

# HOUSE . . . . . No. 4868

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Text of a further amendment, offered by Mr. Wagner of Chicopee, to the House Bill (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4868) of the House Bill relative to economic development in the commonwealth (House, No. 4732). July 31, 2018.

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court  
(2017-2018)  
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By striking out all after the enacting clause and inserting in place thereof the following:—

1           SECTION 1. To provide for a program of economic development and job creation, the  
2 sums set forth in sections 2A and 2B, for the several purposes and subject to the conditions  
3 specified in this act, are hereby made available, subject to the laws regulating the disbursement  
4 of public funds; provided, however, that the amounts specified in an item or for a particular  
5 project may be adjusted to facilitate projects authorized in this act. These sums shall be in  
6 addition to any amounts previously authorized and made available for these purposes.

7           SECTION 2A.

8           EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

9           6720-1351. For a grant program to coastal communities to be administered by the  
10 Seaport Economic Council; provided that funding shall be used for community planning and  
11 investment activities that stimulate economic development and create jobs in the maritime  
12 economy sector, and to construct, improve, repair, maintain and protect coastal assets that are  
13 vital to achieving these goals; provided further, that that the planning, prioritization, selection

14 and implementation of projects shall consider climate change impacts in furtherance of the goals  
15 of climate change mitigation and adaptation and consistent with the integrated state hazard  
16 mitigation and climate change adaptation plan..... \$50,000,000

17           7002-1120. For grants to municipalities and other public instrumentalities for design,  
18 construction, building, land acquisition, rehabilitation, repair and other improvements to publicly  
19 owned infrastructure, or those owned or operated by nonprofit organizations; provided further,  
20 that not less than \$250,000 shall be expended to the city of Melrose for the expansion and  
21 improvement of the Victorian Downtown Business District; provided further, that \$400,000 shall  
22 be expended for the design and construction of connecting the Methuen Rail Trail to the Spicket  
23 River Greenway in the city of Methuen and the city of Lawrence; provided further that not less  
24 than \$225,000 shall be expended for the purpose a feasibility study and business plan for an  
25 Applied Climate/Coastal Resilience Innovation Center in the town of Barnstable; provided  
26 further, that \$50,000 shall be expended for the Southeastern Massachusetts Convention and  
27 Visitors Bureau; provided further, that not less than \$350,000 shall be expended for parking  
28 improvements in the town of Holliston; provided further, that not less than \$350,000 shall be  
29 expended for the establishment of a building code upgrade fund in the city of Pittsfield; provided  
30 further, that not less than \$200,000 shall be expended to the Falmouth Economic Development  
31 and Industrial Corporation to fund fiber optic cable expansion in the town of Falmouth; provided  
32 further, that \$200,000 shall be expended for improvements to Goddard park and Auburn pond in  
33 the town of Auburn; provided further, that not less than \$75,000 shall be expended for the  
34 Sweetser Park Fountain in the town of Amherst; provided further, that not less than \$50,000 shall  
35 be expended for sidewalk projects for the village center in the town of Pelham; provided further,  
36 that not less than \$50,000 shall be expended for a commercial kitchen in the community hall in

37 town of Pelham; provided further, that not less than \$150,000 shall be expended for the  
38 construction of bus transit shelters in the town of Burlington; provided further, that not less than  
39 \$100,000 shall be expended for the construction of secure bicycle shelters and marked bicycle  
40 lanes on state route 4/225 in the town of Bedford; provided further that not less than \$250,000  
41 shall be expended to infrastructure improvements to Lincoln street in Marlborough for the  
42 revitalization of the French Hill area; provided that not less than \$300,000 shall be expended for  
43 improving sewer infrastructure along route 20 in the town of Shrewsbury; provided further, that  
44 \$100,000 shall be expended for an erosion study located in the town of Salisbury; provided  
45 further, that \$150,000 shall be expended for the MetroWest Tourism and Visitors Bureau;  
46 provided further, that not less than \$100,000 shall be expended for sidewalk, road, and parking  
47 improvement projects in commercial and retail areas within the town of Ashland; provided  
48 further, that not less than \$100,000 shall be expended for sidewalk, road, and parking  
49 improvement projects in commercial and retail areas within the city of Framingham; provided  
50 further, that not less than \$250,000 shall be expended for park development costs for North  
51 Mountain park in the town of Dalton; provided further, that not less than \$100,000 shall be  
52 expended for repairs and the beautification of Sullivan park in the city of Lawrence; provided  
53 further, that not less than \$100,000 shall be expended for repairs and the beautification of  
54 Stockton park in the city of Lawrence; provided further, that not less than \$100,000 shall be  
55 expended for the renovation and repair of the soccer field at Burgoin Square park in the city of  
56 Lawrence; provided further, that not less than \$100,000 for the improvement of sidewalks and  
57 bike path infrastructure in the city of Lawrence; provided further, that not less than \$250,000  
58 shall be expended for the University of Massachusetts at Lowell for technical assistance,  
59 mentoring, prototyping, product development, and manufacturing referral services for medical

60 device, manufacturing and technology-based startups within the Hamilton Canal Innovation  
61 District and to promote industry and supply chain partnerships; provided further, that no less  
62 than \$40,000 be provided to the town of Sterling for the implementation of an online, e-  
63 permitting program; provided further, that not less than \$75,000 shall be expended for the  
64 Downtown Taunton Foundation, Inc. to facilitate commercial and residential housing  
65 development; provided further, that not less than, \$250,000 shall be expended for the installation  
66 of lights at the baseball fields located at Aaron Krock Memorial park in Worcester; provided  
67 further that not less than \$50,000 be expended to the Essex National Heritage Commission for  
68 the purposes of improving signage on Essex Heritage Sites; provided further, that not less than  
69 \$150,000 shall be expended for sidewalk, road, and parking improvement projects in commercial  
70 and retail areas within the city of Malden; provided further, that not less than \$25,000 shall be  
71 expended for career and technical training programs held at the Malden YWCA; provided  
72 further, that not less than \$100,000 shall be expended to the city of Haverhill for the  
73 advancement of redevelopment on Merrimack street; provided further, that not less than  
74 \$100,000 shall be expended to the city of Haverhill for a grant program to support rental costs  
75 for new small businesses in the city's Central Business District; provided further, that not less  
76 than \$75,000 shall be expended for the establishment of a feasibility study, site assessment, and  
77 pre-development work through the city of Haverhill on the former Dutton Airport parcels;  
78 provided further that not less than \$200,000 shall be expended for coastal culvert repair in the  
79 Blish Point section of the town of Barnstable; provided, that not less than \$3,000,000 shall be  
80 expended on land acquisition for the purposes of market rate housing in the city of Fall River;  
81 provided that \$5,000,000 shall be expended for the Harbor Development Commission in the city  
82 of New Bedford for the construction of a Fisheries Innovation Center; provided further, that not

83 less than \$1,000,000 shall be expended for the implementation of a pilot Transportation  
84 Management Association to address mobility and connectivity gaps in the town of Stoneham;  
85 provided further, that not less than \$1,000,000 shall be expended for the continued maintenance  
86 and development of Powers Farm park in the town of Randolph; provided further, that not less  
87 than \$1,000,000 shall be expended for site readiness and storm water management at the William  
88 Stanley Business Park in Pittsfield; provided further, that not less than \$1,000,000 be allocated to  
89 the Marine Biological Laboratory to be used for the restoration of the seawall located at  
90 Waterfront park in the town of Falmouth; provided further, that not less than \$1,000,000 shall be  
91 allocated for dredging in the town of Tisbury; provided further, that \$1,500,000 shall be  
92 expended to support improvements to the water and sewer infrastructure system along state  
93 highway route 20 in the town of Oxford; provided further, that not less than \$900,000 shall be  
94 expended for implementing infrastructure improvements and development strategies of the Drury  
95 Square Plan in the town of Auburn; provided further, that not less than \$1,000,000 shall be  
96 expended for economic development of the Avon Industrial Park in the town of Avon; provided  
97 further, that not less than \$3,500,000 shall be expended for the establishment of a pilot program  
98 in the city of Lowell administered by a local 501(c)3 that has the capability to provide zero to 3  
99 per cent loans to local commercial businesses to implement energy efficiency updates to increase  
100 commercial activity, contribute to downtown revitalization, promote job creation in  
101 economically depressed areas, or advance other local economic development goals; provided  
102 further, that not less than \$1,000,000 shall be expended to New North Citizens Council, Inc., for  
103 infrastructure improvements and capital investments to support the low-income neighborhood  
104 revitalization, business corridor redevelopment, financing for Facade for Micro/small businesses,  
105 and other community economic development initiatives; provided further that not less than

106 \$500,000 be allocated for the design and construction of a regional cultural arts center at the  
107 Burlington Mall or other suitable location in the town of Burlington; provided further, that  
108 \$500,000 shall be expended for improvements to the Welcome Center in the town of Salisbury;  
109 provided further, that \$500,000 shall be expended for improvements and repairs to the route 1  
110 corridor located in the city of Newburyport; provided further, that \$1,000,000 shall be expended  
111 for the demolition of the former Microfab building in the city of Amesbury; provided further,  
112 that not less than \$3,000,000 shall be expended to promote facilities that produce mass timber  
113 products for building construction and are located in Massachusetts gateway cities, provided that  
114 such facilities use or produce responsibly harvested wood products certified by the Forest  
115 Stewardship Council or Programme for the Endorsement of Forest Certification; provided  
116 further, that not less than \$3,000,000 shall be allocated to municipalities for upgrading traffic  
117 signals to light-emitting diode technology and intelligent transportation system applications, such  
118 as autonomous and connected vehicle-related technology, performing regional operations such as  
119 re-timing, developing special event plans and monitoring traffic signals and for maintaining and  
120 operating traffic signals; provided further, that not less than \$1,000,000 shall be expended for the  
121 construction of an anaerobic digester for the city of Greenfield for sludge disposal; provided  
122 further, that not less than \$2,000,000 shall be made available to the Municipal Americans with  
123 Disabilities Act Improvement Grant Program, operated by the Massachusetts office on disability,  
124 for the purposes of supporting capital improvements specifically dedicated to improving access  
125 for persons with disabilities while enhancing economic development in cities and towns across  
126 the commonwealth; provided further, that not less than \$525,000 be expended to the town of  
127 Upton for the revitalization of the town center; provided further, that not less than \$700,000 be  
128 expended to the town of Grafton for the Westboro road-route 30 sewer extension project;

129 provided further, that not less than \$500,000 be expended to the town of Grafton for the  
130 Fisherville Mill 40R Streetscape and Infrastructure Improvements Project; provided further, that  
131 not less than \$2,000,000 shall be allocated for dredging of Plymouth Harbor; provided that not  
132 less than \$500,000 shall be expended for career training and costs associated with equipment  
133 upgrades for the career and technical services program at Weymouth high school; provided  
134 further, than not less than \$500,000 be expended for the dredging of the Back river in the area of  
135 the Weymouth Back river boat launch facility and the nourishment of George Lane beach;  
136 provided further, that \$3,000,000 shall be expended for the city of Lowell for the design and  
137 engineering of a 1,000 space parking garage on the site of a current surface parking lot; provided  
138 further, that \$3,000,000 shall be spent for the restoration of downtown sidewalks, lighting, street  
139 furnishings, street trees and other plantings and facade restoration grants in the city of Lowell;  
140 provided further, that not less than \$1,200,000 shall be expended for a site assessment to  
141 Rockbestos in the town of Clinton; provided further, that not less than \$1,000,000 shall be  
142 expended for water and sewage infrastructure in the town of Northborough; provided further,  
143 that not less than \$5,000,000 shall be expended for the creation and development of a cultural  
144 highway along state highway route 62 in the towns of Hudson, Berlin, Clinton, Sterling,  
145 Princeton, Stow, and Maynard, which shall ensure the preservation of the economic, cultural,  
146 historical, agricultural and scenic aspects unique to the route and its host municipalities; provided  
147 further, that not less than \$3,000,000 shall be expended to commence investigation, develop,  
148 refine, and build prototype vehicles or vessels utilizing nonpolluting sources such as photovoltaic  
149 power; provided further, that not less than \$1,000,000 shall be expended to the city of Haverhill  
150 for the establishment of a building code upgrade fund; provided further, that not less than  
151 \$1,000,000 shall be allocated to the town of Dennis toward the dredging of the Sesuit harbor;

152 provided further, that not less than \$3,500,000 shall be expended for an extended care career  
153 ladder grant program, consistent with section 410 of chapter 159 of the Acts of 2000; provided  
154 further, that not less than \$8,000,000 shall be expended to the town of Lee for the planning,  
155 design, and construction of a new water line from the water treatment plant into downtown Lee,  
156 for increased access to water and public safety, and to make possible the continued development  
157 of the former Eagle Mill into a mixed-use residential, retail, and hotel establishment; provided  
158 further, that not less than \$2,000,000 shall be expended for the restoration and rehabilitation of  
159 the historic Everett Square Theatre in the Hyde Park section of the city of Boston; provided  
160 further, that not less than \$3,000,000 shall be expended for the development of land for housing,  
161 community and commercial use in the Rail Transit District of the town of Ashland; provided  
162 further, that not less than \$3,000,000 shall be expended for the costs associated with the  
163 replacement of the Saxonville fire station in the city of Framingham; provided further, that not  
164 less than \$3,000,000 shall be expended for the site study, acquisition and improvements related  
165 to the Axton-Crossing land in the town of Holliston; provided further, that not less than  
166 \$2,500,000 shall be expended for improvements to the Grove Street Business Corridor in the city  
167 known as the town of Franklin; provided further, that not less than \$2,000,000 shall be expended  
168 for the design and construction of a high pressure water service system in the town of Hopkinton;  
169 provided further, that not less than \$1,200,000 shall be expended for the costs associated with a  
170 new public service facility in the town of Medway; provided further, that not less than  
171 \$1,500,000 shall be expended for the costs associated with the development of a parking garage  
172 in the downtown area of the town of Natick; provided further, that not less than \$10,000,000  
173 shall be expended to Massachusetts Bay Community College to support workforce development  
174 for the early education and care and allied health professions; provided further, that not less than



175 \$1,150,000 shall be expended for the design and construction of the Mount Auburn street  
176 community path in the city of Watertown; provided further, that not less than \$1,200,000 shall be  
177 expended for the reconstruction of Arsenal park in the city of Watertown; provided further, that  
178 not less than \$3,000,000 shall be expended for the improvement of Victory field athletic complex  
179 in the city of Watertown; provided further, that not less than \$100,000 shall be expended to  
180 conduct a feasibility study to determine the best use for the municipal light building in the town  
181 of Belmont; provided further, that not less than \$50,000 shall be expended to conduct a  
182 feasibility study to determine the best use of the McLean barn, a national historic place in the  
183 town of Belmont; provided further, that not less than \$2,000,000 shall be expended for the façade  
184 improvement program and streetscape improvements in neighborhood business districts in the  
185 city of Worcester; provided further, that not less than \$1,000,000 shall be expended to support  
186 the growth of the startup and small business ecosystem, including the operation of incubators,  
187 accelerators and other new ventures, in the city of Worcester; provided further, that not less than  
188 \$1,000,000 shall be expended for business development along Pleasant street in the city of  
189 Worcester; provided further, that not less than \$500,000 shall be expended for the fit-out of the  
190 ground floor of the Union Station garage for commercial use in the city of Worcester; provided  
191 further, that not less than \$200,000 shall be expended for the town of Barnstable for costs related  
192 to design, impact studies, planning and development of the Oceanside Performing Arts Center;  
193 provided further, that not less than \$12,000,000 shall be expended for a water collection and  
194 filtration system in the town of Maynard; provided further, that not less than \$1,000,000 shall be  
195 expended for the Black Box Theater at the Worcester PopUp in the city of Worcester; provided  
196 further, that not less than \$1,100,000 shall be expended for the town of Wellfleet to purchase and  
197 develop a property within the town of Wellfleet, for use as a new business incubator space;

198 provided further, that not less than \$75,000 shall be expended for The Provincetown Commons  
199 for the development of a digital media studio and related expenses; provided further, that not less  
200 than \$2,000,000 shall be expended for maintenance dredging of approximately sediment in the  
201 town of Barnstable from the western end of Sampson's Island, with disposal occurring on the  
202 eastern end of Dead Neck; provided further, that not less than \$750,000 shall be expended for the  
203 town of Edgartown to obtain the use of a property within the town of Edgartown to store dredge  
204 sand and other materials in preparation for severe storm events or for other expenses incurred in  
205 connection with dredging and dredging preparation; provided further, that not less than \$250,000  
206 shall be expended for the town of Yarmouth for dredging of the Bass River and Parkers River  
207 coastal waterways; provided further, that not less than \$375,000 shall be expended for the town  
208 of Chatham to modify the town's existing Comprehensive Dredge and Disposal Permit and to  
209 dredge critical shoal locations to restore navigation access and emergency response; provided  
210 further, that not less than \$1,000,000 shall be expended for the business development in Webster  
211 square in the city of Worcester; provided further, \$1,050,000 shall be expended for repairs and  
212 improvements to the Main street gateway and improvements included in the Dean park master  
213 plan in the town of Shrewsbury; provided further, that not less than \$1,000,000 shall be  
214 expended for the dredging of waterways, beach nourishment, dune restoration and other  
215 ecological improvements to support the Swansea Waterfront Revitalization project in the town of  
216 Swansea; provided further, that not less than \$15,000,000 shall be expended for dredging in the  
217 waterways and the construction, rehabilitation and repair of on-shore facilities located at Brayton  
218 Point in the town of Somerset, to support the growth and expansion of the off-shore wind-driven  
219 electricity generating projects; provided further, that \$5,000,000 shall be expended for water and  
220 sewer infrastructure along state highway route 140 in the town of Upton; provided further,

221 \$1,050,000 shall be expended for a façade improvement program and improvements to the  
222 Pakachoag municipal golf course and Brotherton way in the town of Auburn; provided further,  
223 that \$650,000 shall be expended on the Four Corners downtown revitalization project in the town  
224 of Millbury; provided further, that not less than \$100,000 shall be expended for the development  
225 of a water and sewer economic infrastructure feasibility study and master plan in the town of  
226 Leicester; provided further, that \$500,000 shall be expended on the redevelopment of Bolack  
227 Plaza in the town of Grafton; provided further, that not less than \$500,000 be expended to the  
228 town of Northbridge for the urban renewal and redevelopment of the downtown area; provided  
229 further, that not less than \$400,000 be expended to the town of Northbridge for the property  
230 redevelopment study; provided further, \$2,050,000 shall be expended on renovations to the  
231 Fanning building in the city of Worcester; provided further, that not less than \$1,300,000 shall be  
232 expended for new equipment and technological improvements to combine next-gen sequencing  
233 with high performance technology and big data analytics to mine the rich genetic diversity of  
234 marine organisms for a joint proposal of the Ocean Genome Legacy, Inc./Northeastern Marine  
235 Science Center and Gloucester Marine Genomics Institute Incorporated; provided further, that  
236 not less than \$500,000 shall be expended for the replacement and renovation for the water main  
237 in the town of Ipswich; provided further, that not less than \$500,000 shall be expended for a re-  
238 use study of the old Westport high school site in the town of Westport; provided further, that not  
239 less than \$500,000 shall be expended for signalization on route 1 in the town of Rowley;  
240 provided further, that not less than \$500,000 shall be expended for signalization on Main street  
241 in the town of Wenham; provided further, that not less than \$1,500,000 shall be expended for the  
242 construction of a police station facility in the town of Newbury; provided further, that not less  
243 than \$1,000,000 shall be expended for the development and improvement of the Waterfield lot in

244 the town of Winchester; provided further, that not less than \$3,000,000 shall be expended for  
245 downtown revitalization and infrastructure upgrades in the city of Malden; provided further, that  
246 not less than \$2,500,000 shall be expended for the Buzzards Bay Water District to expand  
247 capacity by installing a new tank and piping; provided further, that not less than \$1,000,000 shall  
248 be expended for downtown revitalization and infrastructure upgrades in the town of Reading;  
249 provided further, that \$1,000,000 shall be provided to the 1Berkshire Strategic Alliance  
250 Foundation Inc. for the Berkshire Blueprint Partnership Fund; provided further, that \$75,000  
251 shall be expended to the Historic Route 20 Association for development of the Gateway  
252 Hilltowns Visitors Center; provided further, that not less than \$800,000 shall be provided to the  
253 city of Pittsfield for upgrades to the Gordon Rose Technology Park Pump Station; provided  
254 further, that \$1,500,000 shall be provided to Rural Commonwealth, Inc. for the Franklin County  
255 8 Town Economic Development Center; provided further, that \$1,625,000 shall be expended for  
256 the purchase of equipment for the Berkshire Innovation Center, Inc. in the city of Pittsfield;  
257 provided further, that not less than \$2,000,000 shall be expended to the town of Adams for the  
258 construction of the Greylock Glen Outdoor Center; provided further, that not less than  
259 \$12,000,000 shall be expended for parking upgrades, including but not limited to the  
260 development of a parking deck, and general infrastructure improvements in the downtown area  
261 of the city of Taunton; provided further, that not less than \$8,000,000 shall be expended for the  
262 study, design, improvements and maintenance of United States highway route 1 in the towns of  
263 Norwood, Westwood and Dedham through the VFW and West Roxbury parkway in the West  
264 Roxbury section of the city of Boston; provided further, that not less than \$1,000,000 shall be  
265 expended for the redevelopment of the Old Town Hall building in the town of Westwood;  
266 provided further, that not less than \$1,000,000 shall be expended for improvements to the town

267 common in the town of Needham; provided further, that not less than \$150,000 shall be provided  
268 to the Commissioning Committee for expenses associated with the September 2018  
269 Commissioning of the USS Thomas Hudner; provided further, that not less than \$100,000 shall  
270 be expended for The National Guard Association of Massachusetts, Inc. for the planning and  
271 operations of the one hundred and forty second National Guard Association of the United States  
272 General Conference; provided further, that \$500,000 shall be expended to leverage philanthropic  
273 match funding to provide technical assistance to gateway cities and other municipalities  
274 designated as opportunity zones to promote economic competitiveness and job creation;  
275 provided further, that funds shall be used to support technical assistance by the National  
276 Resource Network to provide assistance to cities and towns across various disciplines including  
277 economic development, workforce development, fiscal and operational efficiency and to promote  
278 best practices and inter-city assistance; provided further, that not less than \$500,000 shall be  
279 expended for the design costs for the town center improvement project in the town of Weston;  
280 provided further, that not less than \$50,000 shall be expended to support the artists' market in the  
281 town of Concord; provided further, that not less than \$200,000 shall be expended to improve  
282 lighting in commuter parking lots in the town of Concord; provided further, that not less than  
283 \$800,000 shall be expended for the acquisition and renovation of a visitors center in the town of  
284 Concord; provided further, that not less than \$2,150,000 shall be expended for the construction  
285 of a pedestrian bridge over the Assabet River in the town of Concord; provided further, that not  
286 less than \$4,650,000 shall be expended for the Cambridge turnpike improvement project in the  
287 town of Concord; provided further, that not less than \$1,050,000 shall be expended for  
288 improvements to sewer pump stations in the town of Concord; provided further, that not less than  
289 \$1,000,000 shall be expended for broadband service improvements in the town of Concord;

