

# HOUSE . . . . . No. 4119

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House bill No. 4110, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. May 23, 2012.

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## The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth.

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

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

7 SECTION 2.

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

10 SECTION 3. To provide for a program to support technology and economic development in the  
11 state that helps to enhance the economy and job growth throughout the state, and promote the  
12 well-being of those living in the state, the sum set forth in section 4, is hereby appropriated from  
13 the General Fund for the several purposes and subject to the conditions specified in section 4 and  
14 subject to laws regulating the disbursement of public funds; provided, however, appropriations  
15 made herein shall not revert.

16 SECTION 4.

17 7007-1200 For the Massachusetts Technology Park Corporation doing business as the  
18 Massachusetts Technology Collaborative, established under section 3 of chapter 40J of the  
19 General Laws, to establish a talent pipeline program that provides paid internships to technology  
20 startups and innovation companies; provided, that the Massachusetts Technology collaborative  
21 shall seek private funds necessary to match contributions equal to \$1 for every \$1 contributed by  
22 Massachusetts Technology Collaborative through a matching internship program; provided  
23 further, that \$1,000,000 shall be used to establish an entrepreneur and startup venture capital  
24 mentoring program, in consultation with the Massachusetts Technology Development  
25 Corporation established in section 2 of chapter 40G, that would provide assistance, mentoring,  
26 and advice to start-ups and innovation companies by connecting early-stage entrepreneurs,  
27 technology startups, and small businesses with venture capital financing; provided further, that in  
28 the design and implementation of these programs, the Massachusetts Technology Collaborative  
29 shall consult with and review the talent pipeline and mentoring programs that are administered  
30 by the Venture Development Center at the university of Massachusetts at Boston established  
31 under chapter 123 of the acts of 2006 in order to model and bring to scale successful talent  
32 pipeline programs and practices; provided further, that the Massachusetts' Technology

33 Collaborative shall file annual reports for the duration of the programs with the chairs of the  
34 house and senate committee on ways and means and the chairs of the joint committee on  
35 economic development and emerging technologies, on or before January 1; provided further, the  
36 report shall include an overview of the activities of the programs, the number of participants in  
37 the programs, and an analysis of the impact of said programs on the innovation economy and  
38 workforce; provided further, the secretary of housing and economic development shall  
39 administer a competitive grant program consistent with programs previously administered by the  
40 secretary of labor and workforce development as provided for by line item 7003-1641; and  
41 provided further that said grant program shall receive not less than the amount provided for it in  
42 chapter 123 of the acts of 2006 .....  
43 \$2,250,000

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

45 SECTION 6. Section 2 of chapter 21E of the General Laws, as appearing in the 2010 Official  
46 Edition, is hereby amended by striking out the definition of “Economically distressed area” and  
47 inserting in place thereof the following definition:-

48 “Economically distressed area”, an area or municipality that: has been designated as an economic  
49 target area, or that would otherwise meet the criteria of an economic target area as defined in  
50 clauses (i) or (ii) of subsection (a) of section 3D of chapter 23A, provided however, that if the  
51 area would otherwise meet the criteria established in said clauses (i) or (ii) of subsection (a) of  
52 section 3D, it does not need to be approved as a economic target area by the economic assistance  
53 coordinating council to be considered an economically distressed area; or, the site of a former  
54 manufactured gas plant or the site of a former Massachusetts Bay Transportation Authority; or

55 the Massachusetts Department of Transportation right-of-way in which the municipality has  
56 acquired an interest for purposes of the installation, operation, maintenance and use of a rail-trail  
57 as defined in the definition of Owner or Operator.

58 SECTION 7. Section 3 of chapter 23A of the General Laws, as so appearing, is hereby amended  
59 by adding the following subsection:-

60 (c) MOBD, with assistance from the office of small business and entrepreneurship, and in  
61 consultation with the secretary of housing and economic development, the Massachusetts office  
62 of consumer affairs and business regulation and the department of housing and community  
63 development, shall develop, operate and maintain a searchable website accessible by the public  
64 at no cost, to provide information on public and private resources available to small businesses  
65 and to promote small businesses in the commonwealth. Information made available through the  
66 searchable website shall include, but shall not be limited to:

67 (1) information on state, local, federal and private sector small business counseling and technical  
68 assistance programs;

69 (2) information on state, local and federal financing programs;

70 (3) information state, local and federal procurement and contracting programs and opportunities;

71 (4) information on state incorporation laws and regulations, as well as the changes to state  
72 incorporation laws and regulations;

73 (5) information on state tax credits;

74 (6) small business impact statements, as required under sections 2 and 3 of chapter 30A; and

75 (7) other information and resources, as determined by the director of the office of business  
76 development.

77 SECTION 8. Section 3A of said chapter 23A, as so appearing, is hereby amended by inserting  
78 after the word “expansion”, the second time it appears, in line 20, the following words:- , job  
79 creation,

80 SECTION 9. Said section 3A of said chapter 23A, as so appearing, is hereby further amended by  
81 inserting after the definition of “Economic assistance coordinating council” the following  
82 definition:-

83 “Economic benefit”, awards of tax credits approved under paragraph (5) of section 3F or any tax  
84 increment financing approved under section 3E and section 59 of chapter 40 or special tax  
85 assessment awarded under section 3E.

86 SECTION 10. Said section 3A of said chapter 23A, as so appearing, is hereby further amended  
87 by striking out the definition of “Economic opportunity area or EOA”.

88 SECTION 11. Said section 3A of said chapter 23A, as so appearing, is hereby further by  
89 striking out, in lines 87, 92, and 101, the word “EOA”, and inserting in place thereof the  
90 following word:- ETA.

91 SECTION 12. Said section 3A of said chapter 23A, as so appearing, is hereby further amended  
92 by striking out the definition of “Expansion project EOA”.

93 SECTION 13. Said section 3A of said chapter 23A, as so appearing, is hereby further amended  
94 by striking out, in lines 111 and 112, the words “determined with reference to the project EOA”.

95 SECTION 14. Said section 3A of said chapter 23A, as so appearing, is hereby further amended  
96 by striking out, in line 125, the word "EOA" and inserting in place thereof the following word:-  
97 ETA.

