The special commission shall review and develop recommendations and  
2450 best practices for the recovery, promotion and continued growth and vitality of the cultural and  
2451 creative sector in the commonwealth. The special legislative commission shall meet no fewer  
2452 than 4 times, in diverse locations throughout the commonwealth.

2453           The commission shall consist of the following 13 members: the house and senate chairs  
2454 of the joint committee on tourism, arts and cultural development, who shall serve as co-chairs;  
2455 the chair of the Massachusetts cultural council or a designee; the executive director of  
2456 MassCreative, Inc. or a designee; 1 member of the commonwealth association of museums; 1  
2457 member of the educational theatre association; and 7 members to be appointed by the co-chairs:  
2458 2 of whom shall be representatives from 2 different designated cultural districts in the  
2459 commonwealth; and 5 artists from different disciplines and sectors, including the arts, humanities  
2460 and sciences. All appointments shall be made not later than 30 days after the effective date of  
2461 this act. The commission shall convene its first meeting not later than 60 days after the effective  
2462 date of this act.

2463           The commission shall examine ways to increase recovery and promote remote operations  
2464 and programming in the commonwealth, including, challenges maintaining and operating  
2465 programming, including, training staff, developing new creative work regardless of format,  
2466 barriers in reopening physical locations and maintaining a virtual presence, strategies for  
2467 increased marketing and strategies for cross-promotional partnerships with other industries,  
2468 including the hospitality industry.

2469           The chairs of the commission shall work to facilitate information and data requests of the  
2470 commission members, ensure that the work of the commission incorporates feedback from the

2471 cultural and creative sector statewide and coordinate cooperation throughout the review. The  
2472 commission shall submit a report of its review and its recommendations, together with drafts of  
2473 legislation, if any, necessary to carry out the recommendations of the commission by filing the  
2474 same with the clerks of the house of representatives and the senate, the house and senate  
2475 committees on ways and means and the joint committee on tourism, arts and cultural  
2476 development, not later than June 30, 2021.

2477 SECTION 112. The Massachusetts office of business development shall accept  
2478 applications for approval as a rural growth fund as required under subsection (c) of section 38II  
2479 of chapter 63 of the General Laws not more than 90 days after the effective date of this act.

2480 SECTION 113. Section 109 shall take effect on October 17, 2020.

2481 SECTION 114. Section 109 is hereby repealed.

2482 SECTION 115. Section 110 is hereby repealed.

2483 SECTION 116. Section 14 of chapter 23N of the General Laws is hereby repealed.

2484 SECTION 117. Section 12 of chapter 490 of the acts of 1980 is hereby repealed.

2485 SECTION 118. Section 114 shall take effect on June 1, 2021.

2486 SECTION 119. Sections 15 to 23, inclusive, sections 32, 45 and 46, and sections 105 and  
2487 106, shall take effect 90 days after enactment.

2488 SECTION 120. Sections 49 to 52, inclusive, section 54, section 56, sections 58 to 60,  
2489 inclusive, and section 63 shall apply to tax years beginning on or after January 1, 2021.

2490 SECTION 121. Sections 8, 115, and 116 shall take effect on January 1, 2023.

2491

SECTION 122. Sections 55 and 57 shall take effect on January 1, 2026.