290 provided further, that not less than \$750,000 shall be expended for improvements at the White  
291 Pond beach in the town of Concord; provided further, that not less than \$500,000 shall be  
292 expended on sidewalk, drainage and roadway improvements in the business district in the town  
293 of Chelmsford; provided further, that not less than \$350,000 shall be expended on supplies and  
294 equipment for a certified nursing program at Minuteman Regional Vocational Technical School;  
295 provided further, that not less than \$3,000,000 shall be expended for costs associated with  
296 repairs, replacements and construction of water infrastructure owned by the town of Scituate;  
297 provided further, that not less than \$3,000,000 shall be expended for costs associated with  
298 repairs, replacements, purchase and construction of water infrastructure servicing the residential  
299 and commercial development known as Union Point in the city known as the town of  
300 Weymouth; provided further, that \$2,250,000 shall be expended for repair of the Fisherman  
301 beach boat house, beach pier, outfall and launching ramp in the town of Swampscott; provided  
302 further, than not less than \$2,000,000 shall be expended for costs associated with the design,  
303 planning, construction and renovation of Norwell town center in the town of Norwell; provided  
304 further, that \$10,500,000 shall be expended for improvements at the Tri-County Regional  
305 Vocational Technical High School in the city known as the town of Franklin; provided further,  
306 that not less than \$2,000,000 shall be expended for costs associated with the construction of a  
307 business climate innovation center in the town of Marshfield, to assist businesses statewide on  
308 climate adaptation, resiliency and reducing emissions; provided further, that not less than  
309 \$3,000,000 shall be expended for downtown revitalization and infrastructure upgrades in the city  
310 of Melrose; provided further, that not less than \$2,000,000 shall be expended for the economic  
311 redevelopment in the downtown mixed use overlay district in the town of Stoughton; provided  
312 further, that not less than \$500,000 shall be expended for the reconfiguration and renovation of

313 the downtown area in the town of Topsfield; provided further, that not less than \$75,000 shall be  
314 expended for administrative costs related to the operation of the Life Sciences Consortium of the  
315 North Shore run through North Shore InnoVentures, Inc. in Beverly; provided further, that not  
316 less than \$250,000 shall be expended to the city of Peabody for the design, manufacturing and  
317 implementation of a wayfinding plan and signage for Centennial Business Park in the city of  
318 Peabody; provided further, that not less than \$200,000 shall be expended for the design and  
319 construction of improvements to the downtown area in the town of Danvers; provided further,  
320 that not less than \$200,000 shall be expended for the town of Danvers for the design of an east-  
321 west trail link connecting its downtown area to Middleton center; provided further, that \$500,000  
322 shall be expended for engineering improvements to the slip ramp for state highway route 1A and  
323 interstate highway route 495 in the town of Wrentham; provided further, that not less than  
324 \$2,600,000 shall be expended for renovations to the town hall in the town of Wellesley; provided  
325 further, that not less than \$100,000 shall be expended to the city of Newton, to improve external  
326 marketing of economic development services offered by the city; provided further, that not less  
327 than \$200,000 shall be expended to the city of Newton, to conduct a market analysis and  
328 community engagement process for a strategic vision plan for the future of Newton Centre;  
329 provided further, that not less than \$100,000 shall be expended to the city of Newton, to expand  
330 the capacity of the Newton Innovation Center; provided further, that not less than \$2,380,000  
331 shall be expended to replace the aging hard-wire fire alarm call box system with solar-powered  
332 wireless infrastructure in the town of Brookline; provided further, that not less than \$1,000,000  
333 shall be expended for the city of Newton parks and recreation department for the purpose of  
334 replacing the bath house located at Crystal lake in the city of Newton, a great pond under chapter  
335 91 of the General Laws; provided further, that not less than \$200,000 shall be expended to the

336 city of Newton, for new bathroom and locker room facilities at Gath Pool; provided further, that  
337 not less than \$5,000,000 be expended for redesign and improvements of Wells office park in the  
338 city of Newton; provided further, that not less than \$3,000,000 shall be expended to improve  
339 local mobility and access to transit for Stoneham residents, employees, customers and visitors at  
340 the Stone zoo and other recreational amenities in the Middlesex Fells; provided further, that not  
341 less than \$1,000,000 shall be expended for downtown revitalization and infrastructure upgrades  
342 in the town of Wakefield; provided further, that \$250,000 shall be expended for the facilitation  
343 and support of the Massachusetts-Israel Economic Connection operated by the New England  
344 Israel Business Council, Inc. to pursue economic collaboration between Israel and the  
345 commonwealth; provided further, that not less than \$4,000,000 shall be expended for water  
346 infrastructure improvement projects in the town of Warren; provided further, that not less than  
347 \$880,000 shall be expended for broadband infrastructure projects in the town of Petersham;  
348 provided further, that not less than \$250,000 shall be expended for improvements to the police  
349 department of the town of Templeton; provided further, that not less than \$1,000,000 shall be  
350 expended for construction of a police station for the town of Hardwick; provided further, that not  
351 less than \$1,000,000 shall be expended for construction of a public safety complex in the town of  
352 West Brookfield; provided further, that not less than \$2,000,000 shall be expended for costs  
353 associated with land acquisition and development of housing in the town of Holland; provided  
354 further, that not less than \$1,870,000 shall be expended for construction of a fire station in the  
355 town of North Brookfield, including costs for associated land improvements; provided further,  
356 that not less than \$1,000,000 shall be expended for bridge infrastructure improvements in the  
357 town of Monson; provided further, that not less than \$1,000,000 shall be expended for the design  
358 of a pedestrian and bicycle bridge connecting businesses, housing and public transit in the



359 Alewife section of the city of Cambridge; provided further, that not less than \$350,000 shall be  
360 used to renovate the Chevalier theater in the city of Medford; provided further, that not less than  
361 \$1,000,000 shall be expended for the Clippership Connector, a multi-use path in the city of  
362 Medford; provided further, that \$250,000 shall be used for street and sidewalk construction on  
363 Commercial street in city of Medford; provided further, that not less than \$9,400,000 shall be  
364 expended for a grant program administered by the secretary of elder affairs focused on advanced  
365 skill training for the home care aide workforce that serves consumers of the elder home care  
366 program administered by the department of elder affairs; provided further, that not less than  
367 \$500,000 shall be expended for the conversion of the Allen Avenue school in the town of North  
368 Attleboro into a center for the North Attleboro council on aging; provided further, than not less  
369 than \$1,000,000 shall be expended for costs associated with improvements to the Weymouth  
370 Landing area in the city known as the town of Weymouth; provided further, that not less than  
371 \$2,000,000 shall be expended for the economic redevelopment of the Paul Revere Heritage Site  
372 project and the Washington street corridor in order to upgrade utilities, sidewalks, intersections  
373 and roadways in the town of Canton; provided further, than not less than \$1,000,000 shall be  
374 expended for costs associated with streetscape and parking improvements and business  
375 development in the Nantasket beach front business district in the town of Hull; provided further,  
376 that not less than \$500,000 shall be expended for public safety improvements in the town of  
377 Millis; provided further, that not less than \$2,500,000 shall be expended for the siting, design  
378 and construction of a rowing and boating facility, including necessary rowing equipment and a  
379 rowing and boating facility study including, but not limited to, a cost analysis, facility site  
380 assessments, and configuration options in the city of Haverhill; provided further, that not less  
381 than \$1,000,000 shall be expended for the airframe and power plant program at Westfield

382 Technical Academy; provided further, that \$100,000 shall be expended for the Airframe and  
383 Powerplant program at Cape Cod Community College; provided further, that not less than  
384 \$1,000,000 shall be expended to purchase a rail corridor and construct an access road to facilitate  
385 increased public access along the Merrimack River and to extend the Haverhill Rail Trail to the  
386 Groveland Rail Trail in the city of Haverhill; provided further, that not less than \$1,000,000 shall  
387 be expended to the town of Lunenburg for economic development improvements including, but  
388 not limited to, streetscape improvements of Main street and Massachusetts, Leominster and  
389 Lancaster avenues, redevelopment of the former L & M Service Station at 925 Massachusetts  
390 avenue and the development of a community commercial kitchen for small business owners in  
391 need of kitchen facilities; provided further, that not less than \$6,000,000 shall be expended to the  
392 city of Gardner for the second phase of the city's Rear Main Street Revitalization Program, and  
393 for the demolition of a former factory building at 20 Rock street; provided further, that not less  
394 than \$250,000 shall be expended to the town of Bolton for improvements to the route 117  
395 corridor; provided further, that not less than \$300,000 shall be expended to the town of Clinton  
396 for improvements, renovations, and updates to High street and the downtown area in order to  
397 promote economic development; provided further, that not less than \$100,000 shall be expended  
398 to the town of Berlin for structural improvements to their historic town hall; provided further,  
399 that not less than \$100,000 shall be expended to the North Central Massachusetts Development  
400 Corporation for the development of a regional economic development blueprint for north central  
401 Massachusetts; provided further, that not less than \$125,000 shall be expended to the town of  
402 Townsend for the development of a town master plan; provided further, that not less than  
403 \$500,000 shall be expended to the town of Townsend for the rehabilitation of the former Hart  
404 Free Public Library building; provided further, that not less than \$75,000 be expended to the

405 town of Lancaster to conduct a reuse study for the historic former Lancaster School for Girls;  
406 provided further, that not less than \$500,000 shall be expended for implementing infrastructure  
407 and utility improvements to promote economic development on Boulder drive in the city of  
408 Fitchburg; provided further, that not less than \$500,000 shall be expended to Fitchburg State  
409 University for the development of the Idealab business entrepreneurship center; provided further,  
410 that not less than \$350,000 shall be expended to the city of Fitchburg for the implementation of a  
411 municipal fiber-optic telecommunication infrastructure; provided further, that not less than  
412 \$1,000,000 shall be expended to the city of Leominster for the redevelopment of the building at  
413 210 Lancaster street into a school-to-work training center for student workforce development;  
414 provided further, that not less than \$1,200,000 shall be expended to the city of Leominster for the  
415 replacement of sewer and water lines in the central business district from the intersections of  
416 Mechanic and Main streets to Central and Tocci streets; provided further, that not less than  
417 \$3,000,000 shall be expended for the Springfield Science Museum for comprehensive upgrades  
418 including a planetarium dome, upgrading interactive exhibits, installation of multi-sensory and  
419 immersive environments to compliment the historic dioramas, an animatronic dinosaur and new  
420 educational learning center; provided further, that \$2,000,000 shall be expended for the design  
421 and construction of traffic signals at the intersection of Ash street and West Chestnut street in the  
422 city of Brockton; provided further, that not less than \$3,175,000 shall be expended for the design  
423 and construction of waste water treatment facility improvements in the city of Haverhill to  
424 reduce combined sewer overflows into the Merrimack River; provided further, that \$2,500,000  
425 shall be expended to secure and raze buildings with Brockton Redevelopment Authority as part  
426 of the Downtown Brockton Urban Redevelopment in the city of Brockton; provided further, that  
427 not less than \$1,000,000 shall be expended for sewer and roadway infrastructure improvements

428 and for expanded housing and economic development for the intersection of Poquanticut avenue  
429 and Foundry street in the town of Easton; provided further, that not less than \$1,000,000 shall be  
430 expended for renovations at the historic Engine 8 fire station on Hanover street in the North End  
431 section of the city of Boston; provided further, that not less than \$250,000 be expended for a  
432 feasibility analysis on constructing a new public high school in the city of Revere including, but  
433 not limited to, potential sites, capital costs and population growth projections; provided further,  
434 that not less than \$3,000,000 shall be expended for educational opportunities and a workforce  
435 development program in the city of Revere to be run by the Revere economic development  
436 department; provided further, that not less than \$3,000,000 shall be expended for the expansion  
437 of water and sewer infrastructure in the town of Mendon; provided further, that not less than  
438 \$5,000,000 shall be expended for the expansion and improvement of the cruise terminal and  
439 passenger disembarkation system in the city of Salem; provided further, that not less than  
440 \$1,125,000 shall be expended to support the small business incubator hub at Stetson hall,  
441 infrastructure improvements at Union Crossing and the Urban Renewal Plan for Crawford square  
442 in the city known as the town of Randolph; provided further, that not less than \$1,500,000 shall  
443 be expended for the renovation of the barracks building and the hangar at Winter Island in the  
444 city of Salem; provided further, that not less than \$2,500,000 shall be expended for the  
445 revitalization of Cabot street in the downtown area in the city of Beverly; provided further, that  
446 not less than \$300,000 shall be expended for OpenCape Corporation to expand fiber optic cable  
447 in the village of Hyannis in the town of Barnstable; provided further, that not less than \$300,000  
448 shall be expended for the town of Provincetown to expand access to broadband internet in the  
449 town; provided further, that not less than \$4,000,000 shall be expended to city of Springfield for  
450 the revitalization of the Indian Orchard neighborhood; provided further, that not less than

451 \$4,000,000 shall be expended to Way Finders, Inc., a housing and community development  
452 agency in the city of Springfield, for infrastructure improvements and capital investments to  
453 support the expansion of services relative to affordable housing, homeownership opportunities,  
454 neighborhood redevelopment, financing for small businesses and other community housing and  
455 economic development initiatives; provided further, that not less than \$1,000,000 shall be  
456 expended for the Roxbury Trust Fund for the creation of jobs, job training and placement,  
457 business development and expansion, financial workshops for individuals and small businesses,  
458 education, literacy and English language acquisition in the Roxbury section of the city of Boston;  
459 provided further, that \$1,000,000 shall be expended for construction, renovations and  
460 infrastructure improvements for the Italian Home for Children campuses located in the Jamaica  
461 Plain section of the city of Boston and in the East Freetown section of the town of Freetown;  
462 provided further, that not less than \$100,000 shall be expended for the mitigation of or  
463 contribution toward any cost associated with design, construction or infrastructure improvements  
464 related to the redevelopment of the intersection of Carew and Cass streets in the city of  
465 Springfield; provided further, that not less than \$3,000,000 shall be expended to enhance  
466 economic opportunity for the village of south Braintree in order to draw biomedical, life science,  
467 and related commerce initiatives to tie in the growing transportation system in the southern  
468 section of the city known as the town of Braintree; provided further, that \$1,500,000 shall be  
469 expended for infrastructure improvements at the Seaport Marina in the city of Lynn; provided  
470 further, that not less than \$1,000,000 shall be expended for the redevelopment of the old town  
471 hall building in the town of Walpole; provided further, that not less than \$2,000,000 shall be  
472 expended for downtown economic development projects, streetscape improvements, parking,  
473 facade and signage consistency and improvements and small business support including, but not

474 limited to, the recruitment of innovative businesses and the creative arts community in the town  
475 of Walpole; provided further, that \$3,500,000 shall be expended to the Zeiterion Theatre in the  
476 city of New Bedford for capital facility repairs and improvements including, but not limited to,  
477 marquee design and construction in order to provide world-class performing arts in the  
478 downtown area of the city that will benefit financially-disadvantaged children and families;  
479 provided further, that not less than \$500,000 shall be expended for the Transit Oriented  
480 Development Public Parking Garage Feasibility Study, which shall include, but not be limited to,  
481 the parking structure, land acquisition costs and associated economic development planning and  
482 materials costs in the city of Attleboro; provided further, that not less than \$500,000 shall be  
483 expended for intersection improvement projects on state highway route 106, East Center street,  
484 to fund engineering and design improvements for the commercial corridor in the town of West  
485 Bridgewater; provided further, that \$4,000,000 shall be expended for the Buttonwood Park Zoo  
486 in the city of New Bedford for capital facility repairs and redevelopment as part of the master  
487 plan redevelopment project to benefit financially disadvantaged children; provided further, that  
488 \$250,000 shall be expended for clean up of the municipal trash site in the city of Attleboro;  
489 provided further, that \$500,000 shall be expended to the Southeastern Massachusetts Convention  
490 & Visitors Bureau, Inc. in consultation with Downtown New Bedford Inc. and the New Bedford  
491 Area Chamber of Commerce, Inc., to develop and implement a marketing campaign to generate  
492 increased visitation, tourism and economic development in and around the downtown of the city  
493 of New Bedford, which may include, but shall not be limited to, billboards, print media, social  
494 media, radio, television and other electronic forms of advertising in the Greater Boston area;  
495 provided further, that not less than \$300,000 be expended on a technical assistance program for  
496 small businesses, mid-sized businesses and entrepreneurs in the East Boston section of the city of

497 Boston, of which \$100,000 shall be expended for technical support to immigrant and non-  
498 English speaking businesses and business owners and administered by East Boston Mainstreets  
499 Inc.; provided further, that \$4,000,000 shall be expended to the Northstar Learning Centers, Inc.  
500 to design and construct the early childhood education center in the city of New Bedford to  
501 benefit financially disadvantaged children and families by removing barriers to educational and  
502 economic success; provided further, that not less than \$2,000,000 shall be expended for dry dock  
503 improvements and dredging at Milton landing, dredging of the Milton wharf and reconfiguration  
504 and reconstruction of the Wood street overpass in the town of Milton; provided further, that not  
505 less than \$1,200,000 shall be expended for the town of Nantucket for the replacement of the  
506 town pier and floating dock and related expenses; provided further, that not less than \$300,000  
507 shall be expended for the Nantucket Dreamland Foundation for a feasibility study and related  
508 costs for the expansion of the Nantucket Dreamland Foundation building on South Water street  
509 in the town of Nantucket; provided further, that \$1,000,000 shall be expended for the town of  
510 Oak Bluffs for improvements to the North Bluff ferry terminal area; provided further, that  
511 \$300,000 shall be expended for the town of Gosnold for the planning, engineering and  
512 construction of a visitor center at the Coast Guard Boat House; provided further, that not less  
513 than \$500,000 shall be expended for the Hyannis Main street Business Improvement District to  
514 purchase property on Main Street in Barnstable, for use as a visitor and welcome center;  
515 provided further, that not less than \$750,000 shall be expended for the renovation and  
516 rehabilitation of the Patton Homestead in the town of Hamilton; provided further, that not less  
517 than \$200,000 shall be expended for an economic development study in the town of Merrimac;  
518 provided further, that not less than \$11,000,000 shall be expended to the Massachusetts  
519 International Festival of the Arts, Inc. for the restoration of the Victory Theatre in the city of

520 Holyoke; provided further, that not less than \$2,500,000 shall be expended for the replacement  
521 of the deteriorating bulkhead supporting the boardwalk on Newburyport's Central Waterfront  
522 and for the design and construction of the final phase of the Clipper City rail trail connection  
523 across United States highway route 1, including redesign of the United States route 1 rotary and  
524 pedestrian ways; provided further, that not less than \$125,000 shall be expended for upgrades  
525 and improvements to the shellfish purification plant in the city of Newburyport; provided further,  
526 that not less than \$200,000 shall be expended for the design, and construction of a seafood test  
527 kitchen in the city of Gloucester; provided further, that not less than \$1,000,000 shall be  
528 expended for the planning, design and construction of an archives facility in the city of  
529 Gloucester; provided further, that not less than \$1,000,000 shall be expended for dockage and  
530 other facilities for the accommodation of transient boaters and other improvements at the  
531 Gloucester harbormaster's office in the city of Gloucester; provided further, that not less than  
532 \$1,000,000 shall be expended for the expansion of and increased access to the riverwalk trail and  
533 park area, including a bridge crossing the Powow river; provided further, that not less than  
534 \$1,500,000 shall be expended for road construction on route 110 and Elm street to facilitate  
535 access to the development site in the city of Amesbury; provided further, that not less than  
536 \$1,000,000 shall be expended for economic development projects in the town of Georgetown;  
537 provided further, that not less than \$1,000,000 shall be expended for improvements to commuter  
538 parking and other facilities for the North Wilmington commuter rail station in the town of  
539 Wilmington; provided further, that not less than \$250,000 shall be expended for economic  
540 development infrastructure improvements on the route 38 corridor in the town of Wilmington;  
541 provided further, that not less than \$1,000,000 shall be expended for the planning, design and  
542 construction of a commuter rail site in the town of North Andover; provided further, that not less



543 than \$3,750,000 shall be expended for the city of Lowell for planning and investment in  
544 opportunity zones, including the restoration of sidewalks, lighting, street furnishings, street trees  
545 and other plantings as well as transit-oriented development planning for route 110 from Cross  
546 Point Towers to the Charles A. Gallagher Transit Terminal and the construction of a new public  
547 park with festival and event space accommodations and a pedestrian walkway connecting a  
548 public parking facility to adjacent development opportunities; provided further, that not less than  
549 \$2,000,000 shall be expended for the city of Lowell to conduct a parking analysis and implement  
550 recommendations and technology upgrades to city-owned parking facilities; provided further,  
551 that not less than \$2,000,000 shall be expended for the city of Lowell to procure services for  
552 design and construction of a bridge over the Pawtucket canal and associated walkways or a water  
553 taxi dock to enhance pedestrian access to Western Avenue Studios; provided further, that not less  
554 than \$1,000,000 shall be expended for the city of Lowell to design and construct the Merrimack  
555 riverwalk phase II project, including a pedestrian walkway, ramp, cantilevered overlook and  
556 bridge over the Concord river, and other services associated with those activities; provided  
557 further, that not less than \$250,000 shall be expended for the city of Lowell to procure services  
558 for the redevelopment of the Hamilton Canal Innovation District, including activities associated  
559 with submission of a notice of project changes for the district's Massachusetts environmental  
560 policy act certificate, and brokerage services to include marketing, sale negotiation and other  
561 services associated with those activities; provided further, that not less than \$2,000,000 shall be  
562 expended for the city of Lowell to acquire properties that will advance the goals and objectives  
563 of the town of Ayer's City Industrial Park Urban Revitalization and Development Project Plan,  
564 and other services associated with those activities; provided further, that not less than \$2,250,000  
565 shall be expended for the purchase of dredging equipment to service the region that includes

566 Cape-Ann and extends to the New Hampshire border; provided further, that not less than  
567 \$1,000,000 shall be expended for investment in the town of Tyngsborough; provided further, that  
568 not less than \$200,000 shall be expended for a study to analyze strategies and opportunities to  
569 protect and expand affordable and workforce housing in the city of Revere; provided further, that  
570 not less than \$2,750,000 shall be expended to support the implementation, planning and  
571 construction of projects recommended by that study; provided further, that not less than  
572 \$3,900,000 shall be expended to the town of West Springfield for the revitalization of the  
573 downtown area; provided further, that not less than \$6,000,000 shall be expended for roadway,  
574 sidewalk, streetscape and other infrastructure improvements along the Main street and state  
575 highway route 9 downtown business district corridor in the city of Northampton; provided  
576 further, that not less than \$2,000,000 shall be expended for sidewalk, street lighting, streetscape  
577 and other infrastructure improvements in the Florence downtown business district of the city of  
578 Northampton; provided further, that not less than \$100,000 shall be expended for building safety  
579 improvements to the historic, municipally-owned Academy of Music Theatre in the city of  
580 Northampton to sustain its economic vitality as a local and regional entertainment venue;  
581 provided further, that not less than \$100,000 shall be expended for a study and design of a  
582 municipal broadband network in the city of Northampton; provided further, that not less than  
583 \$2,500,000 shall be expended for infrastructure and improvements at 34 Riddell street in the city  
584 of Greenfield; provided further, that not less than \$130,000 shall be expended for the New  
585 England Learning Center for Women in Transition in the city of Greenfield; provided further,  
586 that not less than \$150,000 shall be expended to the Hampshire Regional Tourism Council for  
587 the implementation of an outdoor recreation marketing campaign; provided further, that not less  
588 than \$150,000 shall be expended to the Franklin County Regional Tourism Council to examine