98 SECTION 14A. Section 3A of chapter 23A of the General Laws, as so appearing, is hereby  
99 amended by striking, in lines 139 and 140, the words 'below the commonwealth's average' and  
100 inserting in place thereof the following:- below 100.5 percent of the commonwealth's average,

101 SECTION 15. Said section 3A of said chapter 23A, as so appearing, is hereby further amended  
102 by inserting after the definition of "Gateway municipality" the following 2 definitions:-

103 "Job creation project", (i) located or will be located within the commonwealth; (ii) generates  
104 substantial sales from outside of the commonwealth; and (iii) generates a net increase of at least  
105 10 permanent full-time employees within 2 years after project certification, but not before  
106 January 1 of the year in which the project receives certification and which shall be maintained  
107 for a period of not less than 5 years; provided, however, that in the case of a facility that as of the  
108 project proposal date is already located in the commonwealth, job creation project shall refer  
109 only to a facility at which the controlling business has expanded or proposed to expand the  
110 number of permanent full-time employees at such facility and the expansion shall represent: (1)  
111 an increase in the number of permanent full-time employees employed by the controlling  
112 business within the commonwealth; and (2) not a replacement or relocation of permanent full-  
113 time employees employed by the controlling business at any other facility located within the  
114 commonwealth; provided, further, that in the case of a facility to be located within the  
115 commonwealth after the project proposal date, "job creation project" shall refer only to a facility  
116 that is: (a) the first facility of the controlling business to be located within the commonwealth; or

117 (b) a new facility of such business and not a replacement or relocation of an existing facility of  
118 such controlling business located within the commonwealth; (c) or an expansion of an existing  
119 facility of the controlling business that results in an increase in permanent full-time employees  
120 and not a relocation of permanent full-time employees employed by the controlling business at  
121 any other facility located within the commonwealth.

122 "Job creation project proposal", a proposal submitted by a controlling business to the EACC  
123 pursuant to section 3F for designation of a project as an job creation certified project, provided  
124 that: (i) the proposal is submitted in a timely manner, in such form and with such information as  
125 is prescribed by the EACC, supported by independently verifiable information and signed under  
126 the penalties of perjury by a person authorized to bind the controlling business; (ii) the proposal  
127 includes specific targets by year for the subsequent 5 calendar year period relative to the  
128 projected increase in the number of permanent full-time employees of the controlling business to  
129 be employed by and at the project from among residents of the commonwealth; provided further,  
130 that in the case of a project that is a new facility within the meaning of clause (b) of the  
131 definition of job creation project, such proposal shall include, in addition, the number of  
132 permanent full-time employees employed by the controlling business at other facilities located in  
133 the commonwealth.

134 SECTION 16. Said section 3A of said chapter 23A, as so appearing, is hereby further amended  
135 by striking out, in line 142, the following words:- and job growth.

136 SECTION 17. Said section 3A of said chapter 23A, as so appearing, is hereby further amended  
137 by striking out the definition of "Municipal application" and inserting in place thereof the  
138 following definition:-

139 "Municipal application", an application submitted by a municipality to the EACC pursuant to  
140 section 3D or 3E for designation of 1 or more areas as an ETA; provided, however, that: (i) the  
141 application is submitted in a timely manner, in such form and with such information as is  
142 prescribed by the EACC and supported by independently verifiable information; (ii) the area  
143 proposed for designation in the application is located, in whole or in part, within each  
144 municipality participating in said application; (iii) each municipality within which said proposed  
145 area is located participates in the application for designation; (iv) that said application is properly  
146 authorized in advance of submission; (v) in the case of an application submitted by more than 1  
147 municipality, all requirements applicable thereto including, without limitation, the requirements  
148 associated with proper authorization thereof shall apply equally to each municipality  
149 participating in said application.

150 SECTION 18. Said section 3A of said chapter 23A, as so appearing, is hereby further amended  
151 by inserting after the word " project", the second time they both appears, in lines 220 and 224,  
152 the following words:- , job creation project.

153 SECTION 19. Said section 3A of said chapter 23A, as so appearing, is hereby further amended  
154 by striking out, in line 228, the word " EOA ", and inserting in place thereof the following word:-  
155 ETA.

156 SECTION 20. Said chapter 23A is hereby further amended by striking out section 3B, as  
157 amended by section 53 of chapter 3 of the acts of 2011, and inserting in place thereof the  
158 following section:-

159 Section 3B. There shall be an economic assistance coordinating council, established within the  
160 Massachusetts office of business development. Said council shall consist of: the director of the

161 office of business development or a designee who shall serve as co-chairperson; the director of  
162 housing and community development or a designee who shall serve as co-chairperson; the  
163 director of career services, or a designee; the secretary of labor and workforce development or a  
164 designee; the director of small business and entrepreneurship in the office of business  
165 development; the director of economic assistance in the office of business development or a  
166 designee; the president of the Commonwealth Corporation or a designee; and 8 members to be  
167 appointed by the governor, 1 of whom shall be from the western region of the commonwealth, 1  
168 of whom shall be from the central region of the commonwealth, 1 of whom shall be from the  
169 eastern region of the commonwealth, 1 of whom shall be from the southeastern region of the  
170 commonwealth, 1 of whom shall be from Cape Cod or the islands, 1 of whom shall be from the  
171 MetroWest region, 1 of whom shall be a representative of a higher educational institution within  
172 the commonwealth and 1 of whom shall be from the Merrimack valley, all of whom shall have  
173 expertise in issues pertaining to training, business relocation and inner-city and rural  
174 development, and all of whom shall be knowledgeable in public policy and international and  
175 state economic and industrial trends. Each member appointed by the governor shall serve at the  
176 pleasure of the governor. Said council shall adopt bylaws to govern its affairs.

177 SECTION 21. Section 3C of said chapter 23A, as appearing in the 2010 Official Edition, is  
178 hereby amended by striking out subsection (1) and inserting in place thereof the following  
179 subsection:-

180 (1) The EACC shall administer the economic development incentive program and, in so doing,  
181 shall be empowered to exercise the following powers and duties:

- 182 (a) promulgate rules and regulations and prescribe procedures to effectuate the purposes of  
183 sections 3A to 3H, inclusive;
- 184 (b) review applications from municipalities for the designation of areas as economic target areas  
185 and to make such designations;
- 186 (c) certify tax increment finance agreements and special tax assessment areas pursuant to section  
187 3E;
- 188 (d) certify projects for participation in the economic development incentive program and  
189 establish regulations for evaluating the proposals of said projects;
- 190 (e) assist municipalities in obtaining state and federal resources and assistance for economic  
191 target areas and for certified projects within economic target areas;
- 192 (f) provide appropriate coordination with other state programs, agencies, authorities, and public  
193 instrumentalities to enable activity within economic target areas to be more effectively promoted  
194 by the commonwealth;
- 195 (g) monitor the implementation and operation of the economic development incentive program;  
196 and
- 197 (h) conduct a continual evaluation of economic target areas and the projects certified for  
198 participation in the economic development incentive program.