589 intermodal transportation enhancements to spur economic development around outdoor  
590 recreation; provided further, that not less than \$870,000 shall be expended to the Franklin  
591 Hampshire Career Center for a one stop career center in Hampshire county; provided further,  
592 that not less than \$205,000 be expended for the Marine Renewable Energy Collaborative to  
593 acquire and install new equipment at the Bourne Tidal Test Site; provided further, that not less  
594 than \$500,000 be expended for the Woods Hole Oceanographic Institute to utilize autonomous  
595 vehicles to detect harmful algal blooms that impact fishermen and shellfishermen; provided  
596 further, that not less than \$3,000,000 shall be expended for infrastructure improvements to  
597 Hedges Pond road in the town of Plymouth; provided further, that not less than \$1,500,000 shall  
598 be expended to the Abington and Rockland Joint Water Works for improvements to and  
599 expansion of the Meyers Avenue Plant; provided further, that not less than \$2,500,000 shall be  
600 expended for business development, infrastructure, streetscape and accessibility improvements in  
601 the town of Braintree; provided further, that not less than \$3,500,000 shall be expended for  
602 business development, infrastructure and streetscape improvements in Wollaston Center in the  
603 city of Quincy; provided further, that not less than \$2,000,000 shall be expended for business  
604 development, infrastructure and streetscape improvements in the town of Holbrook; provided  
605 further, that not less than \$1,250,000 shall be expended for business development, infrastructure  
606 and streetscape improvements in the town of Rockland; provided further, that not less than  
607 \$1,250,000 shall be expended for business development, infrastructure and streetscape  
608 improvements in the town of Abington; provided further, that not less than \$1,500,000 shall be  
609 expended for the city of Everett for facade and streetscape improvements in neighborhood  
610 business districts; provided further, that not less than \$3,000,000 be allocated for water  
611 distribution infrastructure projects in the town of Kingston; provided further, that not less than

612 \$3,000,000 shall be expended for the city of Everett for a new roadway near BNY Mellon and  
613 the Berberian sites in order to design and build the roadway and create a bike path connection  
614 between BNY and the GE site; provided further, that not less than \$4,500,000 shall be expended  
615 for the city of Chelsea for the Beacham Street Rehabilitation Project in order to enhance the  
616 economic viability of the Produce Center; provided further, that not less than \$1,200,000 shall be  
617 expended for the construction of a children's museum in the city of Peabody; provided further,  
618 that not less than \$350,000 shall be expended for roadway design of Pulaski Mills in the city of  
619 Peabody; provided further that not less than \$150,000 shall be expended for welcome signs in the  
620 city of Peabody; provided further that \$500,000 shall be expended for equipment, materials and  
621 transportation for the carpentry and electric, machine tool technology, and auto technology  
622 programs at Chicopee Comprehensive High School in the city of Chicopee; provided further, that  
623 \$4,000,000 shall be expended for new construction of 4,500 lineal feet of Riverside drive with  
624 accompanying infrastructure as a public way within the Ludlow Mills complex in the town of  
625 Ludlow; provided further, that \$2,000,000 shall be expended to create a Baystate Clinical Trials  
626 Unit, which would provide infrastructure, staffing, services, training, and support to facilitate  
627 clinical and translational research with human subjects and develop national partnerships to  
628 advance cutting edge medical research; provided further, that \$2,000,000 shall be expended to  
629 create a Baystate Collaborative Addiction Resource Team, which would establish a multi-  
630 disciplinary, multi-modal, evidence-based addictions service to serve the large number of  
631 individuals treated at Baystate who have substance use disorders with an emphasis on facilitating  
632 evidence-based MAT; provided further, that not less than \$3,000,000 shall be expended to fund  
633 infrastructure improvements at the Victor drive and Main street intersection in the town of  
634 Tewksbury; provided further, that not less than \$1,500,000 shall be expended to fund sidewalk

635 repairs, traffic lights, and infrastructure improvements at the intersection of Mammoth road and  
636 Lakeview avenue and along Lakeview avenue in the town of Dracut; provided further, that not  
637 less than \$2,000,000 shall be expended for the city of Cambridge to support accessibility  
638 improvements for businesses along Cambridge street; provided further, that \$500,000 shall be  
639 expended for the Lower Pioneer Valley Educational Collaborative to replace, repair and upgrade  
640 equipment for various programs at the Lower Pioneer Valley Educational Collaborative Career  
641 Technical Educational Center; provided further, that not less than \$1,000,000 shall be expended  
642 for the city of Cambridge for the expansion of biomedical and information technology (IT)  
643 workforce development programs to prepare local low- to moderate-income adults for careers in  
644 the biotechnology, life sciences, medical research industries, and IT, as well as supply local  
645 employers with work-ready, diverse employees; provided further, that not less than \$1,500,000  
646 shall be expended to fund river tourism and road construction along the Merrimack River to  
647 support economic development in the area; provided further, that not less than \$2,000,000 shall  
648 be expended to fund economic development & infrastructure improvements along Rt. 133 and  
649 Shawsheen Square in the town of Andover; provided further that not less than \$300,000 be  
650 expended for the street-scaping, lighting, and other improvements in Winthrop's business district;  
651 provided further, that \$2,500,000 shall be expended for the Boston 4 Celebrations Foundation  
652 Inc. for the Boston Pops July fourth fireworks spectacular at the Edward A. Hatch Memorial  
653 Shell in the city of Boston; provided further that not less than \$1,000,000 be provided to the  
654 Magazine Beach Partners to be expended on the renovations and redesign of Magazine Beach  
655 and its parks in the city of Cambridge; provided further, that not less than \$3,000,000 shall be  
656 expended for the expansion of water, sewer, and green energy infrastructure along route 122 and  
657 Central street in the towns of Millville and Blackstone; provided further, that not less than

658 \$4,000,000 shall be expended for the development of the Draper Mill Complex in the town of  
659 Hopedale; provided further, that not less than \$2,000,000 shall be expended for the  
660 redevelopment and revitalization of the downtown area in the town of Milford; provided further,  
661 that not less than \$1,000,000 shall be expended to fund downtown revitalization and  
662 infrastructure improvements in the town of Andover; provided further, that not less than  
663 \$10,000,000 be expended to the Boston Housing Authority for the Mary Ellen McCormack  
664 Redevelopment project to create new Senior, Veterans, and Workforce Housing; provided  
665 further, that \$3,500,000 shall be expended for further development and improvement to  
666 infrastructure along the Saugus River waterfront in the town of Saugus; provided further, that not  
667 less than \$2,000,000 shall be expended for the Jackson Square Recreation Center in the Roxbury  
668 section of the city of Boston; provided further, that not less than \$2,000,000 shall be expended to  
669 the Blessed Sacrament in Jamaica Plain; provided further that not less than \$350,000 shall be  
670 expended for the Black Economic Council of Massachusetts for technical assistance; provided  
671 further that not less than \$250,000 shall be expended for STRIVE FORWARD, a job-readiness  
672 program to be coordinated by the Justice Resource Institute to connect chronically unemployed  
673 adults with training, case management and job placement; and provided further, that not less than  
674 \$200,000 shall be expended to Beacon Communities for a job training program at the John L.  
675 Tierney Center in the South Boston section of the city of Boston; provided further that not less  
676 than \$100,000 shall be expended for capital needs, programming and operations at the Ella J.  
677 Baker house in the Dorchester section of the city of Boston; and provided further that not less  
678 than \$100,000 shall be expended for South Boston En Accion; provided further, that \$1,000,000  
679 shall be expended for improvements to infrastructure and signage along the Washington Street  
680 Corridor in the city of Lynn; provided further, that \$2,000,000 shall be expended for

681 improvements at Historic Barry Park in the city of Lynn; provided that not less than \$1,000,000  
682 shall be expended to the Dorchester Bay Economic Development Corporation for the design,  
683 construction, and renovation of the Pierce Building in the Uphams Corner section of the city of  
684 Boston; provided further, that \$2,700,000 shall be expended for infrastructure and road  
685 improvements at the intersection of interstate highway route 95, South Main street, and Old Post  
686 road in the town of Sharon; provided further, that not less than \$3,250,000 shall be expended for  
687 the town of Mashpee for the design, engineering and construction of a wastewater discharge  
688 force main and related disposal site to support reasonable economic development in the town's  
689 central business district; provided further, that not less than \$3,000,000 shall be expended for the  
690 downtown revitalization of the town of Pembroke; provided further, that not less than \$2,000,000  
691 shall be expended to fund site assessment, master planning and demolition at Merrimack Paper  
692 in the city of Lawrence; provided further that not less than \$1,000,000 shall be expended to fund  
693 repairs and rehabilitation of Museum Square Parking Garage in the city of Lawrence; provided  
694 further, that \$2,000,000 shall be expended for a traffic study and the design and construction of  
695 traffic signals at the intersection of Hanover street, Circuit street, and Pleasant street in the town  
696 of Hanover; provided further, that \$320,000 shall be expended for the replacement of Field  
697 lighting, poles and installation costs at the Serrico Field located at the Silver Lake Regional High  
698 School in the town of Kingston; provided further, that \$3,000,000 shall be expended for the CSX  
699 property located along an active commuter and freight rail line running north-south for future  
700 commercial/industrial development located in the city of Brockton; provided further, that  
701 \$500,000 shall be expended to build 4 monitoring stations, with access for setup, monitoring, and  
702 maintenance to automate the monitoring of the cyanobacteria sampling locations in Monponsett  
703 Pond as part of a resource management plan ordered by the Department of Environmental

704 Protection in the town of Halifax; and provided further that not less than \$700,000 be expended  
705 for the planning and construction of a roadway and drainage improvement at the Belle Isle  
706 Terrace business district .....\$537,345,000

707 7002-1501. For grants administered by Massachusetts Technology Development  
708 Corporation established in section 2 of chapter 40G of the General Laws, and doing business as  
709 MassVentures; provided that such grants shall be made on a competitive basis to growing  
710 Massachusetts-based companies commercializing technologies developed with assistance of a  
711 Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR)  
712 grant from a federal agency, including, but not limited to, the United States Department of  
713 Defense, the United States Department of Energy, or the National Science  
714 Foundation..... \$12,500,000

715 7002-8006. For the MassWorks infrastructure program established in section 63 of  
716 chapter 23A of the General Laws.....\$250,000,000

717 7002-8007. For matching grants to enable institutions of higher education, including  
718 state and municipal colleges and universities, to participate in and receive federal funding  
719 through Manufacturing USA, formerly known as the National Network for Manufacturing  
720 Innovation..... \$25,000,000

721 7002-8019. For the Massachusetts Growth Capital Corporation established in section 2  
722 of chapter 40W of the General Laws, for a program to provide matching grants to community  
723 development financial institutions certified by the United States Treasury or community  
724 development corporations certified under chapter 40H of the General Laws to enable the  
725 community development financial institution or community development corporation to leverage



726 federal or private investments for the purpose of making loans to small  
727 businesses..... \$1,250,000

728       7002-8022. For the Massachusetts Cybersecurity Innovation Fund established in  
729 section 4H of chapter 40J of the General Laws.....\$2,500,000

730       7002-8023. For grants to coastal communities to undertake dredging projects,  
731 including the purchase of dredging equipment on a regional basis, that will promote job creation,  
732 increase commercial activity, contribute to downtown revitalization or advance other local  
733 economic development goals; provided, that all grants shall be matched on a 1 to 1 basis by the  
734 grantee..... \$50,000,000

735       SECTION 2B.

736       EXECUTIVE OFFICE OF EDUCATION

737       Office of the Secretary

738       7009-2005. For a competitive grant program to be administered by the executive  
739 office of education, in consultation with the executive office of housing and economic  
740 development and the executive office of labor and workforce development, to provide funding  
741 for the purchase and installation of equipment and related improvements and renovations to  
742 facilities necessary for the installation and use of such equipment, to establish, upgrade and  
743 expand career technical education and training programs that are aligned to regional economic  
744 and workforce development priorities; provided, that grant applications may facilitate  
745 collaboration to provide students enrolled in eligible vocational technical schools with  
746 postsecondary opportunities consistent with clause (o) of the first paragraph of section 22 of

747 chapter 15A of the General Laws and section 37A of chapter 74 of the General Laws; provided  
748 further, that community colleges and innovation centers that receive funds from the  
749 Massachusetts Life Sciences Center shall also be eligible for funds from this program; provided  
750 further, that the executive office of education, in consultation with the executive office of  
751 housing and economic development and the executive office of labor and workforce  
752 development, shall adopt additional guidelines as necessary for the administration of the  
753 program; and provided further, that awards may be made to community-based organizations with  
754 recognized success in training adults with barriers to employment.....\$75,000,000

755 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

756 Office of the Secretary

757 6720-1341. For the mitigation of or contribution toward costs associated with or  
758 arising out of the design, construction or infrastructure improvements to the Raymond L. Flynn  
759 Cruiseport in the South Boston section of the city of Boston to accommodate large cruise ships  
760 and increasing passenger demand, for the continued competitiveness of the terminal; provided,  
761 that the secretary, in coordination with the chief executive officer of the Massachusetts Port  
762 Authority, shall seek to maximize federal and private funds and reimbursement to offset, to the  
763 extent feasible, costs incurred under this item; provided further, that the Massachusetts Port  
764 Authority shall implement a program that reduces emissions associated with cruise ship  
765 operations while said ships are at berth not later than July 1, 2024; provided further, that said  
766 program to reduce emissions shall include ship-to-shore capabilities or other advanced emission  
767 reduction technology; and provided further, that the Massachusetts Port Authority shall publish  
768 an annual report concerning environmental impacts of operations at the Conley Terminal and

769 Flynn Cruiseport, including but not limited to, air quality, emissions and noise  
770 pollution.....\$100,000,000

771 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

772 Office of the Secretary.

773 0640-0302. For the Massachusetts Cultural Facilities Fund established in section 42 of  
774 chapter 23G of the General Laws for the acquisition, design, construction, repair, renovation,  
775 rehabilitation or other capital improvement or deferred maintenance to a cultural facility to  
776 advance and promote tourism through the preservation of the state’s cultural  
777 resources.....\$50,000,000

778 SECTION 3. Section 20 of chapter 6C of the General Laws, as amended by section 7 of  
779 chapter 47 of the acts of 2017, is hereby further amended by adding the following paragraph:-

780 Notwithstanding this section, section 46 or any other general or special law to the  
781 contrary, the department may convey, or lease for a term not to exceed 198 years, air rights  
782 within the parcel known as Massachusetts Turnpike Parcel 15 to the designated developer of that  
783 parcel or its nominee. The parcel is located in the city of Boston and bounded by Cambria street  
784 to the south, St. Cecilia street to the west, Boylston street and private property to the north and  
785 Dalton street to the east. The boundaries of the air rights conveyed or leased shall preserve the  
786 department’s ownership of the turnpike roadway and adjacent rail tracks and air space above the  
787 roadway and rail tracks as considered necessary and desirable by the department for its  
788 transportation purposes. Any such sale or lease may include air rights above streets owned by  
789 the department that adjoin the parcel and the department may grant a developer or its nominee  
790 rights and easements to install and maintain foundations, walls and other appurtenances below

791 the air rights so conveyed or leased, all on such terms and conditions as the secretary of  
792 transportation or general counsel deems necessary or desirable. Any such sale or lease shall be  
793 at the then-fair market value of the air rights as determined using customary appraisal practices  
794 in the commonwealth and shall not be subject to the requirements of this section. Any such sale  
795 or lease shall be subject to: (i) the department reserving all easements and rights needed for its  
796 transportation purposes; (ii) recognition by the developer or its nominee that the department's  
797 transportation needs remain paramount; (iii) compliance by the developer or its nominee with the  
798 department's requirements for indemnification, covenants not to sue and releases relating to  
799 negative impacts from development above the turnpike and rail lines; (iv) the developer fulfilling  
800 its commitment to the city of Boston's inclusionary development policy by building off-site units  
801 in the Back Bay or Fenway and Kenmore sections of the city of Boston or the South End  
802 planning district, with a preference for locations within 1/2 mile of the project site; and (v) such  
803 other terms and conditions as the secretary of transportation or the general counsel determines  
804 are necessary or desirable. The developer or its nominee shall be obligated to take such premises  
805 "as is, where is" with all existing site conditions, including existing environmental conditions. If  
806 the department of transportation completes such a sale or extended lease and if the developer's  
807 mandatory inclusionary development policy contribution in combination with available  
808 commonwealth funding is insufficient to construct 1 or more viable projects totaling a minimum  
809 of 51,840 square feet of affordable housing within the geographic area established in clause (iv),  
810 the department of transportation shall transfer an amount of up to 20 per cent of the sale or lease  
811 proceeds to the Boston Redevelopment Authority as gap financing to be used exclusively for the  
812 construction of affordable housing. If the Boston Redevelopment Authority certifies that 1 or  
813 more viable projects totaling 51,840 square feet or more within the geographic area has been

814 identified, the department of transportation shall instead transfer an amount equal to 12 per cent  
815 of the sale or lease proceeds to increase the number of affordable units in those projects. In  
816 neither case shall the department of transportation funds or other commonwealth funds be used  
817 to subsidize or offset a developers' inclusionary development policy commitment.

818 SECTION 4. Section 16 of chapter 6D of the General Laws, as appearing in the 2016  
819 Official Edition, is hereby amended by striking out subsection (c).

820 SECTION 5. Section 3C of chapter 23A of the General Laws, as so appearing, is hereby  
821 amended by adding the following subsection:-

822 (d) Notwithstanding subsections (b) and (c), the EACC may, by guideline or regulation,  
823 establish a program to incentivize businesses to occupy vacant storefronts in downtown areas.  
824 The EACC may award EDIP tax credits to storefront tenants on a competitive basis, taking into  
825 account factors including, but not limited to: (i) the number of jobs to be created; (ii) the volume  
826 of pedestrian traffic to be generated; (iii) potential synergy with other downtown businesses; (iv)  
827 whether there is a matching contribution from the municipality or the landlord; (v) commitment  
828 to storefront improvements; and (vi) whether the municipality has made local plans or  
829 investments to revitalize the downtown. Certification of such a project shall require that a  
830 business commit to occupying the vacant storefront for a period of not less than 1 year, but the  
831 business shall not be required to invest in improvements or create new jobs. The EACC shall not  
832 award more than \$500,000 in EDIP tax credits in a calendar year to projects certified pursuant to  
833 this subsection.

834 SECTION 6. Said chapter 23A is hereby further amended by striking out section 10B, as  
835 so appearing, and inserting in place thereof the following section:-

836 Section 10B. The secretary of housing and economic development shall establish a  
837 Massachusetts advanced manufacturing collaborative, hereinafter referred to as the collaborative,  
838 within the executive office of housing and economic development, which shall be responsible for  
839 advising and assisting on the development, implementation and periodic update of a plan to  
840 foster and strengthen the conditions necessary for growth and innovation of manufacturing  
841 within the commonwealth. The collaborative shall include, but not be limited to: the secretary of  
842 housing and economic development, or a designee, who shall serve as chair; the secretary of  
843 labor and workforce development, or a designee; 1 person who shall be appointed by the speaker  
844 of the house of representatives; 1 person who shall be appointed by the president of the senate;  
845 the director of the office of business development; the executive director of the Massachusetts  
846 clean energy center; the executive director of the Massachusetts Life Sciences Center; the  
847 executive director of the John Adams Innovation Institute; the executive director of the  
848 Massachusetts Technology Transfer Center; the president of the Massachusetts Manufacturing  
849 Extension Partnership, Inc.; a representative from the Associated Industries of Massachusetts,  
850 Inc.; a representative from the Massachusetts Workforce Board Association; a representative  
851 from the Massachusetts Development Finance Agency; a representative from the Massachusetts  
852 Technology Park Corporation; a representative from a local chamber of commerce appointed by  
853 the governor; and 8 members appointed by the governor to represent the commonwealth's large  
854 manufacturers, small-to-medium sized enterprises, incubators, innovation centers and federally-  
855 funded research and development centers. The collaborative shall: (i) consult with stakeholders  
856 in the public and private sector in the development and implementation of the commonwealth's  
857 manufacturing plan; (ii) identify emerging priorities within the commonwealth's manufacturing  
858 sector in order to make recommendations for high impact projects and initiatives; (iii) facilitate

859 the implementation of goals established under the plan; and (iv) develop a statewide certification  
860 process for the advanced manufacturing industry with the goal of establishing uniform industry  
861 workforce standards across the commonwealth. The collaborative may establish working groups  
862 that aid in the development and implementation of the plan.

863 SECTION 7. Said section 63 of said chapter 23A, as so appearing, is hereby amended by  
864 striking out, in lines 57 and 58, the following words:- , and towns shall be eligible to receive 1  
865 grant every 3 fiscal years.

866 SECTION 8. Subsection (b) of section 2RR of chapter 29 of the General Laws, as so  
867 appearing, is hereby amended by adding the following paragraph:-

868 (3) To provide grants for pipeline training for unemployed persons by an employer with a  
869 job vacancy, an employer association, local workforce investment board, labor organization,  
870 community-based organization, including an adult basic education provider, institution of higher  
871 education, vocational education institution, one-stop career center, local workforce development  
872 entity or a nonprofit education, training or other service provider; provided, however, that the  
873 director shall not allocate more than 5 per cent of the annual capitalization of the fund to provide  
874 for such grants. In determining grant recipients, the director shall contract with the  
875 commonwealth corporation to distribute the grants in a need based, competitive process in  
876 accordance with the rules and parameters outlined in section 2WWW. The grants shall be  
877 performance-based and 50 per cent funded upon enrollment in the program, with the balance to  
878 be paid contingent upon job placement and retention outcomes that demonstrate placement of a  
879 participant in a training-related position requiring not less than 30 hours per week for not less  
880 than 2 months. To further support pipeline training and to match the substantial contributions

881 made from employers to the fund, the commonwealth shall match, subject to appropriation,  
882 money used for grants pursuant to this paragraph.

883 SECTION 9. Subsection (a) of section 2WWW of chapter 29 of the General Laws, as so  
884 appearing, is hereby amended by adding the following sentence:- These grants shall be known as  
885 the “Senator Kenneth J. Donnelly Workforce Success” grants.

886 SECTION 10. Chapter 40 of the General Laws is hereby amended by striking out section  
887 54A and inserting in place thereof the following section:-

888 Section 54A. If a city or town or any other person purchases any former railroad right-of-  
889 way in the commonwealth, no permit to build a structure of any kind on land so purchased shall  
890 be issued by any city or town in the commonwealth without first obtaining the consent, or a  
891 determination of inapplicability, in writing to the issuance of such permit from the secretary of  
892 the department of transportation. The department of transportation shall establish an application  
893 process, applicable timeframes and review guidelines that may require a public hearing  
894 component depending on when the former railroad right-of-way was last used by the railroad. As  
895 used in this section, the term “former railroad right-of-way” shall mean any property either  
896 formerly owned in fee by a railroad company and used as a railroad right-of-way or portion of  
897 any property formerly subject to an easement held by a railroad company and used as a railroad  
898 right-of-way. If said secretary does not consent to the issuance of such permit, the owner of the  
899 land may recover from the commonwealth such damages as would be awarded under the  
900 provisions of chapter seventy-nine.



901 Notwithstanding the provisions of the last sentence of the foregoing paragraph, there  
902 shall be no recovery from the commonwealth or the department in damages under said sentence  
903 by an owner of such land purchased after January 1, 1976.

904 SECTION 11. Chapter 40J of the General Laws is hereby amended by inserting after  
905 section 4G the following section:-

906 Section 4H. (a) In order to grow the cybersecurity industry cluster in the commonwealth  
907 and protect against cybersecurity threats, there is hereby established and set up on the books of  
908 the corporation the Massachusetts Cybersecurity Innovation Fund, hereinafter referred to as the  
909 fund, to which shall be credited the proceeds of any bonds or notes of the commonwealth issued  
910 for the purpose, and any appropriations designated by the general court to be credited thereto.  
911 The fund shall be administered by the corporation. The corporation shall hold the fund in an  
912 account or accounts separate from other funds of the corporation. The purpose of the fund shall  
913 be to: (i) support facilities, hardware and software used to develop or test cybersecurity solutions  
914 and enable the growth of innovative ideas to address cybersecurity threats; (ii) accelerate the  
915 growth of the cybersecurity cluster and related clusters; (iii) expand employment opportunities  
916 and address talent pipeline needs in the cybersecurity industry and related industries for the  
917 residents of the commonwealth, including, but not limited to, women, minorities, veterans, and  
918 unemployed and underemployed individuals, through workforce training; (iv) match public and  
919 private universities with industry participants to develop cybersecurity technology and expand  
920 other relevant capabilities; and (v) promote the development and implementation of educational  
921 programs within the commonwealth's public schools, kindergarten to grade 12, inclusive, and  
922 public institutions of higher education through collaboration with Massachusetts Computing  
923 Attainment Network.

924 SECTION 12. Paragraph (a) of part B of section 3 of chapter 62 of the General Laws, as  
925 appearing in the 2016 Official Edition, is hereby amended by striking out subparagraph (10) and  
926 inserting in place thereof the following subparagraph:- (10) An amount equal to 10 per cent of  
927 the cost of renovating any abandoned building that is part of a certified project as defined in  
928 section 3A of chapter 23A.

929 SECTION 13. Section 6 of said chapter 62 is hereby amended by striking out, in lines  
930 1052 and 1053, as so appearing, the words “who is not the principal owner of the qualifying  
931 business and who is” and inserting in place thereof the following words:- , who is not: (i) the  
932 principal owner of the qualifying business; or (ii).

933 SECTION 14. Said section 6 of said chapter 62, as most recently amended by section 6 of  
934 chapter 99 of the acts of 2018, is hereby further amended by adding the following subsection:-

935 (v)(1) An employer that is not a business corporation subject to the excise under chapter  
936 63, shall be allowed a credit equal to \$4,800 or 50 per cent of the wages paid to each qualified  
937 apprentice in a taxable year, whichever is less, against the tax liability imposed by this chapter.  
938 If a credit allowed by this subsection exceeds the tax otherwise due under this chapter, 100 per  
939 cent of the balance of such credit may, at the option of the taxpayer, be refundable to the  
940 taxpayer. In order to qualify, the apprentice must meet the definition of apprentice in section  
941 11H of chapter 23 and must be hired and trained in 1 of the following occupations, as defined by  
942 the Bureau of Labor Statistics: computer occupations, as defined by Standard Occupational  
943 Codes 15-1200; health technologists and technicians, as defined by Standard Occupational Codes  
944 29-2000; health practitioner support technologists and technicians, as defined by Standard  
945 Occupational Codes 29-2050; healthcare support occupations, as defined by Standard

946 Occupational Codes 31-0000; or production occupations if employed in the manufacturing  
947 industry, as defined by Standard Occupational Codes 51-0000, NAICS code 31-33.

948 (2) To be eligible for a credit under this subsection: (a) the primary place of employment  
949 of the apprentice must be in the commonwealth; (b) the business must be registered with the  
950 division of apprentice standards as an apprenticeship program sponsor and have an apprentice  
951 agreement, as defined in section 11H of chapter 23, with each apprentice for whom the credit is  
952 claimed; and (c) the apprentice must have been employed as an apprentice by the business for at  
953 least 180 calendar days in the taxable year in which the credit is claimed.

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

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

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

968           (6) The secretaries of labor and workforce development and administration and finance,  
969 acting jointly and in writing shall authorize tax credits pursuant to this subsection and section  
970 38HH of chapter 63. The total amount of credits that may be authorized in a calendar year  
971 pursuant to this subsection and said section 38HH of said chapter 63 shall not exceed  
972 \$2,500,000. No credits shall be allowed under this subsection except to the extent authorized in  
973 this paragraph. The commissioner, after consulting with the secretaries, on the criteria set forth in  
974 paragraphs (1) and (2) of this subsection, shall adopt regulations governing applications for and  
975 other administration of the tax credits. The secretaries and the division of apprentice standards  
976 shall provide the commissioner with the documentation that the commissioner deems necessary  
977 to confirm compliance with the annual cap.

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

989           SECTION 15. Subsection (v) of said section 6 of said chapter 62, added by section 14, is  
990 hereby repealed.

991 SECTION 16. Section 38O of said chapter 63, as appearing in the 2016 Official Edition,  
992 is hereby amended by striking out, in lines 4 to 5, the words “either located within an economic  
993 target area designated under section 3G of chapter 23A, or”.

994 SECTION 17. Said chapter 63 is hereby further amended by inserting after section  
995 38GG, inserted by section 35 of chapter 47 of the acts of 2017, the following section:-

996 Section 38HH.

997 (a) A business corporation engaged in business in the commonwealth shall be allowed a  
998 credit against its excise due under this chapter in an amount equal to \$4,800 or 50 per cent of the  
999 wages paid to each qualified apprentice in a taxable year, whichever is less. If a credit allowed  
1000 by this section exceeds the tax otherwise due under this chapter, 100 per cent of the balance of  
1001 such credit may, at the option of the taxpayer, be refundable to the taxpayer. In order to qualify,  
1002 the apprentice must meet the definition of apprentice in section 11H of chapter 23 and must be  
1003 hired and trained in 1 of the following occupations, as defined by the Bureau of Labor Statistics:  
1004 computer occupations, as defined by Standard Occupational Codes 15-1200; health technologists  
1005 and technicians, as defined by Standard Occupational Codes 29-2000; health practitioner support  
1006 technologists and technicians, as defined by Standard Occupational Codes 29-2050; healthcare  
1007 support occupations, as defined by Standard Occupational Codes 31-0000; or production  
1008 occupations if employed in the manufacturing industry, as defined by Standard Occupational  
1009 Codes 51-0000, NAICS code 31-33.

1010 (b) To be eligible for a credit under this section: (i) the primary place of employment of  
1011 the apprentice must be in the commonwealth; (ii) the business corporation must be registered  
1012 with the division of apprentice standards as an apprenticeship program sponsor and have an

1013 apprentice agreement, as defined in section 11H of chapter 23, with each apprentice for whom  
1014 the credit is claimed; and (iii) the apprentice must have been employed by the business  
1015 corporation as an apprentice for at least 180 calendar days in the taxable year in which the credit  
1016 is claimed.

1017 (c) A business corporation that is eligible for and claims the credit allowed under this  
1018 section in a taxable year with respect to a qualified apprentice shall be eligible for a credit in the  
1019 subsequent taxable year with respect to such qualified apprentice, subject to certification by the  
1020 division of apprentice standards of continued employment as an apprentice during the subsequent  
1021 taxable year in the manner required by the commissioner. Any credit allowed under this section  
1022 shall not be transferable.

1023 (d) The secretary of labor and workforce development, in consultation with the  
1024 commissioner, shall promulgate regulations establishing an application process for the credit;  
1025 provided, however, that the regulations shall include a maximum number of qualified apprentices  
1026 for which a taxpayer may claim the credit in a year.

1027 (e) The secretaries of labor and workforce development and administration and finance,  
1028 acting jointly and in writing shall authorize tax credits pursuant to this section and subsection (v)  
1029 of section 6 of chapter 62. The total amount of credits that may be authorized in a calendar year  
1030 pursuant to this section and said subsection (v) of said section 6 of said chapter 62 shall not  
1031 exceed \$2,500,000. No credits shall be allowed under this section except to the extent authorized  
1032 in this subsection. The commissioner, after consulting with the secretaries, on the criteria set  
1033 forth in subsections (a) and (b) of this section, shall adopt regulations governing applications for  
1034 and other administration of the tax credits. The secretaries and the division of apprentice

1035 standards shall provide the commissioner with the documentation that the commissioner deems  
1036 necessary to confirm compliance with the annual cap.

1037 (f) The commissioner, in consultation with the secretaries, shall annually, not later than  
1038 March 1, file a report with the house and senate committees on ways and means, the joint  
1039 committee on economic development and emerging technologies, and the joint committee on  
1040 labor and workforce development, identifying the following: (i) total amount of tax credits  
1041 claimed pursuant to this subsection; (ii) the number of participating apprentices and relevant  
1042 wage information; (iii) the number of applications received and the number of participating  
1043 employers; (iv) the areas of occupation by qualifying tax credit beneficiaries; (v) program  
1044 outcomes for apprentices, including job retention and further employment opportunities; and (vi)  
1045 whether the tax credit program is achieving its public policy purpose to create talent pipelines for  
1046 businesses and provide career pathways toward high demand occupations for unemployed and  
1047 underemployed residents of the commonwealth.

1048 SECTION 18. Section 38HH of said chapter 63, inserted by section 17, is hereby  
1049 repealed.

1050 SECTION 19. Chapter 93 of the General Laws is hereby amended by striking out  
1051 sections 42 and 42A, as appearing in the 2016 Official Edition, and inserting in place thereof the  
1052 following 8 sections:-

1053 Section 42. As used in this section and in sections 42A to 42G, inclusive, the following  
1054 words, shall unless the context clearly requires otherwise, have the following meanings:

1055 (1) "Improper means", includes, without limitation, theft, bribery, misrepresentation,  
1056 unreasonable intrusion into private physical or electronic space, or breach or inducement of a

1057 breach of a confidential relationship or other duty to limit acquisition, disclosure or use of  
1058 information; reverse engineering from properly accessed materials or information is not  
1059 improper means.

1060 (2) "Misappropriation",

1061 (i) an act of acquisition of a trade secret of another by a person who knows or who has  
1062 reason to know that the trade secret was acquired by improper means; or

1063 (ii) an act of disclosure or of use of a trade secret of another without that person's express  
1064 or implied consent by a person who

1065 (A) used improper means to acquire knowledge of the trade secret or

1066 (B) at the time of the actor's disclosure or use, knew or had reason to know that the  
1067 actor's knowledge of the trade secret was

1068 (I) derived from or through a person who had utilized improper means to acquire it;

1069 (II) acquired under circumstances giving rise to a duty to limit its acquisition, disclosure,  
1070 or use; or

1071 (III) derived from or through a person who owed a duty to the person seeking relief to  
1072 limit its acquisition, disclosure, or use; or

1073 (C) before a material change of the actor's position, knew or had reason to know that it  
1074 was a trade secret and that the actor's knowledge of it had been acquired by accident, mistake, or  
1075 through another person's act described in clause (A) of paragraph (ii) or subclauses (I) or (II) of  
1076 clause (B) of said paragraph (ii) of the definition of Misappropriation.



1077 (3) "Person", a natural person, corporation, business trust, estate, trust, partnership,  
1078 association, joint venture, government, governmental subdivision or agency, or any other legal or  
1079 commercial entity.

1080 (4) "Trade secret", specified or specifiable information, whether or not fixed in tangible  
1081 form or embodied in any tangible thing, including but not limited to a formula, pattern,  
1082 compilation, program, device, method, technique, process, business strategy, customer list,  
1083 invention, or scientific, technical, financial or customer data that

1084 (i) at the time of the alleged misappropriation, provided economic advantage, actual or  
1085 potential, from not being generally known to, and not being readily ascertainable by proper  
1086 means by, others who might obtain economic advantage from its acquisition, disclosure or use;  
1087 and

1088 (ii) at the time of the alleged misappropriation was the subject of efforts that were  
1089 reasonable under the circumstances, which may include reasonable notice, to protect against it  
1090 being acquired, disclosed or used without the consent of the person properly asserting rights  
1091 therein or such person's predecessor in interest.

1092 Section 42A. (a) Actual or threatened misappropriation may be enjoined upon principles  
1093 of equity, including but not limited to consideration of prior party conduct and circumstances of  
1094 potential use, upon a showing that information qualifying as a trade secret has been or is  
1095 threatened to be misappropriated. Upon application to the court, an injunction shall be  
1096 terminated when the trade secret has ceased to exist, but the injunction may be continued for an  
1097 additional reasonable period of time in order to eliminate any economic advantage that otherwise  
1098 would be derived from misappropriation.

1099 (b) In exceptional circumstances, an injunction may condition future use upon payment  
1100 of a reasonable royalty for no longer than the period of time for which use could have been  
1101 prohibited. Exceptional circumstances include, but are not limited to, a material and prejudicial  
1102 change of position prior to acquiring knowledge or reason to know of misappropriation that  
1103 renders a prohibitive injunction inequitable.

1104 (c) In appropriate circumstances, affirmative acts to protect a trade secret may be  
1105 compelled by court order.

1106 Section 42B. (a) Except to the extent that a material and prejudicial change of position  
1107 prior to acquiring knowledge or reason to know of misappropriation renders a monetary recovery  
1108 inequitable, a complainant is entitled to recover damages for misappropriation of information  
1109 qualifying as a trade secret. Damages can include both the actual loss caused by  
1110 misappropriation and the unjust enrichment caused by misappropriation that is not taken into  
1111 account in computing actual loss. In lieu of damages measured by any other methods, the  
1112 damages caused by misappropriation may be measured by the imposition of liability for a  
1113 reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret.

1114 (b) If willful and malicious misappropriation exists, the court may award exemplary  
1115 damages in an amount not exceeding twice any award made under subsection (a).

1116 Section 42C. The court may award reasonable attorney's fees and costs to the prevailing  
1117 party if: (i) a claim of misappropriation is made or defended in bad faith, (ii) a motion to enter or  
1118 to terminate an injunction is made or resisted in bad faith, or (iii) willful and malicious  
1119 misappropriation exists. In considering such an award, the court may take into account the

1120 claimant's specification of trade secrets and the proof that such alleged trade secrets were  
1121 misappropriated.

1122           Section 42D. (a) In an action under sections 42 to 42G, inclusive, a court shall preserve  
1123 the secrecy of an alleged trade secret by reasonable means, which may include granting  
1124 protective orders in connection with discovery proceedings, holding in-camera hearings, sealing  
1125 the records of the action, and ordering any person involved in the litigation not to disclose an  
1126 alleged trade secret without prior court approval.

1127           (b) In an action under sections 42 to 42G, inclusive, in alleging trade secrets  
1128 misappropriation a party must state with reasonable particularity the circumstances thereof,  
1129 including the nature of the trade secrets and the basis for their protection. Before commencing  
1130 discovery relating to an alleged trade secret, the party alleging misappropriation shall identify the  
1131 trade secret with sufficient particularity under the circumstances of the case to allow the court to  
1132 determine the appropriate parameters of discovery and to enable reasonably other parties to  
1133 prepare their defense.

1134           Section 42E. An action for misappropriation must be brought within 3 years after the  
1135 misappropriation is discovered or by the exercise of reasonable diligence should have been  
1136 discovered. For the purposes of sections 42 to 42G, inclusive, a continuing disclosure or use  
1137 constitutes a single claim.

1138           Section 42F. (a) Except as provided in subsection (b), sections 42 to 42G, inclusive, shall  
1139 supersede any conflicting laws of the commonwealth providing civil remedies for the  
1140 misappropriation of a trade secret.

1141           (b) Sections 42 to 42G, inclusive, do not affect:

1142 (1) contractual remedies, provided that, to the extent such remedies are based on an  
1143 interest in the economic advantage of information claimed to be confidential, such  
1144 confidentiality shall be determined according to the definition of trade secret in section 42, where  
1145 the terms and circumstances of the underlying contract shall be considered in such  
1146 determination;

1147 (2) remedies based on submissions to governmental units;

1148 (3) other civil remedies to the extent that they are not based upon misappropriation of a  
1149 trade secret; or

1150 (4) criminal remedies, whether or not based upon misappropriation of a trade secret.

1151 Section 42G. Sections 42 to 42F, inclusive, shall be applied and construed to effectuate  
1152 their general purpose to make uniform the law with respect trade secrets.

1153 SECTION 20. The General Laws are hereby amended by inserting after chapter 93K the  
1154 following chapter:-

1155 CHAPTER 93L.

1156 BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT.

1157 Section 1. As used in this chapter, the following words shall, unless the context clearly  
1158 requires otherwise, have the following meanings:-

1159 “Assertion of patent infringement”, (i) the sending or delivering of a demand letter to a  
1160 target; (ii) the threatening of a target with litigation and asserting, alleging or claiming that the  
1161 target has engaged in patent infringement; (iii) the sending or delivering of a demand letter to the

1162 customers of a target; or (iv) a claim or allegation, other than those made in litigation against a  
1163 target, that a target has engaged in patent infringement or that a target should obtain a license to a  
1164 patent in order to avoid litigation.

1165 “Demand letter”, a letter, e-mail or other communication asserting, alleging or claiming  
1166 that the target has engaged in patent infringement or that a target should obtain a license to a  
1167 patent in order to avoid litigation, or any similar assertion.

1168 “Target”, a person residing in, conducting substantial business in or having its principal  
1169 place of business in Massachusetts against whom an assertion of patent infringement is made.

1170 Section 2. (a) A person shall not make an assertion of patent infringement in bad faith. In  
1171 determining whether a person has made an assertion of patent infringement in bad faith, and in  
1172 addition to any other factor the court finds relevant, a court may consider whether:

1173 (i) the demand letter failed to contain the following information: (A) the patent number;  
1174 (B) the name and address of the patent owner or owners and assignee or assignees, if any; and  
1175 (C) factual allegations concerning the specific areas in which the target’s products, services and  
1176 technology infringe the patent or are covered by the claims in the patent;

1177 (ii) prior to sending the demand letter, the person failed to conduct an analysis comparing  
1178 the claims in the patent to the target’s products, services and technology, or whether such an  
1179 analysis failed to identify specific areas in which the products, services and technology are  
1180 covered by the claims in the patent;

1181 (iii) the target requested information described in clause (i) that was not included in the  
1182 demand letter and the person failed to provide the information within a reasonable period of  
1183 time;

1184 (iv) the demand letter demanded payment of a license fee or response within an  
1185 unreasonably short period of time;

1186 (v) the person offered to license the patent for an amount that is not based on a reasonable  
1187 estimate of the value of the license;

1188 (vi) the claim or assertion of patent infringement was meritless and the person knew, or  
1189 should have known, that the claim or assertion was meritless;

1190 (vii) the claim or assertion of patent infringement was deceptive;

1191 (viii) the person or its subsidiaries or affiliates have previously filed or threatened to file  
1192 one or more lawsuits based on the same or similar claim of patent infringement and: (A) those  
1193 threats or lawsuits lacked the information described in clause (i); or (B) the person attempted to  
1194 enforce the claim of patent infringement in litigation and a court found the claim to be meritless;  
1195 and

1196 (ix) the patent has been held invalid or unenforceable in a final judgment or  
1197 administrative decision.

1198 (b) A court may consider the following factors as evidence that a person has not made an  
1199 assertion of patent infringement in bad faith: (i) the demand letter contained the information  
1200 described in clause (i) of subsection (a); (ii) the target requested such information described in  
1201 clause (i) of subsection (a) that was not included in the demand letter and the person provided the

1202 information within a reasonable period of time; (iii) the person engaged in a good faith effort to  
1203 establish that the target has infringed the patent and to negotiate an appropriate remedy; (iv) the  
1204 person made a substantial investment in the use of the patent or in the production or sale of a  
1205 product or item covered by the patent; (v) the person is: (A) the inventor or joint inventor of the  
1206 patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or  
1207 joint inventor, is the original assignee; (B) an institution of higher education or a technology  
1208 transfer organization owned or affiliated with an institution of higher education; or (C) a non-  
1209 profit research institute or organization which has as one of its primary functions the  
1210 management of inventions on behalf of an institute of higher education or a non-profit research  
1211 institute or organization; (vi) the person makes significant investments in: (A) research and  
1212 development in connection with the patented technology, where development means technical or  
1213 experimental work to create, test, qualify, modify or validate technologies or processes for  
1214 commercialization of goods or services; (B) manufacturing; or (C) the delivery or provision of  
1215 goods or commercial services using the patented technology; and (vii) the person's business is  
1216 the licensing of patents as a wholly-owned subsidiary of a person described in clause (vi).

1217           Section 3. (a) A target or a person aggrieved by a violation of this chapter or by a  
1218 violation of rules adopted under this chapter may bring an action in superior court against a  
1219 person who has made a bad-faith assertion of patent infringement. The court may award to a  
1220 plaintiff who prevails in an action brought pursuant to this subsection 1 or more of the following  
1221 remedies: (i) equitable relief; (ii) damages; (iii) costs and fees, including reasonable attorneys'  
1222 fees; and (iv) exemplary damages in an amount equal to \$50,000 or 3 times the total of damages,  
1223 costs, and fees, whichever is greater; provided, however, that exemplary damages shall not be

1224 awarded against a person described in subclause (B) or (C) of clause (v) of section 2 or clause  
1225 (vi) of subsection (b) of said section 2.

1226 (b) Any person who by contract, agreement, or otherwise, directly or indirectly, arranged  
1227 for the bad faith assertion of patent infringement and any person who otherwise caused or is  
1228 legally responsible for such bad faith assertion of patent infringement under the principles of the  
1229 common law shall be liable to a prevailing plaintiff for all damages, costs and fees. Such  
1230 liability shall be joint and several.

1231 (c) A court may award to a defendant who prevails in an action brought pursuant to this  
1232 section costs and fees, including reasonable attorneys' fees, if the court finds the action was not  
1233 well-grounded in fact and warranted by existing law or was interposed for any improper purpose,  
1234 such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

1235 (d) This chapter shall not be construed to limit rights and remedies otherwise available  
1236 under law to the commonwealth or to any person.

1237 Section 4. The attorney general shall have the same authority under this chapter to make  
1238 rules, conduct civil investigations, bring civil actions and enter into assurances of discontinuance  
1239 as provided under chapter 93A. In an action brought by the attorney general pursuant to this  
1240 section, the court may award or impose any relief available under this chapter.

1241 SECTION 21. Chapter 149 of the General Laws, as appearing in the 2014 Official  
1242 Edition, is hereby amended by inserting after section 24K the following section:-

1243 Section 24L. (a) As used in this section, the following words shall have the following  
1244 meanings:-



1245 “Business entity”, any person or group of persons performing or engaging in any activity,  
1246 enterprise, profession or occupation for gain, benefit, advantage or livelihood, whether for profit  
1247 or not for profit, including but not limited to corporations, limited liability companies, limited  
1248 partnerships or limited liability partnerships.