199 SECTION 22. Subsection (b) of section 3D of said chapter 23A, as so appearing, is hereby  
200 amended by adding after the following paragraph:-

201 Upon application from a city or town, the EACC may from time to time designate 1 or more  
202 areas of a city or town as areas presenting exceptional opportunities for increased economic  
203 development. In making such designation, the EACC shall consider whether there is a strong  
204 likelihood that 1 or more of the following will occur within the area in question within a specific  
205 and reasonably proximate period of time: (i) a significant influx or growth in business activity,  
206 (ii) the creation of a significant number of new jobs and not merely a replacement or relocation  
207 of current jobs within the commonwealth, and (iii) a significant increase in the prospects of  
208 achieving economic stability.

209 SECTION 23. Said chapter 23A is hereby further amended by striking out section 3E, as so  
210 appearing, and inserting in place thereof the following section:-

211 Section 3E. The EACC may from time to time certify by a vote a municipal application for a tax  
212 increment financing agreement or special tax assessment area within an economic target area or  
213 an area designated by the EACC as an area of exceptional opportunity upon compliance with the  
214 following:

215 (1) for the purposes of a tax increment financing agreement, receipt with the municipal  
216 application of a proposed tax increment financing agreement adopted in accordance with the  
217 provisions of section 59 of chapter 40;

218 (2) for the purposes of the provision of a special tax assessment area, receipt with the  
219 municipal application of a binding written offer which shall set forth the following assessment  
220 schedule for each parcel of real property in the area:

221 (i) in the municipality's first fiscal year, an assessment of 0 per cent of the actual assessed  
222 valuation of the parcel; provided, that such assessment shall be granted for the year designated in  
223 the binding written offer;

224 (ii) in the second year, an assessment of up to 25 per cent of the actual assessed valuation of the  
225 parcel;

226 (iii) in the third year, an assessment of up to 50 per cent of the actual assessed valuation of the  
227 parcel;

228 (iv) in the fourth year, an assessment of up to 75 per cent of the actual assessed valuation of the  
229 parcel;

230 (v) in subsequent years, assessment of up to 100 per cent of the actual assessed valuation of the  
231 parcel.

232 For the purposes of this section the term "municipality's fiscal year" shall refer to a period of  
233 365 days beginning, in the first instance, with the calendar year in which the assessed property is  
234 purchased or acquired or the calendar year in which the assessed property is designated as within  
235 a special tax assessment area, whichever is last to occur; provided, further, that no such written  
236 offer from a municipality shall be considered to be authorized unless and until it is approved by  
237 the EACC.

238 SECTION 24. Section 3F of said chapter 23A, as so appearing, is hereby amended by striking  
239 out, in lines 2 and 3, and in lines 40 and 41, the words "or manufacturing retention and job  
240 growth" and inserting in place thereof, in each instance, the following words:- job creation or  
241 manufacturing retention.

242 SECTION 25. Paragraph (b) of subsection (1) of said section 3F of said chapter 23A, as so  
243 appearing, is hereby amended by striking out subparagraph (ii) and inserting in place thereof the  
244 following subparagraph:-

245 (ii) the project as described in the proposal and all documentation submitted therewith:

246 (A) the proposal is consistent with and can reasonably be expected to benefit significantly from  
247 the municipality's plans as described in subparagraph (iii) ; and

248 (B) together with all other projects previously certified and located in the same ETA or  
249 municipality will not overburden the municipality's supporting resources;

250 SECTION 26. Said subsection (1) of said section 3F of said chapter 23A, as so appearing, is  
251 hereby further amended by striking out paragraph (c) and inserting in place thereof the following  
252 paragraph:-

253 (c) receipt with such written approval by the municipality of a request for a designation of the  
254 project as a certified project for a specified number of years, which shall be not less than 5 years  
255 nor more than 20 years; and

256 SECTION 27. Said section 3F of said chapter 23A, as so appearing, is hereby further amended  
257 by striking out subsection (2) and inserting in place thereof the following subsection:-

258 (2) A certified project shall retain its certification for the period specified by the EACC in its  
259 certification decision; provided, however, that such specified period shall be not less than 5 years  
260 from the date of certification nor more than 20 years from such date unless such certification is  
261 revoked prior to the expiration of the specified period.

262 The EACC shall review certified projects at least once every 2 years.

263 The certification of a project may be revoked only by the EACC and only upon the petition of  
264 the municipality that approved the project proposal, if applicable, if the petition satisfies the  
265 authorization requirements for a municipal application, or the petition of the director of  
266 economic development and the independent investigation and determination of the EACC that  
267 (a) the conduct of the controlling business subsequent to the certification is at material variance  
268 with the controlling business's project proposal; or (b) the controlling business made a material  
269 misrepresentation in its project proposal or anytime thereafter in its information provided to a  
270 municipality, MOBD or EACC. Where the actual number of permanent full-time employees  
271 employed by the controlling business is less than 70 per cent of the number of such permanent  
272 full-time employees projected in the project proposal for a certified expansion project, or where  
273 the actual number of permanent full-time employees employed by the controlling business is less  
274 than 90 per cent of the number of such permanent full-time employees projected in the project  
275 proposal for an enhanced expansion, job creation or manufacturing retention project, then this  
276 shall be deemed a material variance for the purposes of a revocation determination.

277 If a project's certification is revoked by the EACC, both the commonwealth and municipality, if  
278 applicable, shall have causes of action against the controlling business for the value of any  
279 economic benefits awarded pursuant to this chapter, section 59 of chapter 40, subsection (g) of  
280 section 6 of chapter 62, or section 38N of chapter 63. State tax credits shall also be subject to the  
281 recapture provision of subsection (g) of section 6 of chapter 62 and section 38N of chapter 63.

282 For projects certified before January 1, 2012, if the EACC revokes a project's certification  
283 because of a (a) material variance, the value of the economic benefit that shall be recaptured or  
284 otherwise recouped by the commonwealth and municipality, if applicable, shall be the amount  
285 the controlling business would have been allowed to receive after the effective date of

286 revocation, revocation shall take effect on the first day of the tax year in which a material  
287 variance occurred as determined by the EACC; or (b) material misrepresentation, the value of the  
288 economic benefit that shall be recaptured or otherwise recouped by the commonwealth and the  
289 municipality, if applicable, shall be the total amount of economic benefit approved by the  
290 commonwealth and municipality, if applicable, for the controlling business.

291 For projects certified after January 1, 2012, if the EACC revokes a project's certification, the  
292 value of the economic benefit that shall be recaptured or otherwise recouped by the  
293 commonwealth and municipality, if applicable, shall be the total amount of economic benefit  
294 approved by the commonwealth and municipality, if applicable, for the controlling business.