1249 “Employee”, an individual who is considered an employee under section 148B of this  
1250 chapter; provided, however, that the term “employee”, as used in this chapter, shall also include  
1251 independent contractors under section 148B.

1252 “Forfeiture agreement”, an agreement that imposes adverse financial consequences on a  
1253 former employee as a result of the termination of an employment relationship, regardless of  
1254 whether the employee engages in competitive activities following cessation of the employment  
1255 relationship. Forfeiture agreements do not include forfeiture for competition agreements.

1256 “Forfeiture for competition agreement”, an agreement that by its terms or through the  
1257 manner in which it is enforced imposes adverse financial consequences on a former employee as  
1258 a result of the termination of an employment relationship if the employee engages in competitive  
1259 activities.

1260 “Garden leave clause”, a provision within a noncompetition agreement by which an  
1261 employer agrees to pay the employee during the restricted period, provided that such provision  
1262 shall become effective upon termination of employment unless the restriction upon post-  
1263 employment activities are waived by the employer or ineffective under subsection (c) (iii).

1264 “Noncompetition agreement”, an agreement between an employer and an employee, or  
1265 otherwise arising out of an existing or anticipated employment relationship, under which the  
1266 employee or expected employee agrees that he or she will not engage in certain specified

1267 activities competitive with his or her employer after the employment relationship has ended.  
1268 Noncompetition agreements include forfeiture for competition agreements, but do not include: (i)  
1269 covenants not to solicit or hire employees of the employer; (ii) covenants not to solicit or transact  
1270 business with customers, clients, or vendors of the employer; (iii) noncompetition agreements  
1271 made in connection with the sale of a business entity or substantially all of the operating assets of  
1272 a business entity or partnership, or otherwise disposing of the ownership interest of a business  
1273 entity or partnership, or division or subsidiary thereof, when the party restricted by the  
1274 noncompetition agreement is a significant owner of, or member or partner in, the business entity  
1275 who will receive significant consideration or benefit from the sale or disposal; (iv)  
1276 noncompetition agreements outside of an employment relationship; (v) forfeiture agreements;  
1277 (vi) nondisclosure or confidentiality agreements; (vii) invention assignment agreements; (viii)  
1278 garden leave clauses; (ix) noncompetition agreements made in connection with the cessation of  
1279 or separation from employment if the employee is expressly given seven business days to rescind  
1280 acceptance; or (x) agreements by which an employee agrees to not reapply for employment to  
1281 the same employer after termination of the employee.

1282 “Restricted period”, the period of time after the date of cessation of employment during  
1283 which an employee is restricted by a noncompetition agreement from engaging in activities  
1284 competitive with his or her employer.

1285 (b) To be valid and enforceable, a noncompetition agreement must meet the minimum  
1286 requirements of paragraphs (i) through (viii).

1287 (i) If the agreement is entered into in connection with the commencement of employment,  
1288 it must be in writing and signed by both the employer and employee and expressly state that the

1289 employee has the right to consult with counsel prior to signing. The agreement must be provided  
1290 to the employee by the earlier of a formal offer of employment or 10 business days before the  
1291 commencement of the employee's employment.

1292 (ii) If the agreement is entered into after commencement of employment but not in  
1293 connection with the separation from employment, it must be supported by fair and reasonable  
1294 consideration independent from the continuation of employment, and notice of the agreement  
1295 must be provided at least 10 business days before the agreement is to be effective. Moreover, the  
1296 agreement must be in writing and signed by both the employer and employee and expressly state  
1297 that the employee has the right to consult with counsel prior to signing.

1298 (iii) The agreement must be no broader than necessary to protect one or more of the  
1299 following legitimate business interests of the employer: (A) the employer's trade secrets, as that  
1300 term is defined in section 1 of chapter 93L; (B) the employer's confidential information that  
1301 otherwise would not qualify as a trade secret; or (C) the employer's goodwill. A noncompetition  
1302 agreement may be presumed necessary where the legitimate business interest cannot be  
1303 adequately protected through an alternative restrictive covenant, including but not limited to a  
1304 non-solicitation agreement or a non-disclosure or confidentiality agreement.

1305 (iv) In no event may the stated restricted period exceed 12 months from the date of  
1306 cessation of employment, unless the employee has breached his or her fiduciary duty to the  
1307 employer or the employee has unlawfully taken, physically or electronically, property belonging  
1308 to the employer, in which case the duration may not exceed 2 years from the date of cessation of  
1309 employment.

1310 (v) The agreement must be reasonable in geographic reach in relation to the interests  
1311 protected. A geographic reach that is limited to only the geographic areas in which the employee,  
1312 during any time within the last 2 years of employment, provided services or had a material  
1313 presence or influence is presumptively reasonable.

1314 (vi) The agreement must be reasonable in the scope of proscribed activities in relation to  
1315 the interests protected. A restriction on activities that protects a legitimate business interest and  
1316 is limited to only the specific types of services provided by the employee at any time during the  
1317 last 2 years of employment is presumptively reasonable.

1318 (vii) The noncompetition agreement shall be supported by a garden leave clause or other  
1319 mutually-agreed upon consideration between the employer and the employee, provided that such  
1320 consideration is specified in the noncompetition agreement. To constitute a garden leave clause  
1321 within the meaning of this section, the agreement must (i) provide for the payment, consistent  
1322 with the requirements for the payment of wages under section 148 of chapter 149 of the general  
1323 laws, on a pro-rata basis during the entirety of the restricted period, of at least 50 percent of the  
1324 employee's highest annualized base salary paid by the employer within the 2 years preceding the  
1325 employee's termination; and (ii) except in the event of a breach by the employee, not permit an  
1326 employer to unilaterally discontinue or otherwise fail or refuse to make the payments; provided,  
1327 however, if the restricted period has been increased beyond 12 months as a result of the  
1328 employee's breach of a fiduciary duty to the employer or the employee has unlawfully taken,  
1329 physically or electronically, property belonging to the employer, the employer shall not be  
1330 required to provide payments to the employee during the extension of the restricted period.

1331 (viii) The agreement must be consonant with public policy.

1332 (c) A noncompetition agreement shall not be enforceable against the following types of  
1333 workers: (i) an employee who is classified as nonexempt under the Fair Labor Standards Act, 29  
1334 U.S.C. 201-219; (ii) undergraduate or graduate students that partake in an internship or otherwise  
1335 enter a short-term employment relationship with an employer, whether paid or unpaid, while  
1336 enrolled in a full-time or part-time undergraduate or graduate educational institution; (iii)  
1337 employees that have been terminated without cause or laid off; or (iv) employees age 18 or  
1338 younger. This section does not render void or unenforceable the remainder of the contract or  
1339 agreement containing the unenforceable noncompetition agreement, nor does it preclude the  
1340 imposition of a noncompetition restriction by a court, whether through preliminary or permanent  
1341 injunctive relief or otherwise, as a remedy for a breach of another agreement or a statutory or  
1342 common law duty.

1343 (d) A court may, in its discretion, reform or otherwise revise a noncompetition agreement  
1344 so as to render it valid and enforceable to the extent necessary to protect the applicable legitimate  
1345 business interests.

1346 (e) No choice of law provision that would have the effect of avoiding the requirements of  
1347 this section will be enforceable if the employee is, and has been for at least 30 days immediately  
1348 preceding his or her cessation of employment, a resident of or employed in Massachusetts at the  
1349 time of his or her termination of employment.

1350 (f) All civil actions relating to employee noncompetition agreements subject to this  
1351 section shall be brought in the county where the employee resides or, if mutually agreed upon by  
1352 the employer and employee, in Suffolk county; provided that, in any such action brought in

1353 Suffolk county, the superior court or the business litigation session of the superior court shall  
1354 have exclusive jurisdiction.

1355 SECTION 22. Said chapter 149 is hereby further amended by adding the following 12  
1356 sections:-

1357 Section 192. As used in this section and in sections 193 to 203, inclusive, the following  
1358 words shall, unless the context clearly requires otherwise, have the following meanings:-

1359 “Client” or “client company”, a person who enters into a professional employer  
1360 agreement with a professional employer organization.

1361 “Covered employee”, an individual employed in a PEO relationship where the  
1362 individual’s employment is subject to a professional employer agreement; provided, however,  
1363 that “covered employee” shall include individuals who are officers, directors, shareholders,  
1364 partners and managers of the client, except to the extent the professional employer organization  
1365 and the client have expressly agreed in the professional employer agreement that such  
1366 individuals shall not be covered employees; provided further, that such individuals meet the  
1367 criteria of this paragraph and act as operational managers or perform day-to-day operational  
1368 services for the client.

1369 “Director”, the director of the department of labor standards.

1370 “Employment agency”, as defined in section 46A of chapter 140.

1371 “PEO group”, 2 or more professional employer organizations that are majority-owned or  
1372 commonly controlled by the same entity, parent or controlling person.

1373 “PEO relationship”, a co-employment relationship, in which all the rights, duties and  
1374 obligations of an employer that arise out of an employment relationship have been allocated  
1375 between the PEO and the client pursuant to a professional employer agreement; provided,  
1376 however, that a staffing agency and an employment agency shall not be a PEO; provided further,  
1377 that in a PEO relationship: (i) the professional employer organization shall be entitled to enforce  
1378 only such employer rights and is subject to only those obligations allocated in the professional  
1379 employment agreement or as specifically required pursuant to section 192 to 203, inclusive; (ii)  
1380 the client shall be entitled to enforce those rights, and obligated to provide and perform those  
1381 employer obligations, allocated to the client by the written professional employer agreement; (iii)  
1382 the client shall be entitled to enforce any right and obligated to perform any obligation of an  
1383 employer not specifically allocated to the PEO or section 192 to 203, inclusive; and (iv) neither  
1384 the client nor the PEO may delegate duties and responsibilities to the other unless such  
1385 delegation is provided in the professional employer agreement and the covered employees are  
1386 informed about this delegation of duties and responsibilities.

1387 “Person”, an individual, partnership, corporation, limited liability company, association  
1388 or any other form of legally recognized entity.

1389 “Professional employer agreement”, a written contract by and between a client and a  
1390 professional employer organization that: (i) provides for the PEO relationship of covered  
1391 employees; (ii) allocates employer rights and obligations between the client and the professional  
1392 employer organization with respect to the covered employees; and (iii) allocates the  
1393 responsibilities between the professional employer organization and the client; provided,  
1394 however, that a professional employer agreement shall not affect, modify or amend any

1395 employee rights under federal, state, local or municipal law or abrogate obligations of the client  
1396 or the PEO to covered employees under such laws.

1397 “Professional employer organization” or “PEO”, any person engaged in the business of  
1398 providing professional employer services who is subject to registration and regulation pursuant  
1399 to sections 192 to 203, inclusive, regardless of its use of the term or conducting business as a  
1400 professional employer organization staff leasing company, registered staff leasing company,  
1401 employee leasing company, administrative employer or any other name; provided, however, that  
1402 the following shall not be deemed to be professional employer organizations or providing  
1403 professional employment services: (i) arrangements wherein a person, whose principal business  
1404 activity is not entering into professional employer arrangements and that does not hold itself out  
1405 as a PEO, shares employees with a commonly owned company within the meaning of section  
1406 414(b) and section 414(c) of the Internal Revenue Code of 1986, as amended; (ii) independent  
1407 contractor arrangements as governed by section 148B; or (iii) services provided by an  
1408 employment agency or staffing agency.

1409 “Professional employer services”, the service of entering into PEO relationships in which  
1410 all or a majority of the employees providing services to a client or to a division or work unit of  
1411 the client are covered employees.

1412 “Registrant”, a PEO registered pursuant to section 196.

1413 “Staffing agency”, as defined in section 159C.

1414 “Wages”, shall include all forms of remuneration for employment.



1415           Section 193. (a) Nothing contained in sections 192 to 203, inclusive, or in any  
1416 professional employer agreement shall affect, modify or amend any collective bargaining  
1417 agreement or the rights or obligations of any client, PEO or covered employee under chapter  
1418 150A, chapter 150E, the federal National Labor Relations Act, the federal Railway Labor Act or  
1419 any other applicable federal or state law.

1420           (b) Collective bargaining, if commenced after an agreement is entered into between a  
1421 PEO and a client, shall be conducted as required by federal and state law.

1422           (c) Nothing in sections 192 to 203, inclusive, or in any professional employer agreement  
1423 shall: (i) diminish, abolish or remove rights of covered employees to a client or obligations of  
1424 such client to a covered employee existing prior to the effective date of the professional  
1425 employer agreement under federal or state law; (ii) affect, modify or amend any contractual  
1426 relationship or restrictive covenant between a covered employee and any client in effect at the  
1427 time a professional employer agreement becomes effective or prohibit or amend any contractual  
1428 relationship or restrictive covenant that is entered into subsequently between a client and a  
1429 covered employee; provided, however, that a PEO shall have no responsibility or liability in  
1430 connection with, or arising out of, any such existing or new contractual relationship or restrictive  
1431 covenant unless the PEO has specifically agreed otherwise in writing; or (iii) affect, modify or  
1432 amend any employee rights under federal, state, local or municipal law.

1433           Section 194. (a) Nothing in sections 192 to 203, inclusive, or any professional employer  
1434 agreement shall affect, modify or amend any federal, state or local licensing, registration or  
1435 certification requirement applicable to any client or covered employee.

1436 (b) A covered employee who is required to be licensed, registered or certified according  
1437 to law or regulation shall be deemed solely an employee of the client for purposes of any such  
1438 license, registration or certification requirement.

1439 (c) A PEO shall not be engaged in any occupation, trade, profession or other activity that  
1440 is subject to licensing, registration or certification requirements or is otherwise regulated by a  
1441 government agency solely by entering into and maintaining a PEO relationship with a covered  
1442 employee who is subject to such requirements or regulation.

1443 (d) A client shall have the sole right of direction and control of the professional or  
1444 licensed activities of covered employees and of the client's business. Covered employees and  
1445 clients shall remain subject to regulation by the regulatory or governmental entity responsible for  
1446 licensing, registration or certification of such covered employees or clients.

1447 Section 195. (a) For purposes of the determination of tax credits and other economic  
1448 incentives provided by the commonwealth or other government entity and based on employment,  
1449 covered employees shall be deemed solely the client's employees. A client shall be entitled to the  
1450 benefit of any tax credit, economic incentive or other benefit arising as the result of the  
1451 employment of covered employees of such client. Notwithstanding that the PEO is the reporting  
1452 employer for the purposes of the federal Internal Revenue Service form W-2, the client shall  
1453 continue to qualify for the benefit, incentive or credit. If the grant or amount of any benefit,  
1454 incentive or credit is based on number of employees, then each client shall be treated as  
1455 employing only those covered employees involved in a PEO relationship by such client. Covered  
1456 employees working for other clients of the PEO shall not be counted. Each PEO shall provide,  
1457 upon request by a client or by agency employment information reasonably required for

1458 administration of any tax credit or economic incentive and necessary to support any request,  
1459 claim, application or other action by a client seeking any tax credit or economic incentive.

1460 (b) With respect to a bid, contract, purchase order or agreement entered into with the  
1461 commonwealth or a political subdivision thereof, a client company's status or certification under  
1462 federal or state law as a small, minority-owned, disadvantaged, woman-owned business or other  
1463 underutilized class of enterprise shall not be affected because the client company has entered into  
1464 a PEO relationship.

1465 Section 196. (a) Except as otherwise provided in sections 192 to 203, inclusive, no person  
1466 shall provide, advertise or otherwise hold itself out as providing professional employer services  
1467 in the commonwealth, unless such person is registered pursuant to this section.

1468 (b) Each applicant for registration shall provide the department with the following  
1469 information: (i) the name or names under which the PEO conducts business or will conduct  
1470 business; (ii) the address of the principal place of business of the PEO and the address of each  
1471 office it maintains in the commonwealth; (iii) the taxpayer or employer identification number of  
1472 the PEO; (iv) a list by jurisdiction of each name under which the PEO has operated in the  
1473 preceding 5 years, including any alternative names, names of predecessors and, if known,  
1474 successor business entities; (v) a statement of ownership, which shall include the name and  
1475 evidence of the business experience of any person that, individually or acting in concert with one  
1476 or more other persons, owns or controls or will own or control if known or reasonably known at  
1477 the time of registration, directly or indirectly, not less than 25 per cent of the equity interests of  
1478 the PEO; (vi) a statement of management, which shall include the name and evidence of the  
1479 business experience of any person who serves or will serve, if known or reasonably known at the

1480 time of registration, as president, chief executive officer or otherwise has the authority to act as  
1481 senior executive officer of the PEO; (vii) A financial statement setting forth the financial  
1482 condition of the PEO or PEO group; provided, however, that at the time of application for a new  
1483 license, as part of the financial statement, the applicant shall submit an audit of the applicant,  
1484 which shall be the most recent audit available and shall not be more than 13 months old;  
1485 provided further, that nothing in this clause shall be construed as to require the department to  
1486 conduct the audit; provided further, that a PEO or PEO group shall file on an annual basis, at the  
1487 time of renewal, a succeeding audit; provided further, that an applicant may apply for an  
1488 extension with the department but any such request shall be accompanied by a letter from the  
1489 auditors stating the reasons for the delay and the anticipated audit completion date; provided  
1490 further, that the financial statement shall be prepared in accordance with generally accepted  
1491 accounting principles and the audit shall be conducted by an independent certified public  
1492 accountant licensed to practice in the jurisdiction in which such accountant is located and shall  
1493 be without qualification as to the going concern status of the PEO; provided further, that a PEO  
1494 group or a PEO that is part of an organizational structure in which it is majority owned or  
1495 commonly controlled by an entity, parent or controlling person may submit combined or  
1496 consolidated audited financial statements to meet the requirements of this section; and provided  
1497 further, that a PEO that has not had sufficient operating history to have audited financials based  
1498 upon not less than 12 months of operating history shall meet the financial capacity requirements  
1499 in subsections (l) and (m) and shall present financial statements reviewed by a certified public  
1500 accountant; and (viii) a list of clients including client name, physical address, telephone number  
1501 and federal identification number.

1502 (c) A PEO shall complete its initial registration prior to initiating operations within the  
1503 commonwealth. If a PEO that is not registered in the commonwealth becomes aware that an  
1504 existing client not based in the commonwealth has employees and operations in the  
1505 commonwealth, the PEO shall decline to provide PEO services for those employees or notify the  
1506 department within 5 business days of its knowledge of the fact and file a full business  
1507 registration within 5 business days if there are more than 15 covered employees. The department  
1508 may issue an interim operating permit for the period the registration applications are pending if:  
1509 (i) the PEO is currently registered or licensed by another state; and (ii) the department  
1510 determines it to be in the best interests of the potential covered employees.

1511 (d) Upon expiration of its registration, the registrant shall renew its registration by  
1512 notifying the department of any changes in the information provided in the registrant's most  
1513 recent registration or renewal. A registrant's existing registration shall remain in effect during the  
1514 pendency of a renewal application.

1515 (e) PEOs in a PEO group may satisfy the reporting and financial requirements established  
1516 pursuant to this section on a combined or consolidated basis; provided, however, that each  
1517 member of the PEO group shall guarantee the financial capacity obligations pursuant to clause  
1518 (vii) of subsection (b) for each member of the PEO group. In the case of a PEO group that  
1519 submits a combined or consolidated audited financial statement, including entities that are not  
1520 PEOs or that are not in the PEO group, the controlling entity of the PEO group under the  
1521 consolidated or combined statement shall guarantee the obligations of the PEOs in the PEO  
1522 group.

1523 (f) A PEO that is part of an organizational structure in which it is majority owned or  
1524 commonly controlled by an entity, parent or controlling person may submit a combined or  
1525 consolidated audited financial statement provided the controlling entity under the consolidated or  
1526 combined statement guarantees the obligations of the PEO.

1527 (g) The department shall maintain a list of PEOs registered pursuant to this section and  
1528 shall make the list readily available to the public by electronic or other means.

1529 (h) The department may prescribe forms necessary to promote the efficient  
1530 administration of this section.

1531 (i) Applications, documents, reports and other filings shall be submitted in a manner  
1532 determined by the director, which may also include the acceptance of electronic filings and other  
1533 assurance by an independent and qualified assurance organization approved by the director that  
1534 provides satisfactory assurance of compliance acceptable to the director consistent with or in lieu  
1535 of the requirements of subsections (b) to (g), inclusive, subsection (k) and other requirements of  
1536 sections 192 to 203, inclusive. The director shall permit a PEO to authorize such an approved  
1537 assurance organization to act on the PEO's behalf in complying with the registration  
1538 requirements pursuant to this section, including electronic filings of information and payment of  
1539 registration fees. Use of such an approved assurance organization shall be optional and not  
1540 mandatory for a registrant. Nothing in this subsection shall limit or change the department's  
1541 authority to register or terminate registration of a professional employer organization or to  
1542 investigate or enforce this chapter.

1543 (j) All records, reports and other information obtained from a PEO for the purposes of  
1544 this section shall, except to the extent necessary for the department's proper administration of

1545 this chapter, be confidential and shall not be published or open to public inspection except to  
1546 public employees in the performance of their public duties or otherwise in accordance with  
1547 federal or state law.

1548 (k) The department shall establish by regulation any fee to be charged for initial  
1549 registration, renewal or group registration.

1550 (l) Except as provided by subsections (e) and (f), each PEO or collectively each PEO  
1551 group shall maintain: (i) positive working capital, as defined by generally accepted accounting  
1552 principles, proof of which shall be submitted at registration as reflected in the financial  
1553 statements submitted to the department with the initial registration and each annual renewal; and  
1554 (ii) a surety bond in the amount of \$250,000, proof of which shall be submitted at the time of  
1555 registration; provided, however, that the surety bond required shall be in a form acceptable to the  
1556 director and maintained while the license remains in effect or any obligations or liabilities of the  
1557 registrant remain outstanding.

1558 (m) A PEO or PEO group without positive working capital may provide a bond,  
1559 irrevocable letter of credit or securities with a minimum market value equaling the deficiency  
1560 plus \$250,000. Such bond shall be held by a depository designated by the department, securing  
1561 payment by the PEO of all taxes, wages, benefits or other entitlement due to or with respect to  
1562 covered employees, if the PEO does not make such payments when due.

1563 Section 197. (a) Except as specifically provided in sections 192 to 203, inclusive, and in  
1564 the professional employer agreement pursuant to this section, or under any subsequent written  
1565 agreement or amendment, in each PEO relationship: (i) the client shall be entitled to exercise all  
1566 rights, and shall be obligated to perform all duties and responsibilities, otherwise applicable to an

1567 employer in an employment relationship; (ii) the PEO shall be entitled to exercise only those  
1568 rights, and obligated to perform only those duties and responsibilities, specifically required  
1569 pursuant to sections 192 to 203, inclusive, or those set forth in the professional employer  
1570 agreement; provided, however, that the rights, duties and obligations of the PEO with respect to  
1571 any covered employee shall be limited to those arising pursuant to the professional employer  
1572 agreement and those required pursuant to this chapter during the term of the PEO relationship  
1573 with such covered employee; and (iii) unless otherwise expressly agreed to by the PEO and the  
1574 client in a professional employer agreement, the client retains the exclusive right to direct and  
1575 control the covered employees as is necessary to conduct the client's business, to discharge any  
1576 of the client's fiduciary responsibilities or to comply with any licensure requirements applicable  
1577 to the client or to the covered employees.

1578 (b) Except as specifically provided in sections 192 to 203, inclusive, the PEO relationship  
1579 between the client and the PEO, the relationship between the PEO and each covered employee  
1580 and the relationship between the client and each covered employee shall be governed by the  
1581 professional employer agreement.

1582 Each professional employer agreement shall include: (i) the allocation of rights, duties  
1583 and obligations as described in subsection (a); (ii) the extent that the PEO has assumed  
1584 responsibility in the professional employer agreement to (A) pay such wages to covered  
1585 employees, (B) withhold, collect, report and remit payroll-related and unemployment taxes; and  
1586 (C) make payments for employee benefits for covered employees; and (iii) a statement that the  
1587 PEO shall have a right to hire and terminate a covered employee as may be necessary to fulfill  
1588 the PEO's responsibilities pursuant to sections 192 to 203, inclusive, the professional employer



1589 agreement or as actually delegated by the client; provided, however, that the client shall have a  
1590 right to hire, discipline and terminate a covered employee.

1591 (c) Upon initiation of the PEO relationship: (i) the PEO shall provide the client a notice;  
1592 (ii) the client shall post said notice in a conspicuous place at the client's worksite; and (iii)  
1593 depending on the customary way that the client communicates with its employees, the client  
1594 shall provide a hard copy or an electronic copy of the notice to the employees. The notice shall  
1595 contain: (A) notice of the general nature of the co-employment relationship between and among  
1596 the professional employer organization, the client and such covered employees, including the  
1597 rights, responsibilities and duties that the PEO and the client have with respect to the covered  
1598 employees; (B) the name and telephone number of the department; (C) the name and telephone  
1599 number of the PEO; (D) disclosure if the benefit plan is self-funded or is not fully insured; (E)  
1600 the name of the workers' compensation carrier and the policy number; (F) whether the PEO or  
1601 the client maintains the workers' compensation policy and performs safety inspections at the  
1602 workplace; (G) a phone number or contact to report injuries and hazardous worksite conditions;  
1603 and (H) a multilingual tagline on the notice provided by the department in languages required  
1604 under clause (iii) of subsection (d) of section 62A of chapter 151A that includes the name and  
1605 telephone number of the department and states that the notice contains important information  
1606 that should be translated.

1607 (d) Upon termination, and in accordance with applicable federal and state law, the PEO  
1608 shall provide covered employees with written notice of the termination of the PEO relationship.  
1609 The notice may be provided electronically if that is the customary manner in which the client and  
1610 the PEO communicate with the covered employee.

1611 (e) Except to the extent otherwise expressly provided by the applicable professional  
1612 employer agreement: (i) a client shall be solely responsible for the quality, adequacy or safety of  
1613 the goods or service produced or sold in the client's business; (ii) a client shall be solely  
1614 responsible for directing, supervising, training and controlling the work of the covered  
1615 employees with respect to the business activities of the client and solely responsible for the acts,  
1616 errors or omissions of the covered employees with regard to such activities; (iii) a client shall be  
1617 solely responsible for the payment of any wages to covered employees and to make payments for  
1618 employee benefits for covered employees; (iv) a client shall be solely responsible for safety, risk  
1619 and hazard control at the worksite and compliance with related state and federal laws; (v) upon  
1620 termination of the PEO relationship, the client shall be solely responsible for providing  
1621 employees with information regarding the handling of claims and benefits; (vi) a client shall not  
1622 be liable for the acts, errors or omissions of a PEO, or of any covered employee of the client and  
1623 a PEO, when such covered employee is acting under the express direction and control of the  
1624 PEO; (vii) a PEO shall not be liable for the acts, errors or omissions of a client, or of any covered  
1625 employee of the client, when such covered employee is acting under the express direction and  
1626 control of the client; (viii) nothing in this subsection shall serve to limit any contractual liability  
1627 or obligation specifically provided in the written professional employer agreement; (ix) a  
1628 covered employee shall not be, solely as the result of being a covered employee of a PEO, an  
1629 employee of the PEO for purposes of general liability insurance, fidelity bonds, surety bonds,  
1630 employer's liability that is not covered by workers' compensation or liquor liability insurance  
1631 carried by the PEO unless the covered employees are included by specific reference in the  
1632 professional employer agreement and applicable prearranged employment contract, insurance  
1633 contract or bond; (x) nothing in this section shall in any way limit the liabilities and obligations

1634 of any PEO or client to covered employees as required by this chapter; (xi) the client shall be  
1635 solely responsible for notifying the PEO of all covered employees; provided, however, that  
1636 where the client has failed to notify the PEO, the client will be deemed to be the sole employer of  
1637 the employee; and (xii) the client shall retain all records in compliance with state and federal law  
1638 including, but not limited to, section 52C of chapter 149, section 15 of chapter 151 and 29 CFR  
1639 Part 516; provided, however, that if an obligation under this clause is allocated to a PEO under  
1640 the professional service agreement, the PEO shall disclose to a covered employee, upon request,  
1641 the documents retained under this clause as required by state and federal law.

1642           Section 198. (a) A tax assessed or an assessment or a mandated expenditure on a per  
1643 capita or per employee basis shall be assessed against the client for covered employees and  
1644 against the PEO for its employees who are not covered employees involved in a PEO  
1645 relationship with a client. Benefits or monetary consideration that meet the requirements of  
1646 mandates imposed on a client and that are received by covered employees through the PEO  
1647 through payroll or through benefit plans sponsored by the PEO shall be credited against the  
1648 client's obligation to fulfill such mandates.

1649           (b) If there is a tax or an assessment imposed or calculated upon the basis of total payroll,  
1650 the PEO shall be eligible to apply any small business allowance or exemption available to the  
1651 client for the covered employees for purpose of computing the tax.

1652           Section 199. (a) Workers' compensation shall be provided to covered employees at each  
1653 client company either by the PEO or by the client company of the covered employee pursuant to  
1654 chapter 152 and regulations promulgated pursuant to said chapter 152.

1655 (b) PEOs and clients shall comply with employer notice requirements pursuant to  
1656 sections 21 and 22 of said chapter 152.

1657 (c) To the extent the PEO has assumed responsibility in the professional employer  
1658 agreement, the PEO shall maintain responsibility for the management of workers' compensation  
1659 claims.

1660 (d) The professional employer agreement shall specify the allocation of responsibilities  
1661 between the PEO and the client for workplace safety, risk and hazard control including the  
1662 responsibility for disclosing information about workplace injuries and illness required by the  
1663 federal Occupational Safety and Health Act and for performing workplace safety inspections of  
1664 all premises where covered employees are employed.

1665 (e) Where the PEO has workers' compensation coverage and has executed an alternate  
1666 employer endorsement naming the client as an additional insured, both the client and the PEO  
1667 shall be considered the employer for purpose of coverage under said chapter 152.

1668 (f) Where the client has workers' compensation coverage and has executed an alternate  
1669 employer endorsement naming the PEO as an additional insured, both the client and the PEO  
1670 shall be considered the employer for the purpose of coverage under said chapter 152.

1671 Section 200. (a) For purposes of chapter 151A, covered employees of a PEO shall be  
1672 considered the employees of the client and the PEO shall be responsible for the payment of  
1673 contributions, penalties and interest on wages paid by the PEO to its covered employees during  
1674 the term of the applicable professional employer agreement.

1675 (b) The PEO shall report and pay all required contributions to the unemployment  
1676 compensation fund using the state employer account number and the experience rate of the client  
1677 company pursuant to said chapter 151A and the regulations promulgated pursuant to said chapter  
1678 151A.

1679 Section 201. Except as otherwise provided in this chapter, for the purposes of federal,  
1680 state or local laws relating to employee count, including, but not limited to, paid and unpaid  
1681 leave, health and transportation benefits and protection under fair employment laws, the  
1682 employee count shall include all of the client company's employees, including the client's  
1683 employees who are covered employees under the PEO relationship between the client and the  
1684 PEO.

1685 Section 202. (a) A person shall not knowingly and intentionally: (i) offer or provide  
1686 professional employer services or use the names PEO, professional employer organization, staff  
1687 leasing, employee leasing, administrative employer or other title representing professional  
1688 employer services without registering with the department pursuant to section 196; (ii) provide  
1689 false or fraudulent information to the department in conjunction with any registration, renewal or  
1690 in any report required pursuant to sections 192 to 203, inclusive; (iii) enter into a PEO  
1691 relationship and split a client workforce for the sole purpose of avoiding compliance with  
1692 federal, state or municipal laws; or (iv) make a material misrepresentation to the department, to  
1693 other governmental agencies or to covered employees.

1694 (b) Disciplinary action may be taken by the department for violation of sections 192 to  
1695 203, inclusive, including for: (i) the conviction of a PEO or a controlling person of a PEO of a  
1696 crime that relates to the operation of a PEO or the ability of the licensee or a controlling person

1697 of a licensee to operate a PEO; (ii) knowingly making a material misrepresentation to the  
1698 department or other governmental agency; or (iii) a willful violation of sections 192 to 203,  
1699 inclusive, or any related order or regulation.

1700 (c) Any individual may file a complaint with the department against a PEO, PEO group,  
1701 controlling person of a PEO, person offering professional employer services or a client. The  
1702 complaint shall be filed in writing, with the department, in a form prescribed by the director.

1703 (1) Upon receipt of a complaint, the department shall proceed to review and investigate  
1704 the complaint to determine if further action is warranted.

1705 (2) If the director, after investigation, has cause to believe that there has been a violation  
1706 of this chapter, the director may refer the complaint to the office of the attorney general.

1707 (d) Upon finding, after notice and opportunity for hearing, that a PEO, PEO group,  
1708 controlling person of a PEO, person offering professional employer services or client has  
1709 violated 1 or more provisions of this chapter, including the failure to furnish records and  
1710 requested information to the department and its inspectors, or has hindered or interfered with any  
1711 authorized inspector while in the performance of the inspector's duties, subject to any appeal, the  
1712 director may: (i) deny an application for a license; (ii) revoke, suspend, restrict or refuse to renew  
1713 a license; (iii) impose an administrative penalty in an amount not to exceed \$1,000 for each  
1714 material violation; (iv) place the licensee on probation for the period and subject to conditions  
1715 that the department specifies; or (v) issue a cease and desist order.

1716 Section 203. Wages shall be paid in accordance with section 148 of this chapter and any  
1717 minimum wage and overtime requirements as provided for in chapter 151. A PEO who fails to  
1718 pay wages, to the extent the PEO has assumed responsibility in the professional employer

1719 agreement or subsequent written agreement and as required under this chapter, shall be subject to  
1720 penalties under this chapter.

1721 SECTION 23. Section 14L of chapter 151A of the General Laws, as so appearing, is  
1722 hereby amended by adding the following subsection:-

1723 (c) Annually, not later than September 1, the director of career services shall file a report  
1724 with the joint committee on labor and workforce development and the house and senate  
1725 committees on ways and means concerning the collection of the workforce training contributions  
1726 pursuant to subsection (a) for the calendar year ending on the preceding December 31. The report  
1727 shall include, but not be limited to: (i) the amount collected in each quarter and the total amount  
1728 collected for the calendar year; (ii) the total number of employers that contributed to the fund and  
1729 the total number of employees employed by that group of employers; and (iii) the contribution  
1730 rate, to the extent it differs from 0.056 per cent.

1731 SECTION 24. Section 25E of chapter 152 of the General Laws, as so appearing, is  
1732 hereby amended by striking out, in line 1, 14 and 16, the words “25V,” and inserting in place  
1733 thereof, in each instance, the following words:- 25W.

1734 SECTION 25. Said chapter 152 is hereby further amended by inserting after section 25V  
1735 the following section:-

1736 Section 25W. Notwithstanding any general or special law to the contrary, chapter 176W  
1737 shall apply to groups governed by sections 25E to 25U, inclusive.

1738 SECTION 26. Section 12 of chapter 172 of the General Laws, as appearing in the 2016  
1739 Official Edition, is hereby amended by inserting after the words “residents therein”, in line 4, the

1740 following words:- ; provided, however, upon application in writing by a bank engaged in a  
1741 global custody business, the commissioner may waive or modify this requirement and may take  
1742 into consideration factors including, but not limited to, the impact on the safety and soundness of  
1743 the bank, or the current or prospective board composition and their expertise, experience and  
1744 qualifications.

1745 SECTION 27. Subsection (1) of section 20A of chapter 175 of the General Laws, as  
1746 appearing in the 2016 Official Edition, is hereby amended by adding the following 2  
1747 paragraphs:-

1748 (I) If an accredited or certified reinsurer ceases to meet the requirements for accreditation  
1749 or certification, the commissioner may suspend or revoke the reinsurer's accreditation or  
1750 certification.

1751 (i) The commissioner shall give the reinsurer notice and opportunity for hearing. The  
1752 suspension or revocation shall not take effect until after the commissioner's order on hearing,  
1753 unless:

1754 (a) the reinsurer waives its right to hearing;

1755 (b) the commissioner's order is based on regulatory action by the reinsurer's domiciliary  
1756 jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact  
1757 insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state  
1758 of the reinsurer under subparagraph (vi) of paragraph (E); or

1759 (c) the commissioner finds that an emergency requires immediate action and a court of  
1760 competent jurisdiction has not stayed the commissioner's action.



1761 (ii) While a reinsurer's accreditation or certification is suspended, no reinsurance contract  
1762 issued or renewed after the effective date of the suspension shall qualify for credit except to the  
1763 extent that the reinsurer's obligations under the contract are secured in accordance with  
1764 subsection (2). If a reinsurer's accreditation or certification is revoked, no credit for reinsurance  
1765 shall be granted after the effective date of the revocation except to the extent that the reinsurer's  
1766 obligations under the contract are secured in accordance with subparagraph (v) of paragraph (E)  
1767 or subsection (2).

1768 (J)(i) A ceding insurer shall take steps to manage its reinsurance recoverables  
1769 proportionate to its own book of business. A domestic ceding insurer shall notify the  
1770 commissioner within 30 days after: (1) reinsurance recoverables from any single assuming  
1771 insurer, or group of affiliated assuming insurers, exceeds 50 per cent of the domestic ceding  
1772 insurer's last reported surplus to policyholders, or (2) it is determined that reinsurance  
1773 recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely  
1774 to exceed 50 per cent of the domestic ceding insurer's last reported surplus to policyholders. The  
1775 notification shall demonstrate that the exposure is safely managed by the domestic ceding  
1776 insurer.

1777 (ii) A ceding insurer shall take steps to diversify its reinsurance program. A domestic  
1778 ceding insurer shall notify the commissioner within 30 days after: (1) ceding to any single  
1779 assuming insurer, or group of affiliated assuming insurers, more than 20 per cent of the ceding  
1780 insurer's gross written premium in the prior calendar year, or (2) it has determined that the  
1781 reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is  
1782 likely to exceed 20 per cent of the ceding insurer's gross written premium in the prior calendar

1783 year. The notification shall demonstrate that the exposure is safely managed by the domestic  
1784 ceding insurer.

1785 SECTION 28. Said section 20A of said chapter 175, as so appearing, is hereby further  
1786 amended by striking out subsection (5) and inserting in place thereof the following subsection:-

1787 (5) (A) The commissioner may, in accordance with chapter 30A and after notice and  
1788 hearing, promulgate reasonable rules and regulations necessary to effectuate this section.

1789 (B) The commissioner is further authorized to adopt rules and regulations applicable to  
1790 reinsurance arrangements described in subparagraph (i) of paragraph (B) of this subsection.

1791 (i) A regulation adopted pursuant to paragraph (B) of this subsection, may apply only to  
1792 reinsurance relating to:

1793 (a) Life insurance policies with guaranteed nonlevel gross premiums or guaranteed  
1794 nonlevel benefits;

1795 (b) Universal life insurance policies with provisions resulting in the ability of a  
1796 policyholder to keep a policy in force over a secondary guarantee period;

1797 (c) Variable annuities with guaranteed death or living benefits;

1798 (d) Long-term care insurance policies; or

1799 (e) Such other life and health insurance and annuity products as to which the NAIC  
1800 adopts model regulatory requirements with respect to credit for reinsurance.

1801 (ii) A regulation adopted pursuant to clauses (i) and (ii) of paragraph (B) shall apply to  
1802 any reinsurance contract containing:

1803 (a) policies issued on or after January 1, 2015, or

1804 (b) policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is  
1805 ceded in connection with the contract, in whole or in part, on or after January 1, 2015.

1806 (iii) A regulation adopted pursuant to paragraph (B) of this subsection may require the  
1807 ceding insurer, in calculating the amounts or forms of security required to be held under  
1808 regulations promulgated under this authority, to use the Valuation Manual adopted by the NAIC  
1809 under Section 11B(1) of the NAIC Standard Valuation Law, including all amendments adopted  
1810 by the NAIC and in effect on the date as of which the calculation is made, to the extent  
1811 applicable.

1812 (iv) A regulation adopted pursuant to this paragraph (B) of this subsection shall not  
1813 apply to cessions to an assuming insurer that:

1814 (a) is certified in the commonwealth;

1815 (b) maintains at least \$250,000,000 in capital and surplus when determined in accordance  
1816 with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto  
1817 adopted by the NAIC, excluding the impact of any permitted or prescribed practices; and is  
1818 licensed in at least 26 states; or licensed in at least 10 states and licensed or accredited in a total  
1819 of at least 35 states.

1820 (v) The authority to adopt regulations pursuant to paragraph (B) shall not limit the  
1821 commissioner's authority to adopt regulations pursuant to paragraph (A).

1822 SECTION 29. Section 168 of chapter 175 of the General Laws, as appearing in the 2016  
1823 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof  
1824 the following subsection:-

1825 (d)(1) Each person so licensed shall keep a separate account of the business done under  
1826 the license and shall file forthwith a certified copy of each such account with the commissioner.  
1827 Each account so filed shall include, but not be limited to: (i) the exact amount of such insurance  
1828 placed for each person whose home state is the commonwealth; (ii) the gross premium charged  
1829 for such insurance; (iii) the company that issued the insurance policy; (iv) the date and term of  
1830 each policy; and (v) a report in the same detail of each cancelled policy, with the gross return  
1831 premiums thereon.

1832 (2) Each person so licensed shall, annually, not later than January 31, file a sworn  
1833 statement with the state treasurer providing the gross premiums charged for insurance procured  
1834 or placed and the gross return premiums on such insurance cancelled under the license during the  
1835 year ending on December 31 last preceding. At the time of filing such statement, each person  
1836 licensed as a special insurance broker shall pay a fee to the commonwealth in an amount equal to  
1837 4 per cent of such gross premiums, less such gross return premiums, on properties, risks or  
1838 exposures located or to be performed in the commonwealth or any other state if the insured's  
1839 home state is the commonwealth.

1840 SECTION 30. Said section 168 of said chapter 175 of the General Laws, as so appearing,  
1841 is hereby further amended by striking out, in line 161, the words "collected pursuant to clause (3)  
1842 of subsection (d).

1843 SECTION 31. Section 206 of said chapter 175, as so appearing, is hereby amended by  
1844 inserting after the definition of “Control” the following definition:-

1845 “Group-wide supervisor”, the regulatory official authorized to engage in conducting and  
1846 coordinating group-wide supervision activities and is determined or acknowledged by the  
1847 commissioner under subsection (y) of section 206C to have sufficient significant contacts with  
1848 the internationally active insurance group.

1849 SECTION 32. Said section 206 of said chapter 175, as so appearing, is hereby further  
1850 amended by inserting after the definition of “Insurer” the following definition:-

1851 “Internationally active insurance group”, an insurance holding company system that: (i)  
1852 includes an insurer registered under section 206C; and (ii) meets the following criteria: (a)  
1853 premiums written in at least 3 countries; (b) the percentage of gross premiums written outside the  
1854 United States is at least 10 per cent of the insurance holding company system’s total gross  
1855 written premiums and (c) based on a 3-year rolling average, the total assets of the insurance  
1856 holding company system are at least \$50,000,000,000 or the total gross written premiums of the  
1857 insurance holding company system are at least \$10,000,000,000.

1858 SECTION 33. Section 206C of said chapter 175, as so appearing, is hereby further  
1859 amended by inserting after the word “reported”, in line 291, the following words:- or provided  
1860 to the division of insurance.

1861 SECTION 34. Said section 206C of said chapter 175, as so appearing, is hereby further  
1862 amended by adding the following subsection:-

1863 (y)(1) The commissioner may act as the group-wide supervisor for any internationally  
1864 active insurance group in accordance with this subsection; provided however, the commissioner  
1865 may otherwise acknowledge another regulatory official as the group-wide supervisor if the  
1866 internationally active insurance group:

1867 (i) does not have substantial insurance operations in the United States;

1868 (ii) has substantial insurance operations in the United States, but not the commonwealth;

1869 or

1870 (iii) has substantial insurance operations in the United States and the commonwealth, but  
1871 the commissioner has determined pursuant to the factors set forth in paragraphs (2) and (6) that  
1872 another regulatory official is the appropriate group-wide supervisor.

1873 An insurance holding company system that does not qualify as an internationally active  
1874 insurance group may request that the commissioner make a determination or acknowledgement  
1875 as to a group-wide supervisor.

1876 (2) In cooperation with other state, federal and international regulatory agencies, the  
1877 commissioner shall identify a single group-wide supervisor for an internationally active  
1878 insurance group. The commissioner may determine that the commissioner is the appropriate  
1879 group-wide supervisor for an internationally active insurance group that conducts substantial  
1880 insurance operations concentrated in the commonwealth; provided however, the commissioner  
1881 may determine that it is appropriate to acknowledge another supervisor to serve as the group-  
1882 wide supervisor. The acknowledgement of the group-wide supervisor shall be made after  
1883 consideration of the factors listed in clauses (i) to (v) of the second paragraph, and shall be made  
1884 in cooperation with and subject to the acknowledgment of other regulatory officials involved

1885 with supervision of members of the internationally active insurance group, and in consultation  
1886 with the internationally active insurance group.

1887 The commissioner may acknowledge that a regulatory official from another jurisdiction  
1888 is the appropriate group-wide supervisor for the internationally active insurance group. The  
1889 commissioner shall consider the following factors when making a determination or  
1890 acknowledgement under this subsection:

1891 (i) the domicile of the insurers within the internationally active insurance group that hold  
1892 the largest share of the group's written premiums, assets or liabilities;

1893 (ii) the domicile of the top-tiered insurers in the insurance holding company system of the  
1894 internationally active insurance group;

1895 (iii) the location of the executive offices or largest operational offices of the  
1896 internationally active insurance group;

1897 (iv) whether another regulatory official is acting or is seeking to act as the group-wide  
1898 supervisor under a regulatory system that the commissioner determines to be substantially  
1899 similar to the system of regulation by the commonwealth, or otherwise sufficient in terms of  
1900 providing for group-wide supervision, enterprise risk analysis and cooperation with other  
1901 regulatory officials; and

1902 (v) whether another regulatory official acting or seeking to act as the group-wide  
1903 supervisor provides the commissioner with reasonably reciprocal recognition and cooperation.