295 Notwithstanding the above, the commissioner of revenue shall, as of the effective date of the  
296 revocation, recapture or reduce any tax credits awarded pursuant to the recapture provisions of  
297 subsection (g) of section 6 of chapter 62 and section 38N of chapter 63 and recoup any  
298 exemptions or other tax benefits allowed by the original certification under this section.

299 Notwithstanding any general or special law to the contrary, upon such revocation, a municipality  
300 that has provided tax increment financing under this chapter and section 59 of chapter 40 or a  
301 special tax assessment pursuant to this chapter to a certified project may place a lien on the  
302 certified project for repayment of the full amount of real property taxes owed pursuant to such  
303 revocation. The commissioner of revenue shall issue regulations or other guidance to recapture  
304 state tax credits, and recoup any exemptions or other tax benefits allowed by the certification  
305 under this section.

306 Annually, on or before the first Wednesday in December, the EACC shall file a report detailing  
307 its findings of the review of all certified projects that it evaluated in the prior fiscal year to the

308 commissioner of revenue, to the chairs of the joint committee on revenue “, the chairs of the joint  
309 committee on community development and small business and the chairs of the joint committee  
310 on economic development and emerging technologies.

311 SECTION 28. Said section 3F of said chapter 23A, as so appearing, is hereby further amended  
312 by inserting after the word “application”, in line 138, the following word:- and.

313 SECTION 29. Subsection (4) of said section 3F of said chapter 23A, as so appearing, is hereby  
314 further amended by striking out paragraph (d) and inserting in place thereof the following  
315 paragraph:-

316 (d) a certified project application will be submitted to the EACC within a reasonable period of  
317 time for the project proposing to occupy said facility and parcels.

318 SECTION 30. Said subsection (4) of said section 3F of chapter 23A, as so appearing, is hereby  
319 further amended by striking out paragraph (e).

320 SECTION 31. Subsection (5) of said section 3F of chapter 23A, as so appearing, is hereby  
321 amended by adding the following paragraph:-

322 (d) for job creation projects:

323 (1) the degree to which the project is expected to create and maintain employment opportunities;

324 (2) the degree to which the project is expected to create jobs for residents in a gateway  
325 municipality;

326 (2) the degree to which the project is expected to create a substantial amount of jobs within 2  
327 years.

328 SECTION 32. Said section 3F of said chapter 23A, as so appearing, is hereby further amended  
329 by striking out, in line 171, the word “department” and inserting in place thereof the following  
330 word:- commissioner.

331 SECTION 33. Said chapter 23A is hereby further amended by inserting after section 10A the  
332 following new section:-

333 Section 10B. The secretary shall establish a Massachusetts Advanced Manufacturing  
334 Collaborative, hereinafter referred to as the collaborative, within the executive office of housing  
335 and economic development, which shall be responsible for developing and implementing the  
336 commonwealth’s manufacturing agenda to foster and strengthen the conditions necessary for  
337 growth and innovation of manufacturing within the commonwealth. The collaborative, at a  
338 minimum, shall include: the secretary of housing and economic development, or a designee; the  
339 secretary of labor and workforce development, or a designee; a member of the house of  
340 representatives, to be appointed by the speaker of the house of representatives; a member of the  
341 senate, to be appointed by the senate president; the director of the office of business  
342 development; the executive director of the Massachusetts Clean Energy Center; the executive  
343 director of the Massachusetts Life Science Center; the executive director of the John Adams  
344 Innovation Institute; the director of the Massachusetts Technology Transfer Center; a  
345 representative from the Associated Industries of Massachusetts; a representative from a local  
346 Chamber of Commerce; and a representative from the Massachusetts Workforce Board  
347 Association. The collaborative shall partner with stakeholders in the public and private sector in  
348 the development and operation of the state manufacturing plan, identify emerging priorities  
349 within the state’s manufacturing sector in order to make recommendations for high impact  
350 projects and initiatives, and facilitate the implementation of goals established under the plan,

351 which shall include, but not be limited to: (1) education and workforce development, including  
352 workforce training programs and partnerships; (2) technical assistance and innovation in support  
353 of manufacturing growth, including access to capital, workforce development, compliance and  
354 certification programs, and export assistance; (3) enhancing the competitiveness of  
355 manufacturing companies, including examining ways to ease the cost of doing business and  
356 examining the current regulatory impacts upon small to medium sized manufacturers; and (4)  
357 promoting the manufacturing industry, including attracting a talented workforce and expanding  
358 opportunities for in- state marketing of the state’s supply chain capabilities.

359 SECTION 34. Section 56 of said chapter 23A, as so appearing, is hereby amended by striking  
360 out, in lines 33 and 34, the words “and the Massachusetts Technology Transfer Center  
361 established in chapter 75” and inserting in place thereof the following words:- the Massachusetts  
362 Technology Transfer Center established in chapter 75, and the Massachusetts business  
363 development corporation established in chapter 671 of the acts of 1953,

364 SECTION 35. Said chapter 23A is hereby further amended by adding the following 2 sections:-

365 Section 63. (a) There shall be established within the executive office of housing and economic  
366 development a MassWorks infrastructure program, hereinafter referred to as the “program”, to  
367 issue public infrastructure grants to municipalities and other public instrumentalities for design,  
368 construction, building, land acquisition, rehabilitation, repair and other improvements to  
369 publicly-owned infrastructure including, but not limited to, sewers, utility extensions, streets,  
370 roads, curb-cuts, parking, water treatment systems, telecommunications systems, transit  
371 improvements and pedestrian and bicycle ways. The program shall provide for commercial and  
372 residential transportation and infrastructure development, improvements and various capital

373 investment projects under the growth districts initiative administered by the executive office of  
374 housing and economic development. The grants shall be used to assist municipalities to advance  
375 projects that support job creation and expansion, housing development and rehabilitation,  
376 community development, and small town transportation projects; provided, however, that  
377 projects supporting smart growth as defined by the state's sustainable development principles  
378 shall be preferred. The program may be used to match other public and private funding sources  
379 to build or rehabilitate transit oriented housing located within .25 miles of a commuter rail  
380 station, subway station, ferry terminal, or bus station, at least 25 per cent of which shall be  
381 affordable.

382 (b) Eligible public infrastructure shall be located on public land or on public leasehold, right-of-  
383 way or easement. A project that uses grants provided by this section shall be procured by a  
384 municipality in accordance with chapter 7, section 39M of chapter 30, chapter 30B and chapter  
385 149.

386 (c) There shall be at least 1 open solicitation period each year to accept and consider new  
387 applications. Not less than 12 weeks before the annual open solicitation period, the executive  
388 office of housing and economic development shall release the criteria upon which the  
389 applications shall be judged including, but not limited to, a minimum project readiness standard,  
390 overall spending targets by project type, preferences for projects that align with the state's  
391 sustainable development principles, and other preferences applying to that funding round. Grants  
392 may be made outside of the open solicitation period at the discretion of the secretary of housing  
393 and economic development subject to the foregoing criteria. All grant awards shall be made only  
394 after consultation with the appropriate regional planning agency.

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

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

411 (f) The secretary of housing and economic development may establish rules and regulations to  
412 govern the application and distribution of grants under the program. The rules and regulations  
413 may include provisions for joint applications by 2 or more eligible towns for a single project  
414 serving those towns.

415 (g) The secretary of housing and economic development shall report annually to the clerks of the  
416 house of representatives and the senate, the chairs of the joint committee on transportation, the

417 chairs of the joint committee on economic development and emerging technologies, the chairs of  
418 the senate and house committees on ways and means, and the chairs of the joint committees on  
419 state administration and regulatory oversight on the activities and status of the program. The  
420 report shall include a list and description of all projects that received grant funds under the  
421 program, the amount of the grant awarded to the project, other sources of public funds that  
422 supported the project, a detailed analysis of the economic impact of each project including,  
423 where applicable, the number of construction and full time equivalent jobs to be created, number  
424 of housing units to be created, the private investment in the project, and the expected tax revenue  
425 generated from the project.

426 Section 64. (a) There shall be established within the executive office of housing and economic  
427 development a Massachusetts creative economy network, hereinafter referred to as the network,  
428 which shall be directed by a state creative economy director. The network shall consist of  
429 private, public, and non-profit organizations engaged in cross industry collaboration between  
430 many interlocking industry sectors that provide creative services including, but not limited to,  
431 advertising, architecture, or intellectual property products such as arts, films, electronic media,  
432 video games, interactive digital media, multimedia, or design. The creative economy director, in  
433 consultation with the creative economy council, established under chapter 354 of the acts of  
434 2008, shall establish criteria for participation in the network.

435 (b) The duties of the network, under the leadership of the creative economy director, shall  
436 include: quantifying the creative economy sector and measuring its impact on the state economy;  
437 creating a mentorship network within the creative economy sector; developing strategies to  
438 increase access to traditional market sectors and within state government; developing a  
439 certification for Massachusetts creative economy businesses; increasing opportunities to attract

440 private investment to creative economy businesses through venture capital, microlending, and  
441 other means; and marketing and branding the creative economy sector.

442 (c) The network may accept gifts or grants of money or property from any public, private or non-  
443 profit source, which shall be held in trust and used for the purpose of promoting the growth and  
444 development of the creative economy sector in Massachusetts.

445 (d) The creative economy director shall file an annual report with the clerks of the house and  
446 senate; the chairs of the house and senate committee on ways and means; the chairs of the joint  
447 committee on economic development and emerging technologies; the chairs of the joint  
448 committee on tourism, arts, and cultural development; and the chairs of the joint committee on  
449 community development and small business on or before January 1. The report shall include an  
450 overview of the activities of the network, and an update on the number of creative economy  
451 businesses in Massachusetts and their impact on the state economy, and an accounting of gifts or  
452 grants held in trust by the network and the uses of any funds expended by the trust.

453 SECTION 36. Chapter 23G of the General Laws is hereby amended by adding the following  
454 section:-

455 Section 45. There shall be established within the agency a Massachusetts Advanced  
456 Manufacturing Futures Program, hereafter referred to as the program. The purpose of the  
457 program shall be to support Massachusetts companies engaged in manufacturing through  
458 programs and shall be administered in a manner that takes into account the needs of  
459 manufacturers in all regions of the commonwealth and supports growth in the manufacturing  
460 sector statewide. The agency, in consultation with the secretary of housing and economic  
461 development and the manufacturing collaborative established under section 10B of chapter 23A,

462 shall design and implement the program. The program shall be eligible to receive funds as  
463 appropriated by the general court, including from the Manufacturing Fund, established pursuant  
464 to section 98 of chapter 194 of the acts of 2011, the board, federal grants and programs, and  
465 transfers, grants and donations from state agencies, foundations and private parties, to be held in  
466 a separate account or accounts segregated from other funds. The program shall promote the  
467 development of advanced manufacturing through supporting technical assistance for small and  
468 mid-sized manufacturers; fostering collaboration and linkages among larger manufacturing  
469 companies and smaller supplier manufacturers; advancing workforce development initiatives  
470 through training, certification, and educational programs; encouraging development of  
471 innovative products, materials, and production technologies by manufacturers through the  
472 transfer of technological innovations and partnerships with research universities, colleges, and  
473 laboratories; and promoting regional approaches through sector strategies that allow for various  
474 programs, resources and strategies to be aligned and leveraged.

475 The agency shall, through grants or contracts, administer the program for the purpose of  
476 facilitating growth and competitiveness in the field of manufacturing. Grants under this program  
477 shall include consideration of, but not be limited to:-

- 478 (i) improving access to technical assistance for small and mid-sized manufacturers,  
479 including launching pilot demonstrations of best- practices in delivering innovation- based  
480 technical assistance;
- 481 (ii) encouraging the adoption of new technologies and advanced manufacturing capabilities  
482 into existing companies to improve manufacturing processes and operations;

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

486 (iv) education and skills training through individualized career pathways programs that  
487 develop skills and certifications for career growth and opportunities for available jobs or job  
488 openings that are anticipated in manufacturing, provided that these programs may include, but  
489 not be limited to, internships and on the job training which result in an employer or industry  
490 recognized credentials and ultimate job placement;

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

494 (vi) supporting and partnering with existing systems within the commonwealth, including the  
495 Massachusetts Manufacturing Extension partnership, Massachusetts workforce investment and  
496 regional employment boards, vocational schools, community colleges, and higher education  
497 institutions.

498 The agency shall solicit applications through a request for proposals and review such  
499 applications according to the criteria so established, provided, however that the applications, at a  
500 minimum, shall include: (a) a description of the parties involved in the project, including the  
501 professional expertise and qualifications of the principals; (b) a description of the scope of work  
502 that shall be undertaken by each party involved in the project; (c) the proposed budget including  
503 verification of funding from other sources; (d) a statement of the project objective including  
504 specific information on how the project shall enhance the competitiveness of the manufacturer or

505 manufacturing sector and create or preserve jobs; (e) a statement that sets forth the plan of  
506 procedure, the facilities and resources available or needed for the project, and the proposed  
507 commencement and termination dates of the project; (f) a description of the expected  
508 significance of the project including the estimated number of manufacturers or workers served  
509 and the estimated number of jobs that could be created, retained, or filled as a result of the  
510 project; (g) timely deadlines for the submission of applications and recommendations of grant  
511 awards or contracts including provisions for an expedited process of consideration and  
512 recommendation in instances when the secretary of housing and economic development certifies  
513 the need for timely evaluation and disposition of the application; and (h) any other information  
514 that the agency shall deem necessary.