1904 (3) Notwithstanding any general or special law to the contrary, when another regulatory  
1905 official is acting as the group-wide supervisor of an internationally active insurance group, the

1906 commissioner shall acknowledge that regulatory official as the group-wide supervisor.  
1907 However, in the event of a material change in the internationally active insurance group that  
1908 results in: (i) the internationally active insurance group's insurers domiciled in the  
1909 commonwealth holding the largest share of the group's premiums, assets or liabilities; or (ii) the  
1910 commonwealth being the domicile of the top-tiered insurers in the insurance holding company  
1911 system of the internationally active insurance group, the commissioner shall make a  
1912 determination or acknowledgment as to the appropriate group-wide supervisor for such an  
1913 internationally active insurance group pursuant to paragraph (2).

1914 (4) Pursuant to subsection (u), the commissioner may collect from any insurer registered  
1915 pursuant to subsection (a) all information necessary to determine if the commissioner may act as  
1916 the group-wide supervisor of an internationally active insurance group or acknowledge another  
1917 regulatory official to act as the group-wide supervisor. Prior to issuing a determination that an  
1918 internationally active insurance group is subject to group-wide supervision by the commissioner,  
1919 the commissioner shall notify the insurer registered pursuant to subsection (a) and the ultimate  
1920 controlling person within the internationally active insurance group. The internationally active  
1921 insurance group shall have not less than 30 days to provide the commissioner with additional  
1922 information pertinent to the pending determination. The commissioner shall publish on the  
1923 division of insurance's website the identity of internationally active insurance groups that the  
1924 commissioner has determined are subject to group-wide supervision by the commissioner.

1925 (5) If the commissioner is the group-wide supervisor for an internationally active  
1926 insurance group, the commissioner may engage in any of the following group-wide supervision  
1927 activities:



1928 (i) assess the enterprise risks within the internationally active insurance group to ensure  
1929 that the material financial condition and liquidity risks to the members of the internationally  
1930 active insurance group that are engaged in the business of insurance are identified by  
1931 management and reasonable and effective mitigation measures are in place;

1932 (ii) request, from any member of an internationally active insurance group subject to the  
1933 commissioner's supervision, information necessary and appropriate to assess enterprise risk,  
1934 including but not limited to, information about the members of the internationally active  
1935 insurance group regarding governance, risk assessment and management; capital adequacy; and  
1936 material intercompany transactions;

1937 (iii) coordinate and, through the authority of the regulatory officials of the jurisdictions  
1938 where members of the internationally active insurance group are domiciled, compel development  
1939 and implementation of reasonable measures designed to ensure that the internationally active  
1940 insurance group is able to timely recognize and mitigate enterprise risks to members of such  
1941 internationally active insurance group that are engaged in the business of insurance;

1942 (iv) communicate with other state, federal and international regulatory agencies for  
1943 members within the internationally active insurance group and share relevant information subject  
1944 to the confidentiality provisions of subsection (v), through supervisory colleges as set forth in  
1945 subsection (x) or otherwise;

1946 (v) enter into agreements with or obtain documentation providing the basis for or  
1947 otherwise clarifying the commissioner's role as group-wide supervisor, including provisions for  
1948 resolving disputes with other regulatory officials from: any insurer registered under subsection  
1949 (a), any member of the internationally active insurance group and any other state, federal and

1950 international regulatory agencies for members of the internationally active insurance group. Said  
1951 agreements or documentation shall not serve as evidence that an insurer or person within an  
1952 insurance holding company system not domiciled or incorporated in the commonwealth is doing  
1953 business in the commonwealth or is otherwise subject to jurisdiction in this state in any  
1954 proceeding; and

1955 (vi) other group-wide supervision activities, consistent with the authorities and purposes  
1956 enumerated in this paragraph, as considered necessary by the commissioner.

1957 (6) If the commissioner acknowledges that another regulatory official from a jurisdiction  
1958 that is not accredited by the National Association of Insurance Commissioners is the group-wide  
1959 supervisor, the commissioner may reasonably cooperate, through supervisory colleges or  
1960 otherwise, with group-wide supervision undertaken by the group-wide supervisor, provided that:  
1961 (i) the commissioner's cooperation is in compliance with the laws of the commonwealth; and (ii)  
1962 the regulatory official acknowledged as the group-wide supervisor also recognizes and  
1963 cooperates with the commissioner's activities as a group-wide supervisor for other  
1964 internationally active insurance groups where applicable. If such recognition and cooperation is  
1965 not reasonably reciprocal, the commissioner may refuse recognition and cooperation.

1966 (7) The commissioner may enter into agreements with or obtain documentation from any  
1967 insurer registered under subsection (a), any affiliate of said insurer and other state, federal and  
1968 international regulatory agencies for members of the internationally active insurance group that  
1969 provide the basis for or otherwise clarify a regulatory official's role as group-wide supervisor.

1970 (8) A registered insurer subject to this subsection shall be liable for and shall pay the  
1971 reasonable expenses of the commissioner's participation in the administration of this subsection,

1972 including the engagement of attorneys, actuaries and any other professionals and all reasonable  
1973 travel expenses.

1974 SECTION 35. Said chapter 175 is hereby further amended by adding the following  
1975 section:-

1976 Section 230. Notwithstanding any general or special law to the contrary, chapter 176W  
1977 shall apply to insurers governed by this chapter.

1978 SECTION 36. Chapter 176 of the General Laws is hereby amended by inserting after  
1979 section 1A the following section:-

1980 Section 1B. Notwithstanding any general or special law to the contrary, chapter 176W  
1981 shall apply to fraternal benefit societies governed by this chapter.

1982 SECTION 37. Section 18 of chapter 176A of the General Laws, as appearing in the 2016  
1983 Official Edition, is hereby amended by adding the following paragraph:-

1984 Notwithstanding any general or special law to the contrary, chapter 176W shall apply to  
1985 every corporation subject to this chapter.

1986 SECTION 38. Chapter 176B of the General Laws is hereby amended by inserting after  
1987 section 8B the following section:-

1988 Section 8C. Notwithstanding any general or special law to the contrary, chapter 176W  
1989 shall apply to a medical service corporation governed by this chapter.

1990 SECTION 39. Chapter 176E of the General Laws is hereby amended by inserting after  
1991 section 8B the following section:-

1992           Section 8C. Notwithstanding any general or special law to the contrary, chapter 176W  
1993 shall apply to a dental service corporation governed by this chapter.

1994           SECTION 40. Chapter 176F of the General Laws is hereby amended by inserting after  
1995 section 8A the following section:-

1996           Section 8B. Notwithstanding any general or special law to the contrary, chapter 176W  
1997 shall apply to an optometric service corporation governed by this chapter.

1998           SECTION 41. Chapter 176G of the General Laws is hereby amended by inserting after  
1999 section 10A the following section:-

2000           Section 10B. Notwithstanding any general or special law to the contrary, chapter 176W  
2001 shall apply to a health maintenance organization governed by this chapter.

2002           SECTION 42. Chapter 176H of the General Laws is hereby amended by inserting after  
2003 section 13A the following section:-

2004           Section 13B. Notwithstanding any general or special law to the contrary, chapter 176W  
2005 shall apply to legal services plans governed by this chapter.

2006           SECTION 43. Section 6 of chapter 176O of the General Laws, as appearing in the 2016  
2007 Official Edition, is hereby amended by striking out, in lines 36 and 37 and lines 102 and 103, in  
2008 each instance, the words “and the involuntary disenrollment rate among insureds of the carrier”.

2009           SECTION 44. Section 21 of said chapter 176O, as so appearing, is hereby amended by  
2010 striking out subsection (a).

2011 SECTION 45. Subsection (b) of said section 21 of said chapter 176O, as so appearing, is  
2012 hereby amended by striking out paragraph (2) and inserting in place thereof the following  
2013 paragraph:-

2014 (2) Any carrier which provides administrative services to 1 or more self-insured groups  
2015 shall submit to the division a report including the following information:

2016 (i) the number of the carrier's self-insured customers;

2017 (ii) the aggregate number of members, as defined in section 1 of chapter 176J, in all of  
2018 the carrier's self-insured customers;

2019 (iii) the aggregate number of lives covered in all of the carrier's self-insured customers;

2020 (iv) the percentage of the carrier's self-insured customers that include each of the benefits  
2021 mandated for health benefit plans under chapters 175, 176A, 176B and 176G; and

2022 (v) any other information deemed necessary by the commissioner.

2023 SECTION 46. Subsection (d) of said section 21 of said chapter 176O, as so appearing, is  
2024 hereby amended by striking out the first sentence and inserting in place thereof the following  
2025 sentence:-

2026 If, for any year, the division determines, based on the report submitted under section 10  
2027 of chapter 176G or other sources, that a carrier has a risk-based capital ratio on a combined entity  
2028 basis that exceeds 700 per cent, the division shall hold a public hearing within 60 days.

2029 SECTION 47. Chapter 176P of the General Laws is hereby amended by inserting after  
2030 section 38A the following section:-

2031 Section 38B. Notwithstanding any general or special law to the contrary, chapter 176W  
2032 shall apply to a limited society governed by this chapter.

2033 SECTION 48. The General Laws are hereby amended by inserting after chapter 176V the  
2034 following chapter:-

2035 CHAPTER 176W.

2036 Section 1. As used in this chapter, the following words shall, unless the context clearly  
2037 requires otherwise, have the following meanings:-

2038 “Commissioner”, the commissioner of insurance.

2039 “Corporate Governance Annual Disclosure (CGAD)”, a confidential report filed by the  
2040 insurer or insurance group made in accordance with the requirements of this chapter.

2041 “Corporate Governance Annual Disclosure Model Regulation”, the current  
2042 version of the Corporate Governance Annual Disclosure Model Regulation developed and  
2043 adopted by the NAIC and as amended from time to time. A change in the Corporate Governance  
2044 Annual Disclosure Model Regulation shall be effective on the January 1 following the calendar  
2045 year in which the changes have been adopted by the NAIC.

2046 “Division”, the division of insurance.

2047 “Insurance group”, those insurers and affiliates included within an insurance holding  
2048 company system as defined in section 206 of chapter 175; health maintenance organizations and  
2049 affiliates included within a health maintenance organization holding company system, as defined  
2050 in section 1 of chapter 176G; workers compensation self-insurance groups and their affiliates  
2051 organized pursuant to sections 25E to 25U, inclusive, of chapter 152; fraternal benefit societies

2052 and their affiliates organized pursuant to chapter 176; non-profit hospital service corporations  
2053 and their affiliates organized pursuant to chapter 176A; medical service corporations and their  
2054 affiliates organized pursuant to chapter 176B; dental service corporations and their affiliates  
2055 organized pursuant to chapter 176E; optometric service corporations and their affiliates  
2056 organized pursuant to chapter 176F; insured legal services plans and their affiliates organized  
2057 pursuant to chapter 176H; and limited societies and their affiliates organized pursuant to chapter  
2058 176P.

2059 “Insurer”, the same meaning as in section 1 of chapter 175; workers compensation self-  
2060 insurance groups organized pursuant to sections 25E to 25U, inclusive, of chapter 152; fraternal  
2061 benefit societies organized pursuant to chapter 176; non-profit hospital service corporations  
2062 organized pursuant to chapter 176A; medical service corporations organized pursuant to chapter  
2063 176B; dental services corporations organized pursuant to chapter 176E; optometric service  
2064 corporations organized pursuant to chapter 176F; health maintenance organizations organized  
2065 pursuant to chapter 176G; insured legal services plans organized pursuant to chapter 176H; and  
2066 limited societies organized pursuant to chapter 176P; except that “insurer” shall not include  
2067 agencies, authorities or instrumentalities of the United States, its possessions and territories, the  
2068 commonwealth of Puerto Rico, the District of Columbia or a state or political subdivision of a  
2069 state.

2070 “NAIC”, the National Association of Insurance Commissioners.

2071 “ORSA summary report”, the report filed in accordance with chapter 176V.

2072 Section 2. (a) An insurer, or the insurance group of which the insurer is a member, shall,  
2073 no later than June 1 of each calendar year, submit to the commissioner a CGAD that contains the

2074 information described in subsection (a) of section 4. Notwithstanding any request from the  
2075 commissioner made pursuant to subsection (c), if the insurer is a member of an insurance group,  
2076 the insurer shall submit the report required by this section to the commissioner of the lead state  
2077 for the insurance group, in accordance with the laws of the lead state, as determined by the  
2078 procedures outlined in the most recent Financial Analysis Handbook adopted by the NAIC.

2079 (b) The CGAD shall include a signature of the insurer's or insurance group's chief  
2080 executive officer or corporate secretary attesting to the best of that individual's belief and  
2081 knowledge that the insurer has implemented the corporate governance practices and that a copy  
2082 of the disclosure has been provided to the insurer's board of directors or the appropriate  
2083 committee thereof.

2084 (c) An insurer not required to submit a CGAD under this section shall do so upon the  
2085 commissioner's request.

2086 (d) For purposes of completing the CGAD, the insurer or insurance group may provide  
2087 information regarding corporate governance at the ultimate controlling parent level, an  
2088 intermediate holding company level or the individual legal entity level, depending upon how the  
2089 insurer or insurance group has structured its system of corporate governance. The insurer or  
2090 insurance group is encouraged to make the CGAD disclosures at the level at which the insurer's  
2091 or insurance group's risk appetite is determined, or at which the earnings, capital, liquidity,  
2092 operations and reputation of the insurer are overseen collectively and at which the supervision of  
2093 those factors are coordinated and exercised, or the level at which legal liability for failure of  
2094 general corporate governance duties would be placed. If the insurer or insurance group  
2095 determines the level of reporting based on these criteria, it shall indicate which of the 3 criteria



2096 was used to determine the level of reporting and explain any subsequent changes in the level of  
2097 reporting.

2098 (e) The review of the CGAD and any additional requests for information shall be made  
2099 through the lead state as determined by the procedures within the most recent Financial Analysis  
2100 Handbook adopted by the NAIC referenced in subsection (a).

2101 (f) Insurers providing information substantially similar to the information required by this  
2102 chapter in other documents provided to the commissioner, including proxy statements filed in  
2103 conjunction with Form B requirements pursuant to section 206C of chapter 175, or other state or  
2104 federal filings provided to the division, shall not be required to duplicate that information in the  
2105 CGAD, but shall only be required to cross reference the document in which the information is  
2106 included.

2107 Section 3. The commissioner may, upon notice and opportunity for all interested persons  
2108 to be heard, issue such rules, regulations and orders as shall be necessary to carry out the  
2109 provisions of this chapter.

2110 Section 4. (a) The insurer or insurance group shall have discretion over the responses to  
2111 the CGAD inquiries, provided the CGAD shall contain the material information necessary to  
2112 permit the commissioner to gain an understanding of the insurer's or group's corporate  
2113 governance structure, policies and practices. The commissioner may request additional  
2114 information that he or she deems material and necessary to provide the commissioner with a  
2115 clear understanding of the corporate governance policies, the reporting or information system or  
2116 controls implementing those policies.

2117 (b) Notwithstanding subsection (a) of this section, the CGAD shall be prepared  
2118 consistent with the NAIC Corporate Governance Annual Disclosure Model Regulation, subject  
2119 to the requirements of this chapter. Documentation and supporting information shall be  
2120 maintained and made available upon examination or upon request of the commissioner.

2121 Section 5. (a) Documents, materials or other information including the CGAD, in the  
2122 possession or control of the division that are obtained by, created by or disclosed to the  
2123 commissioner or any other person under this chapter shall be proprietary and recognized to  
2124 contain trade secrets. All such documents, materials or other information shall be confidential by  
2125 law and privileged, shall not be considered a public record pursuant to section 10 of chapter 66,  
2126 shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence  
2127 in any private civil action. However, the commissioner may use the documents, materials or  
2128 other information in the furtherance of any regulatory or legal action brought as a part of the  
2129 commissioner's official duties. The commissioner shall not otherwise make the documents,  
2130 materials or other information public without the prior written consent of the insurer. Nothing in  
2131 this section shall require written consent of the insurer before the commissioner may share or  
2132 receive confidential documents, materials or other CGAD-related information pursuant to  
2133 subsection (c) to assist in the performance of the commissioner's regular duties.

2134 (b) Neither the commissioner nor any person who received documents, materials or other  
2135 CGAD-related information, through examination or otherwise, while acting under the authority  
2136 of the commissioner, or with whom such documents, materials or other information are shared  
2137 pursuant to this chapter shall be permitted or required to testify in any private civil action  
2138 concerning any confidential documents, materials or information subject to subsection (a).

2139 (c) In order to assist in the performance of the commissioner's regulatory duties, the  
2140 commissioner may:

2141 (i) upon request, share documents, materials or other CGAD-related information  
2142 including the confidential and privileged documents, materials or information subject to  
2143 subsection (a), including proprietary and trade secret documents and materials with other state,  
2144 federal and international financial regulatory agencies, including members of any supervisory  
2145 college as defined in subsection (x) of section 206C of chapter 175, with the NAIC, and with  
2146 third party consultants pursuant to section 6, provided that the recipient agrees in writing to  
2147 maintain the confidentiality and privileged status of the CGAD-related documents, material or  
2148 other information and has verified in writing the legal authority to maintain confidentiality; and

2149 (ii) receive documents, materials or other CGAD-related information, including  
2150 otherwise confidential and privileged documents, materials or information, including proprietary  
2151 and trade-secret information or documents, from regulatory officials of other state, federal and  
2152 international financial regulatory agencies, including members of any supervisory college as  
2153 defined in said subsection (x) of said section 206C of said chapter 175, and from the NAIC, and  
2154 shall maintain as confidential or privileged any documents, materials or information received  
2155 with notice or the understanding that it is confidential or privileged under the laws of the  
2156 jurisdiction that is the source of the document, material or information.

2157 (d) The sharing of information and documents by the commissioner pursuant to this  
2158 chapter shall not constitute a delegation of regulatory authority or rulemaking, and the  
2159 commissioner is solely responsible for the administration, execution and enforcement of the  
2160 provisions of this chapter.

2161 (e) No waiver of any applicable privilege or claim of confidentiality in the documents,  
2162 proprietary and trade-secret materials or other CGAD-related information shall occur as a result  
2163 of disclosure of such CGAD-related information or documents to the commissioner under this  
2164 section or as a result of sharing as authorized in this chapter.

2165 Section 6. (a) The commissioner may retain, at the insurer's expense, third-party  
2166 consultants, including attorneys, actuaries, accountants and other experts not otherwise a part of  
2167 the commissioner's staff as may be reasonably necessary to assist the commissioner in reviewing  
2168 the CGAD and related information or the insurer's compliance with this chapter.

2169 (b) Any persons retained under subsection (a) shall be under the direction and control of  
2170 the commissioner and shall act in a purely advisory capacity.

2171 (c) The NAIC and Third-party consultants shall be subject to the same confidentiality  
2172 standards and requirements as the commissioner.

2173 (d) As part of the retention process, a third-party consultant shall verify to the  
2174 commissioner, with notice to the insurer, that it is free of a conflict of interest and that it has  
2175 internal procedures in place to monitor compliance with a conflict and to comply with the  
2176 confidentiality standards and requirements of this chapter.

2177 (e) A written agreement with the NAIC or a third-party consultant governing sharing and  
2178 use of information provided pursuant to this chapter shall contain the following provisions and  
2179 expressly require the written consent of the insurer prior to making public information provided  
2180 under this chapter:

2181 (i) specific procedures and protocols for maintaining the confidentiality and security of  
2182 CGAD-related information shared with the NAIC or a third-party consultant pursuant to this  
2183 chapter;

2184 (ii) procedures and protocols for sharing by the NAIC only with other state regulators  
2185 from states in which the insurance group has domiciled insurers. The agreement shall provide  
2186 that the recipient agrees in writing to maintain the confidentiality and privileged status of the  
2187 CGAD-related documents, materials or other information and has verified in writing the legal  
2188 authority to maintain confidentiality;

2189 (iii) a provision specifying that ownership of the CGAD-related information shared with  
2190 the NAIC or a third-party consultant shall remain with the division and the NAIC's or third-party  
2191 consultant's use of the information is subject to the direction of the commissioner;

2192 (iv) a provision that prohibits the NAIC or a third-party consultant from storing the  
2193 information shared pursuant to this chapter in a permanent database after the underlying analysis  
2194 is completed;

2195 (v) a provision requiring the NAIC or third-party consultant to provide prompt notice to  
2196 the commissioner and to the insurer or insurance group regarding any subpoena, request for  
2197 disclosure, or request for production of the insurer's CGAD-related information; and

2198 (vi) a requirement that the NAIC or a third-party consultant consent to intervention by an  
2199 insurer in any judicial or administrative action in which the NAIC or a third-party consultant  
2200 may be required to disclose confidential information about the insurer shared with the NAIC or a  
2201 third-party consultant pursuant to this chapter.

2202           Section 7. Any insurer failing, without just cause, to timely file the CGAD as required  
2203 pursuant to this chapter shall, after notice and hearing, be subject to a penalty of \$500 for each  
2204 day of delay, to be recovered by the commissioner. The maximum penalty under this section  
2205 shall be \$10,000. The commissioner may reduce the penalty if the insurer demonstrates to the  
2206 commissioner that the imposition of the penalty would constitute a financial hardship to the  
2207 insurer.

2208           Section 8. If any provision of this chapter except for section 5, or the application thereof  
2209 to any person or circumstance, is held invalid, such determination shall not affect the provisions  
2210 or applications of this chapter which can be given effect without the invalid provision or  
2211 application, and to that end the provisions of this chapter, except for section 5, shall be severable.

2212           SECTION 49. Section 1 of chapter 255E of the General Laws, as appearing in the 2016  
2213 Official Edition, is hereby amended by inserting before the definition of “Commissioner” the  
2214 following definition:-

2215           “Bona fide nonprofit affordable homeownership organization”, a Massachusetts nonprofit  
2216 corporation with a primary purpose of helping qualified low-income individuals build, repair and  
2217 purchase affordable housing and meets the definition of “bona fide nonprofit organization” set  
2218 forth in 12 CFR Part 1008.103(e)(7)(ii).

2219           SECTION 50. Said section 1 of said chapter 255E, as so appearing, is hereby further  
2220 amended by inserting after the definition of “Commissioner” the following definition:-

2221           “Instrumentality created by the United States or any state”, a federal, state, municipal  
2222 government, quasi-governmental entity or a nonprofit agency or corporation incorporated under  
2223 the laws of the commonwealth that has a tax exempt status granted under the provisions of

2224 section 501(c)(3) of the federal Internal Revenue Code, which exclusively makes or issues  
2225 commitments for mortgage loans on residential property to be financed with public funds, or  
2226 negotiates, places, assists in the placement of, finds, or offers to negotiate, place, assist in the  
2227 placement of or find mortgage loans on residential property to be financed with public funds  
2228 only under a contract with a federal, state, or municipal government, any instrumentality thereof  
2229 or any quasi-governmental entity as determined by the commissioner. The making of a mortgage  
2230 loan shall include being named as the lender or mortgagee on the note, mortgage or other loan  
2231 documents.