515 The agency shall reach agreement with each eligible entity that receives a grant or enters into a  
516 contract under this section on performance measures and indicators that shall be used to evaluate  
517 the performance of the eligible entity in carrying out the activities described in their application,  
518 or any other indicators determined to be necessary to evaluate the performance of the eligible  
519 entity. Each eligible entity shall submit an annual report for the duration of the program or  
520 partnership funded through the collaborative for its review.

521 The agency may promulgate such rules and regulations as are necessary to implement the  
522 purposes of the program, including procedures describing the application process and criteria  
523 that will be used to evaluate application for grants under this section.

524 The agency, in consultation with the collaborative under said section 10B of said chapter 23A,  
525 shall submit an annual report to the clerks of the house of representatives and the senate who  
526 shall forward the same to the senate and house committees on ways and means, the joint

527 committee on economic development and emerging technologies and the joint committee on  
528 labor and workforce development on or before December 31. The report shall include a current  
529 assessment of the progress of each program funded through the manufacturing grant program  
530 and the progress of the advanced manufacturing collaborative activity including any  
531 recommendations for legislation.

532 SECTION 37. Section 7 of chapter 23H of the General Laws, as most recently amended by  
533 section 88 of chapter 3 of the acts of 2011, is hereby further amended by adding the following  
534 subsection:-

535 (g) The board, in consultation with the secretary of labor and workforce development, the  
536 secretary of education, the secretary of housing and economic development and the president of  
537 the commonwealth corporation, shall undertake an annual review of local and regional labor  
538 market information to develop regional plans to coordinate training and education activities to  
539 target employer needs and to meet the commonwealth's demand for workers. The board shall  
540 convene regional meetings that shall include representatives from each workforce investment  
541 area, established by the Workforce Investment Act of 1998, 29 U.S.C. § 2801, et seq and, at a  
542 minimum, the presidents of any of the region's community colleges, the principals of any  
543 vocational-technical high schools, the executive director of the appropriate workforce investment  
544 boards, the fiscal agents for workforce investment act funding, and labor, education and industry  
545 leaders in each of the regions to review labor market information and develop the regional plans.  
546 The Commonwealth Corporation shall aggregate these findings annually and make a report,  
547 which shall be filed with the clerks of the house of representatives and senate, no later than June  
548 30.

549 SECTION 38. The General Laws are hereby amended by inserting after chapter 23K the  
550 following chapter:-

551 CHAPTER 23L

552 LOCAL INFRASTRUCTURE DEVELOPMENT PROGRAM

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

555 “Agency”, the Massachusetts Development Finance Agency established pursuant to section 2 of  
556 chapter 23G.

557 “Amended improvement plan” a plan describing any change to the improvement plan with  
558 respect to the boundaries of a development zone, or material change to the method of assessing  
559 costs, description of improvements, the maximum cost of the improvements, or method of  
560 financing the improvements that is approved through the same procedures as the original  
561 improvement plan adopted pursuant to this chapter.

562 “Assessing party”, shall mean the municipality identified in the improvement plan to assess any  
563 infrastructure assessments in the development zone.

564 “Cost”, shall include the cost of: (a) construction, reconstruction, renovation, demolition,  
565 maintenance and acquisition of all lands, structures, real or personal property, rights, rights-of-  
566 way, utilities, franchises, easements, and interests acquired or to be acquired by the public  
567 facilities owner; (b) all labor and materials, machinery and equipment including machinery and  
568 equipment needed to expand or enhance services from the municipality, the commonwealth or  
569 any other political subdivision thereof to the development zone; (c) financing charges and

570 interest prior to and during construction, and for 1 year after completion of the improvements,  
571 interest and reserves for principal and interest, including costs of municipal bond insurance and  
572 any other type of credit enhancement or financial guaranty and costs of issuance; (d) extensions,  
573 enlargements, additions, and enhancements to improvements; (e) architectural, engineering,  
574 financial and legal services; (f) plans, specifications, studies, surveys and estimates of costs and  
575 of revenues; (g) administrative expenses necessary or incident to the construction, acquisition,  
576 and financing of the improvements; and (h) other expenses as may be necessary or incident to the  
577 construction, acquisition, maintenance, and financing of the improvements.

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

581 “Infrastructure assessments”, assessments, betterments, special assessments, charges or fees as  
582 described in this chapter and the improvement plan and assessed by the assessing party upon the  
583 real estate within the development zone to defray the cost of improvements financed in  
584 accordance with this chapter.

585 “Improvement plan”, a plan set forth in the petition for the establishment of a development zone  
586 setting forth the proposed improvements, services and programs, revitalization strategy,  
587 replacement and maintenance plan, the cost estimates for said improvements, and the  
588 replacement and maintenance program, the identity of the public facilities owner or owners and  
589 the administrator of the plan, the boundaries of the development zone, the analysis of any costs  
590 of financing said improvements, the identification of the assessing party, the method and  
591 structure of the infrastructure assessments, the selection of any or all of the assessing powers

592 listed in section 4 that shall be utilized by the assessing party within the development zone, the  
593 description of the infrastructure development project within the development zone, the proposed  
594 use of any bonds or notes to finance such project by the agency, the participation of the agency,  
595 if any, in a district improvement financing program as described in section 7, and if so, a  
596 description of any assessing powers to be utilized, and the estimates of the costs and expenses to  
597 be levied and assessed on the real estate in the development zone.

598 “Improvements”, the acquiring, laying, constructing, improving and operating of capital  
599 improvements to be owned by a public facilities owner, including, but not limited to, storm  
600 drainage systems, dams, sewage treatment plants, sewers, water and well systems, roads, bridges,  
601 culverts, tunnels, streets, sidewalks, lighting, traffic lights, signage and traffic control systems,  
602 parking, including garages, public safety and public works buildings, parks, landscaping of  
603 public facilities, cultural and performing arts facilities, recreational facilities, marine facilities  
604 such as piers, wharfs, bulkheads and sea walls, transportation stations and related facilities,  
605 shuttle transportation equipment, fiber and telecommunication systems, facilities to produce and  
606 distribute electricity, including alternate energy sources such as co-generation and solar  
607 installations, the investigation and remediation associated with the cleanup of actual or perceived  
608 environmental contamination within the development zone in accordance with applicable  
609 governmental regulations and provided that no such investigation or remediation shall impair the  
610 rights of the public facilities owner or any other person to contribution or reimbursement from  
611 any potentially responsible party for the costs thereof, and other improvements; provided that  
612 improvements shall not include any improvements located in, or serving gated communities, so  
613 called, not including age restricted developments operated by non-profit organizations, that

614 prohibit access to the general public and any type of improvement that is specifically prohibited  
615 in the United States internal revenue code from using tax-exempt financing.