2232 SECTION 51. Section 2 of said chapter 255E of the General Laws, as so appearing, is  
2233 hereby amended by adding the following paragraphs:-

2234 The commissioner may make a determination that a bona fide nonprofit affordable  
2235 homeownership organization is exempt from this chapter upon application for an exemption by  
2236 such organization. Such application shall be approved upon the commissioner's determination  
2237 that the organization satisfies the following criteria:

2238 (a) the organization shall be a nonprofit corporation with a primary purpose of helping  
2239 qualified low-income individuals build, repair and purchase affordable housing;

2240 (b) the organization shall be exempt from federal income taxation under section 501(c)(3)  
2241 of the Internal Revenue Code;

2242 (c) the organization shall not charge loan origination fees;

2243 (d) the organization shall not provide residential mortgage loans that do not fully  
2244 amortize over the term of the loans;

2245 (e) the organization shall not compensate employees based on the number or size of  
2246 mortgage loans originated by the employee or otherwise incentivize any employees to act other  
2247 than in the best interests of the borrower;

2248 (f) the organization provides mortgage products that meet the ability-to-repay and  
2249 qualified mortgage standards pursuant to 12 CFR Part 1026; and

2250 (g) the organization shall determine that a borrower has a reasonable ability to repay a  
2251 mortgage before consummation; provided, however, that a borrower's debt-to-income ratio shall  
2252 not exceed 43 per cent.

2253 The division of banks may periodically monitor an exempted bona fide nonprofit  
2254 affordable homeownership organization and a nonprofit entity that is an instrumentality created  
2255 by the United States or any state under section 2 of chapter 255F and examine its books and  
2256 activities to determine whether it remains in compliance with this chapter.

2257 The commissioner may revoke a bona fide nonprofit affordable homeownership  
2258 organization's exempt status if the commissioner determines said organization no longer meets  
2259 the criteria of this section.

2260 SECTION 52. Subsection (b) of section 2 of chapter 255F of the General Laws, as so  
2261 appearing, is hereby amended by striking out, in line 30, the words "and (vii)" and inserting in  
2262 place thereof the following:- (vii) any person who otherwise meets the definition of a mortgage  
2263 loan originator, as defined in section 1, but who is employed by an organization determined by  
2264 the commissioner to be a bona fide nonprofit affordable homeownership organization pursuant to  
2265 section 2 of chapter 255E; (viii) any person who otherwise meets the definition of a mortgage  
2266 loan originator, as defined in section 1, but who is employed by, or is operating on behalf of, an



2267 instrumentality created by the United States or any state as defined in section 1 of chapter 255E;  
2268 and (ix).

2269 SECTION 53. Chapter 47 of the acts of 1997 is hereby amended by striking out section  
2270 22, as appearing in section 86 of chapter 287 of the acts of 2014, and inserting in place thereof  
2271 the following section:-

2272 Section 22. Notwithstanding any general or special law to the contrary, the health safety  
2273 net office shall expend not more than \$7,000,000 annually for demonstration projects including  
2274 \$2,000,000 annually for a fishing partnership health plan corporation project; provided, however,  
2275 that the increase in the annual cap on demonstration projects shall not reduce the amount  
2276 available from the Health Safety Net Trust Fund for distribution to hospitals, community health  
2277 centers or other demonstration projects; provided, however, that if the expenditure of funds for  
2278 demonstration projects would reduce the amount available from the Health Safety Net Trust  
2279 Fund for distribution to hospitals, community health centers or other demonstration projects, the  
2280 comptroller shall transfer funds upon the recommendation of the secretary of administration and  
2281 finance, from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund to the  
2282 extent necessary to fund the demonstration projects.

2283 SECTION 54. Notwithstanding any general or special law to the contrary, the  
2284 Massachusetts Technology Park Corporation, established in section 3 of chapter 40J of the  
2285 General Laws and doing business as the Massachusetts Technology Collaborative, shall conduct  
2286 a study on the autonomous vehicles industry and issue recommendations on how to advance the  
2287 state's competitiveness in the emerging industry. The study shall include, but not be limited to:  
2288 cybersecurity, data privacy, data analytics, artificial intelligence, the internet of things,

2289 navigational software, robotics, advanced manufacturing and other emerging technologies  
2290 related to autonomous vehicles. The study shall examine ways to accommodate research and  
2291 development in a safe and productive manner. The Massachusetts Technology Collaborative may  
2292 conduct this study in collaboration with relevant stakeholders, including but not limited to, the  
2293 insurance industry, municipalities, institutions of higher education, automobile manufacturers,  
2294 technology companies, policymakers and other entities deemed necessary and relevant. The  
2295 recommendations shall provide ways for the state to improve on its strengths and weaknesses  
2296 through policies, strategies and initiatives to create new or stronger working relationships  
2297 between key institutions, agencies, organizations and businesses. The study and  
2298 recommendations shall be submitted to the joint committee on economic development and  
2299 emerging technologies and the joint committee on transportation not later than December 31,  
2300 2019.

2301 SECTION 55. (a) Notwithstanding any general or special law to the contrary, for the  
2302 days of August 11, 2018 and August 12, 2018, an excise shall not be imposed upon nonbusiness  
2303 sales at retail of tangible personal property, as defined by section 1 of chapter 64H of the General  
2304 Laws. For the purposes of this section, tangible personal property shall not include  
2305 telecommunications services, tobacco products subject to the excise imposed by chapter 64C of  
2306 the General Laws, marijuana or marijuana products subject to the excise tax imposed by chapter  
2307 64H of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single  
2308 item the price of which is in excess of \$2,500.

2309 (b) Notwithstanding any general or special law to the contrary, for the days of August 11,  
2310 2018 and August 12, 2018, a vendor shall not add to the sales price or collect from a nonbusiness  
2311 purchaser an excise upon sales at retail of tangible personal property, as defined by section 1 of

2312 chapter 64H of the General Laws. The commissioner of revenue shall not require a vendor to  
2313 collect and pay excise upon sales at retail of tangible personal property purchased on August 11,  
2314 2018 and August 12, 2018. An excise erroneously or improperly collected during the days of  
2315 August 11, 2018 and August 12, 2018 shall be remitted to the department of revenue. This  
2316 section shall not apply to the sale of telecommunications services, tobacco products subject to  
2317 the excise imposed by chapter 64C of the General Laws, marijuana or marijuana products subject  
2318 to the excise tax imposed by chapter 64H of the General Laws, gas, steam, electricity, motor  
2319 vehicles, motorboats, meals or a single item the price of which is in excess of \$2,500.

2320 (c) Reporting requirements imposed upon vendors of tangible personal property, by law  
2321 or by regulation, including, but not limited to, the requirements for filing returns required by  
2322 chapter 62C of the General Laws, shall remain in effect for sales for the days of August 11, 2018  
2323 and August 12, 2018.

2324 (d) On or before December 31, 2018, the commissioner of revenue shall certify to the  
2325 comptroller the amount of sales tax forgone, as well as new revenue raised from personal and  
2326 corporate income taxes and other sources, pursuant to this section. The commissioner shall file a  
2327 report with the joint committee on revenue and the house and senate committees on ways and  
2328 means detailing by fund the amounts under general and special laws governing the distribution of  
2329 revenues under chapter 64H of the General Laws which would have been deposited in each fund  
2330 without this section.

2331 (e) The commissioner of revenue shall issue instructions or forms, or promulgate rules or  
2332 regulations, necessary for the implementation of this section.

2333 (f) Eligible sales at retail of tangible personal property under subsections (a) or (b) shall  
2334 be restricted to those transactions occurring on August 11, 2018 and August 12, 2018. Transfer  
2335 of possession of or payment in full for the property shall occur on 1 of those days, and prior sales  
2336 or layaway sales shall be ineligible.

2337 SECTION 56. Notwithstanding any general or special law to the contrary, any city or  
2338 town that has received a grant from the executive office of housing and economic development  
2339 or Massachusetts Broadband Institute for purposes of constructing a municipally owned  
2340 broadband network shall have the power and authority: (1) to provide internet access service to  
2341 an unserved premises located in an adjacent municipality; and (2) to accept or acquire an  
2342 easement or other real property interest in an adjacent city or town for purposes of constructing,  
2343 owning, maintaining and operating infrastructure for providing internet access service to its own  
2344 residents or to an unserved premises located in an adjacent municipality. This section shall not  
2345 apply to a municipally owned broadband network that is seeking to provide broadband service to  
2346 premises already served by at least 1 broadband network.

2347 SECTION 57. Notwithstanding any general or special law to the contrary, the  
2348 Massachusetts Department of Transportation shall conduct a study to determine the feasibility of  
2349 increasing the width of state highway route 2 between the town of Concord and the city of  
2350 Gardner. The study shall evaluate the cost of adding a lane in either direction, including the cost  
2351 of relocating crossings and exits and rebuilding existing bridges. The study shall also take into  
2352 account the existing traffic flow and congestion and the extent to which an additional lane would  
2353 improve traffic flow and congestion. The department shall submit a report with the results of the  
2354 study to the clerks of the house of representatives and the senate and the joint committee on  
2355 transportation not later than December 31, 2019.

2356 SECTION 58. (a) Notwithstanding any general or special law to the contrary, the  
2357 commissioner of capital asset management and maintenance, on behalf of and in consultation  
2358 with the department of conservation and recreation, may lease, for a term not to exceed 35 years,  
2359 inclusive of any options for renewal or extension of such lease, all or a portion of the land,  
2360 tidelands and piers, together with the buildings, structures and appurtenances thereon, known as  
2361 the New Bedford State Pier and the Fall River State Pier located in the cities of New Bedford and  
2362 Fall River, respectively, to the Massachusetts Development Finance Agency established in  
2363 chapter 23G of the Massachusetts General Laws, or any affiliated or subsidiary entity controlled  
2364 by the Massachusetts Development Finance Agency.

2365 (b) The lessee may sublease all or portions of the piers and buildings and facilities  
2366 located thereon to one or more public or private entities for commercial, industrial and other uses  
2367 that the lessee determines shall serve a public purpose, including without limitation the public  
2368 purpose of generating revenue for the upkeep, maintenance and improvement of the New  
2369 Bedford State Pier and the Fall River State Pier; provided however, neither the New Bedford  
2370 State Pier nor the Fall River State Pier shall be used to support facilities for offshore energy  
2371 exploration or development; provided further that no person or entity or group of affiliated  
2372 persons or entities shall be permitted the exclusive use of either the New Bedford State Pier or  
2373 the Fall River State Pier; provided further, that the unexpended balance in item 6720-1350, as  
2374 authorized pursuant to chapter 286 of the acts of 2014, shall be made available for the purposes  
2375 of and subject to the conditions stated in the original authorizations and any amendments to such  
2376 authorization; and provided further, that the lessee may sublease up to 20 per cent of the square  
2377 footage on the west side of New Bedford State Pier, adjacent to MacArthur Drive, for one or  
2378 more accessory uses, as defined in 310 C.M.R. 9.12(3).

2379           SECTION 59. Notwithstanding any general or special law to the contrary, to meet the  
2380 expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a  
2381 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified  
2382 by the governor from time to time but not exceeding, in the aggregate, \$928,595,000. All bonds  
2383 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
2384 Economic Development Act of 2018”, and shall be issued for a maximum term of years, not  
2385 exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of  
2386 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall  
2387 be payable not later than June 30, 2053. All interest and payments on account of principal on  
2388 such obligations shall be payable from the General Fund. Bonds and interest thereon issued  
2389 under the authority of this section shall, notwithstanding any other provision of this act, be  
2390 general obligations of the commonwealth.

2391           SECTION 60. Notwithstanding any general or special law to the contrary, to meet the  
2392 expenditures necessary in carrying out section 2B, the state treasurer shall, upon receipt of a  
2393 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified  
2394 by the governor from time to time but not exceeding, in the aggregate, \$225,000,000. All bonds  
2395 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
2396 Economic Development Act of 2018”, and shall be issued for a maximum term of years, not  
2397 exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of  
2398 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall  
2399 be payable not later than June 30, 2053. All interest and payments on account of principal on  
2400 such obligations shall be payable from the General Fund. Bonds and interest thereon issued

2401 under the authority of this section shall, notwithstanding any other provision of this act, be  
2402 general obligations of the commonwealth.

2403 SECTION 61. There shall be a special commission to plan, develop and implement  
2404 strategies to support and promote minority-owned real estate and financial services organizations  
2405 in the commonwealth. The commission shall also identify barriers to professional licensure for  
2406 socially or economically disadvantaged persons including, but not limited to, barriers to  
2407 obtaining mortgage lending and broker licenses, state bank charters and insurance or carrier  
2408 licenses. The commission shall consist of: the commissioner of banks or a designee; the director  
2409 of the division of professional licensure or a designee; 1 representative of the National  
2410 Association of Real Estate Brokers; and 2 minority business enterprise owners, as described in  
2411 section 58 of chapter 7 of the General Laws, appointed by the governor. The commission shall  
2412 file a report of its findings and recommendations with the clerks of the house of representatives  
2413 and senate and the chairs of the house and senate committees on ways and means not later than  
2414 June 30, 2019.

2415 SECTION 62. There shall be a special commission, governed by section 2A of chapter 4  
2416 of the General Laws, to investigate, analyze and study any barriers and hindrances to last mile  
2417 broadband connections. The special commission shall consist of the following 13 members: 6  
2418 members to be appointed by the governor, 1 of whom shall be from western Massachusetts, 1 of  
2419 whom shall be from central Massachusetts, 1 of whom shall be from Cape Cod and the Islands; 1  
2420 of whom shall be the director of a community development corporation located in Barnstable  
2421 county, 1 of whom shall be the director of a community development corporation located in  
2422 Berkshire county, and 1 of whom shall be the director of a community development corporation  
2423 located elsewhere in the commonwealth; the secretary of energy and environmental affairs, or a

2424 designee; the secretary of housing and economic development, or a designee; 1 member of the  
2425 house of representatives appointed by the speaker; 1 member of the house of representatives  
2426 appointed by the minority leader; 1 member of the senate appointed by the senate president; 1  
2427 member of the senate appointed by the minority leader; and the director of the Massachusetts  
2428 Broadband Institute.

2429           The commission study shall include, but not be limited to, any economic, technical,  
2430 statutory or regulatory barriers or other hindrances to developing last mile broadband  
2431 connections. The commission shall submit its findings and recommendations, together with  
2432 drafts of legislation necessary to carry those recommendations into effect, to the clerks of the  
2433 house of representatives and the senate, the house and senate committees on ways and means,  
2434 and the joint committee on economic development and emerging technologies not later than  
2435 December 31, 2019.

2436           SECTION 63. (a) There shall be a special commission, governed by section 2A of  
2437 chapter 4 of the General Laws, to study data related to programs that provide joint support for  
2438 stable housing and to increase economic self-sufficiency. The commission shall examine various  
2439 program components, program outcomes including changes in earned income, education and  
2440 state and federally funded services and the feedback of participants and those not enrolled in  
2441 programs, for the purpose of producing a report with recommendations for criteria for economic  
2442 mobility and financial stability programs for families and individuals with extremely low  
2443 incomes, as defined by the federal United States Department of Housing and Urban  
2444 Development, that may be offered across the commonwealth. The commission shall examine the  
2445 impacts of cliff effects on households with low incomes and determine ways to adjust assistance



2446 in response to changes in income, including automatic adjustments tied to minimum wage  
2447 increases.

2448 (b) The commission shall be chaired by the house and senate chairs of the joint  
2449 committee on children, families and persons with disabilities. The commission shall consist of,  
2450 but shall not be limited to, the following members or their designees: the secretary of  
2451 administration and finance; secretary of education; the secretary of labor and workforce  
2452 development; the undersecretary of housing and economic development, the commissioner of  
2453 transitional assistance; the president of the senate; the speaker of the house of representatives; the  
2454 senate and house chairs of the joint committee on housing; the senate and house chairs of the  
2455 joint committee on labor and workforce development; and 1 representative of each of the  
2456 following organizations: Abt Associates; Cambridge housing authority; Central Massachusetts  
2457 Housing Alliance; Citizens' Housing and Planning Association, Inc.; Compass Collaborative;  
2458 CONNECT; Economic Mobility Pathways, Inc.; Father Bill's & MainSpring; Franklin County  
2459 Regional Housing and Redevelopment Authority; Homes for Families, Inc.; Housing Assistance  
2460 Corporation; Local Initiatives Support Corporation; Massachusetts Chapter of the National  
2461 Association of Housing and Redevelopment Organizations; Massachusetts Association for  
2462 Community Action; Massachusetts Coalition for the Homeless; Massachusetts Law Reform  
2463 Institute, Inc.; Massachusetts Union of Public Housing Tenants, Inc.; Metro Housing Boston;  
2464 MIDAS Collaborative, Inc.; Regional Housing Network of Massachusetts, Inc.; United Way of  
2465 Massachusetts Bay, Inc.; United Way of Merrimack Valley, Inc.; the University of  
2466 Massachusetts center for social policy; Way Finders; and People Acting in Community  
2467 Endeavors, Inc.

2468 (c) The commission shall file a report of its findings and recommendations, together with  
2469 drafts of legislation necessary to carry out the recommendations, with the clerks of the the house  
2470 of representatives and senate, the house and senate and chairs of the joint committee on housing  
2471 and the house and senate committees on ways and means not later than December 31, 2019.

2472 SECTION 64. There shall be a task force to study and develop recommendations on the  
2473 impact of annual closures of Cape Cod bay to protect the right whale population on the  
2474 Massachusetts fishing industry. The task force shall consist of the following members or their  
2475 designees: the commissioner of the department of conservation and recreation, who shall serve as  
2476 chair; the secretary of labor and workforce development; the director of the division of marine  
2477 fisheries; and 4 persons to be appointed by the governor, 1 of whom shall be a representative  
2478 from the Massachusetts lobstermen's association, 1 of whom shall be a representative from the  
2479 Cape Cod commercial fishermen's alliance, 1 of whom shall be a representative from the  
2480 Massachusetts fishermen's partnership and 1 of whom shall be a representative from the  
2481 Gloucester fishermen's wives association.

2482 The task force shall: (i) research the financial impacts on individual fishermen and the  
2483 fishing industry as a whole of the annual closure of Cape Cod bay to protect the right whale  
2484 population; (ii) investigate additional impacts of emergency closures of Cape Cod bay in  
2485 instances when the right whale population stays beyond May 1; and (iii) research existing  
2486 programs to assist fishermen who are unable to earn a living based on external factors beyond  
2487 their control.

2488 SECTION 65. (a) There shall be an industrial mill building revitalization task force to  
2489 stimulate the re-development, rehabilitation and revitalization of industrial mill buildings and

2490 surrounding areas in the commonwealth. The task force shall: (i) review current laws and  
2491 regulations beneficial the revitalization of mill buildings and surrounding areas, including, but  
2492 not limited to, federal and state tax incentives and renewable energy production; (ii) create a list  
2493 of existing mill buildings, their locations, whether they are active or inactive and current uses, if  
2494 applicable, in the commonwealth; (iii) investigate potential new uses for mill buildings based on  
2495 market conditions that increase economic development; (iv) identify strategies to improve mill  
2496 building energy efficiency and prevent further structural and environmental degradation; (v)  
2497 explore innovative permitting processes, zoning regulations and building codes to encourage  
2498 redevelopment; and (vi) consider any other action in furtherance of its purpose.

2499 (b) The task force shall consist of the secretary of housing and economic development, or  
2500 a designee, who shall serve as chair; the secretary of energy and environmental affairs, or a  
2501 designee; the chairs of the joint committee on economic development and emerging  
2502 technologies, or their designees; the director of Massachusetts Development Finance Agency, or  
2503 a designee; 2 members of the house of representatives who represent communities with mill  
2504 buildings, designated by the speaker of the house of representatives; 2 members of the senate  
2505 who represent communities with mill buildings, designated by the senate president; the director  
2506 of the Massachusetts clean energy center, or a designee; 2 residents of the commonwealth who  
2507 own mill buildings, 1 active and 1 inactive, designated by the chair; 1 representative of a  
2508 Massachusetts utility company, designated by the chair; 1 representative from an economic  
2509 development organization, designated by the chair; 3 representatives of Massachusetts planning  
2510 organizations, 1 of whom shall be from the western region of the state, 1 of whom shall be from  
2511 the central region of the state and 1 of whom shall be from the eastern region of the state,  
2512 designated by the chair.

2513 (c) The task force shall submit its report and recommendations, together with drafts of  
2514 legislation to carry its recommendations into effect, to the chairs of the joint committee on  
2515 economic development and emerging technologies and the clerks of the house of representatives  
2516 and the senate not later than August 1, 2019.

2517 SECTION 66. (a) The Massachusetts Department of Transportation, in conjunction with  
2518 the executive office of housing and economic development, shall conduct a feasibility study  
2519 relative to the re-establishment of a crossing over the Westfield river at the site of the former  
2520 Woronoco paper mill located in the town of Russell. The study shall examine and evaluate the  
2521 costs of and economic and redevelopment opportunities related to re-establishing a crossing over  
2522 Westfield river including, but not limited to: (i) the projected capital costs; (ii) the projected  
2523 operating costs; (iii) the projected use levels; (iv) the environmental and community impact  
2524 estimates; (v) the availability of federal, state, local and private sector funding sources; and (vi)  
2525 the resulting economic, social and cultural benefits to the town of Russell and the surrounding  
2526 region.

2527 (b) The department shall file a report of the results of its study with the clerks of the  
2528 senate and house of representatives, the senate and house committees on ways and means and the  
2529 joint committee on transportation not later than September 31, 2019.

2530 SECTION 67. The rotary on state highway route 28 in the town of Bourne at the entrance  
2531 to Joint Base Cape Cod shall be designated and known as “Heroes Circle” in honor of the service  
2532 of the men and women of the Armed Forces of the United States of America. The Massachusetts  
2533 Department of Transportation shall erect and maintain suitable markers near the rotary bearing  
2534 the designation in compliance with the standards of the department.

2535 SECTION 68. Each professional employment organization as defined by section 192 of  
2536 chapter 149 of the General Laws operating within the commonwealth as of the effective date of  
2537 this act shall complete its initial registration not more than 180 days after the effective date of  
2538 this act. Initial registration shall be valid for 1 year after the date of issuance.

2539 SECTION 69. The department of labor standards shall promulgate regulations to  
2540 effectuate the purposes of sections 192 to 203, inclusive, of chapter 149 of the General Laws.

2541 SECTION 70. Sections 42 to 42G, inclusive, of chapter 93 of the General Laws shall take  
2542 effect on October 1, 2018, and shall not apply to misappropriation occurring prior to the effective  
2543 date. With respect to a continuing misappropriation that began prior to the effective date, said  
2544 sections 42 to 42G, inclusive, also do not apply to the continuing misappropriation that occurs  
2545 after the effective date.

2546 SECTION 71. Section 24L of chapter 149 of the General Laws may be referred to as the  
2547 Massachusetts Noncompetition Agreement Act and shall apply to employee noncompetition  
2548 agreements entered into on or after October 1, 2018.

2549 SECTION 72. Sections 5, 12, 14, 16 and 17 shall take effect and apply to tax years  
2550 beginning on January 1, 2019.

2551 SECTION 73. Sections 15 and 18 shall take effect on January 1, 2022.

2552 SECTION 74. Sections 24 to 25, inclusive, sections 27 to 28, inclusive, sections 31 to 42,  
2553 inclusive, and sections 47 to 48, inclusive, shall take effect 90 days after the passage of this act.