616 “Infrastructure development project”, the acquisition, construction, expansion, improvement or  
617 equipping of improvements serving any new or existing commercial, retail, industrial, or  
618 residential facilities or mixed use project.

619 “Municipal governing body”, in a city, the city council with the approval of the mayor, and in a  
620 city having a Plan D or Plan E form of charter, the city council with the approval of the city  
621 manager, the town council in a town with a town council form of government, or otherwise the  
622 board of selectmen in a town with a town meeting form of government.

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

625 “Person”, any natural or corporate person, including bodies politic and corporate, public  
626 departments, offices, agencies, authorities and political subdivisions of the commonwealth,  
627 corporations, trusts, limited liability companies, societies, associations, and partnerships and  
628 subordinate instrumentalities of any 1 or more political subdivisions of the commonwealth.

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

631 “Project”, an infrastructure development project.

632 “Public facilities owner”, means the municipality, the commonwealth or any other political  
633 subdivision , agency or public authority of the commonwealth, identified in the improvement

634 plan as the owner of the improvements described in an improvement plan or an amended  
635 improvement plan.

636 Section 2. (a) Notwithstanding any general or special law, charter provision, by-law or ordinance  
637 to the contrary, each municipality in the commonwealth, acting through its municipal governing  
638 body, may adopt this chapter and may establish 1 or more development zones pursuant to this  
639 chapter. In the event that 2 or more municipalities wish to jointly establish or consolidate  
640 contiguous development zones, the municipal governing body of each such municipality wherein  
641 said development zone shall be located shall approve by a majority vote the petition for the  
642 establishment of such a development zone.

643 (b) The establishment of a development zone shall be initiated by the filing of a petition signed  
644 by all persons owning real estate within the proposed development zone in the office of the clerk  
645 of the municipality and the office of the agency. The petition, at a minimum, shall contain:

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

647 (2) the written consent to the establishment of the development zone or any amended  
648 improvement plan, by the persons with the record ownership of 100 per cent of the acreage to be  
649 included in the development zone; provided that any real estate owned by the commonwealth, or  
650 any agency, or any political subdivision thereof, included in the boundaries of the development  
651 zone shall not be included in the count of persons owning tax parcels or acreage in the  
652 development zone for the purposes of this clause;

653 (3) the name of the development zone;

- 654 (4) a map of the proposed development zone, showing its boundaries, and any current public  
655 improvements as are already in existence which may be added to or modified by any  
656 improvements;
- 657 (5) the estimated timetable for construction of the improvements and the maximum cost of  
658 completing said improvements;
- 659 (6) the improvement plan for the development zone; and
- 660 (7) the procedure by which the municipality shall be reimbursed for any costs incurred by it in  
661 establishing the development zone, and for any administrative costs to be incurred in the  
662 administration and collection of any infrastructure assessments imposed within the development  
663 zone.

664 Section 3. (a) Upon receipt of a petition pursuant to section 2, the municipal governing body  
665 shall, within 60 days of said receipt, hold a public hearing on said petition. Written notification  
666 of such hearing and a summary of the petition and the improvement plan shall be provided by the  
667 clerk of the municipality to the record owner of each tax parcel within the boundaries of the  
668 proposed development zone no later than 14 days prior to such hearing, by mailing a notice to  
669 the address listed in the municipality's property tax records. Notification of the hearing shall be  
670 published for 2 consecutive weeks in a newspaper of general circulation in the municipality, the  
671 first such publication to be at least 14 days prior to the date of such hearing. Such public notice  
672 shall state the proposed boundaries of the development zone, the improvements proposed to be  
673 provided in the development zone, the proposed basis for determining any infrastructure  
674 assessments with respect to such improvements, and the location or locations for viewing and  
675 copying the petition including the improvement plan.

676 (b) A public hearing pursuant to subsection (a) shall be held to determine if the petition satisfies  
677 the criteria of this chapter for a development zone, and to obtain public comment regarding the  
678 improvement plan and the effect that the development zone will have on the owners of real  
679 estate, tenants and other persons within said development zone and on the municipality or  
680 adjacent communities. Within 45 days after the conclusion of said public hearing, the city  
681 manager with the approval of the city council in the case of a city under Plan D or E forms of  
682 government, the mayor with the approval of the city council in the case of all other cities, the  
683 town council in the case of towns with a town council form of government or otherwise the  
684 board of selectmen in the case of a town with a town meeting form of government shall issue  
685 recommendations on the petition; provided, however, that said recommendations shall include,  
686 but shall not be limited to, the following findings:-

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

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

692 (c) Within 21 days of the receipt of the recommendation required pursuant to subsection (b), the  
693 municipal governing body shall vote to approve or not approve the petition to establish the  
694 development zone and the improvement plan.

695 (d) Upon the approval of the petition by majority vote of the municipal governing body in  
696 accordance with subsection (c), notice of such approval shall be promptly filed with the records  
697 of the clerk of the municipality, the agency, and the secretary of the commonwealth. Upon such

698 filing, the development zone shall be deemed established and the improvement plan deemed  
699 approved.

700 (e) The public facilities owner shall have all the rights and powers necessary or convenient to  
701 carry out and effectuate this chapter that are consistent with the improvement plan as approved  
702 by the municipal governing body, including, but without limiting the generality of the foregoing,  
703 the following:

704 (1) to make and enter into all manner of contracts and agreements necessary or incidental to the  
705 exercise of any power granted by this chapter including agreements with the municipality, the  
706 commonwealth, the agency and any other city, town or political entity or utility for the provision  
707 of services that are necessary to the acquisition, construction, operation or financing of the  
708 improvements within the development zone;

709 (2) to purchase or acquire by lease, lease-purchase, sale and lease-back, gift or devise, or to  
710 obtain or grant options for the acquisition of any property, real or personal, tangible or  
711 intangible, or any interest therein, in the exercise of its powers and the performance of its duties;  
712 to acquire real estate or any interest therein, within the boundaries of the development zone  
713 itself, if authorized in the improvement plan, and to acquire real estate or any interest therein  
714 outside the boundaries of the development zone, necessary for the acquisition, construction, and  
715 operation of the improvements or services relating thereto that are located within the  
716 development zone or are related to, or provided by the public facilities owner;

717 (3) to construct, improve, extend, equip, enlarge, repair, maintain, and operate and administer the  
718 improvements for the benefit of the development zone within, or without the development zone;  
719 to acquire existing improvements or construct new improvements, including those located under

720 or over any roads, public ways or parking areas, and to enter upon and dig up any private land  
721 within the development zone for the purpose of constructing said improvements and of repairing  
722 the same;

723 (4) to accept gifts or goods of funds, property or services from any source, public or private, and  
724 comply, subject to the provisions of this chapter and the terms and conditions hereof;

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

728 (6) to pledge or assign any money, infrastructure assessments or other revenues relating to any  
729 improvements within, or related to the development zone, and any proceeds derived there from;

730 (7) to enter into contracts and agreements with the municipality, the agency, the commonwealth  
731 or any political subdivisions thereof, the property owners of the development zone and any  
732 public or private party with respect to all matters necessary, convenient or desirable for carrying  
733 out the purposes of this chapter including, without limiting the generality of the foregoing, the  
734 acquisition of existing improvements including utilities or infrastructure outside the development  
735 zone but benefiting the development zone, collection of revenue, data processing, and other  
736 matters of management, administration and operation; to make other contracts of every name and  
737 nature; and to execute and deliver all instruments necessary or convenient for carrying out any of  
738 its purposes;

739 (8) to exercise the powers and privileges of, and to be subject to the limitations upon,  
740 municipalities provided in sections 38 to 42K, inclusive, of chapter 40, chapter 80 and chapter  
741 83, in so far as such provisions may be applicable and are consistent with the provisions of this

742 chapter; provided, however, that any requirement in said chapters for a vote by the governing  
743 body of a town or city or for a vote by the voters of a town or city, shall be satisfied by a vote or  
744 resolution duly adopted by the board of directors, board of selectmen, city council or town  
745 council as the case may be;

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

748 (10) to employ such assistants, agents, employees and persons, including consulting experts as  
749 may be deemed necessary in the public facilities owner's judgment, and to fix their  
750 compensation, according to the terms of the improvement plan;

751 (11) to procure insurance against any loss or liability that may be sustained or incurred in  
752 carrying out the purposes of this chapter in such amount as the public facilities owner shall deem  
753 necessary and appropriate with 1 or more insurers who shall be licensed to furnish such  
754 insurance in the commonwealth;

755 (12) to apply for any loans, grants or other type of assistance from the United States  
756 Government, the commonwealth or any political subdivision thereof that are described in the  
757 improvement plan or an amended improvement plan;

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

761 (14) to do all things necessary, convenient or desirable for carrying out the purposes of this  
762 chapter or the powers expressly granted or necessarily implied in this chapter.

763 Section 4. (a) Consistent with the improvement plan, the assessing party may fix, revise, charge,  
764 collect and abate infrastructure assessments, for the cost, maintenance, operation ,and  
765 administration of the improvements imposed on the real estate, leaseholds or other interests  
766 therein, located in the development zone. All real estate within a development zone owned by the  
767 commonwealth or any political subdivision, political instrumentality, agency or public authority  
768 thereof shall be exempt from such charges unless such charges are specifically accepted by the  
769 commonwealth or such political subdivision, political instrumentality, agency or public  
770 authority. In providing for the payment of the cost of the improvements or for the use of the  
771 improvements, the assessing party may avail itself of the provisions of the General Laws relative  
772 to the assessment, apportionment, division, fixing, reassessment, revision, abatement and  
773 collection of infrastructure assessments by cities and towns, or the establishment of liens  
774 therefore and interest thereon, and the procedures set forth in sections 5and 5A of chapter 254 for  
775 the foreclosure of liens arising under section 6 of chapter 183A, as it shall deem necessary and  
776 appropriate for purposes of the assessment and collection of infrastructure assessments. The  
777 assessing party shall file copies of the improvement plan and any amendments thereof, and all  
778 schedules of assessments with the appropriate registry of deeds and the municipality's assessors'  
779 records so that notice thereof shall be reported on a municipal lien certificate for any real estate  
780 parcel located in a development zone. Notwithstanding any general or special law to the  
781 contrary, the assessing party may pay the entire cost of any improvements, including the  
782 acquisition thereof, during construction or after completion, or the debt service of notes or bonds  
783 used to fund such costs, from infrastructure assessments, and may establish said infrastructure  
784 assessments prior to, during, or within 1 year after completion of construction or acquisition of  
785 any improvements. The assessing party may establish a schedule for the payment of

786 infrastructure assessments not to exceed 35 years. The assessing party may determine the  
787 circumstances under which the infrastructure assessments may be increased, if at all, as a  
788 consequence of delinquency or default by the owner of a parcel within the development zone.

789 The infrastructure assessments of general application authorized by this chapter may only be  
790 increased for administrative expenses in excess of the infrastructure assessments described in the  
791 improvement plan, and shall be in accordance with the procedures to be established by the  
792 assessing party for assuring that interested persons are afforded notice and an opportunity to  
793 present data, views and arguments. The assessing party shall hold at least 1 public hearing on its  
794 schedule of infrastructure assessments or any revision thereof prior to adoption by the assessing  
795 party, notice of which shall be delivered to the municipality and be published in a newspaper of  
796 general circulation in the municipality at least 14 days in advance of the hearing. No later than  
797 the date of such publication, the assessing party shall make available to the public and deliver to  
798 the municipality the proposed schedule of infrastructure assessments.

799

800 Notwithstanding any general or special law to the contrary, the assessing party may contract with  
801 1 or more persons for any services required by the assessing party regarding the assessment,  
802 apportionment, division, fixing, reassessment, revision, collection and enforcement of  
803 infrastructure assessments hereunder, and the fees, costs and other expenses thereof shall be  
804 included in the calculation of the infrastructure assessments levied by the assessing party  
805 hereunder.

806 The infrastructure assessments established by the assessing party in accordance with this chapter  
807 shall be fixed and adjusted in respect of the aggregate thereof so as to provide revenues at least

808 sufficient to: (i) to pay the administrative expenses of the assessing party; (ii) to pay the principal  
809 of, premium, if any, and interest on bonds, notes or other evidences of indebtedness of the  
810 agency under this chapter as the same becomes due and payable; (iii) to create and maintain such  
811 reasonable reserves as may be reasonably required by any trust agreement or resolution securing  
812 bonds; (iv) to provide funds for paying the cost of necessary maintenance, repairs, replacements  
813 and renewals of the improvements; and (v) to pay or provide for any amounts that the agency  
814 may be obligated to pay or provide for by law or contract, including any resolution or contract  
815 with or for the benefit of the holders of its bonds and notes, provided that the assessing party  
816 shall not be required to increase any infrastructure assessments by virtue of any individual  
817 property owner delinquencies.

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

824 (b) As an alternative to levying infrastructure assessments under any other provisions of this  
825 chapter or any other general law, the assessing party may levy special assessments on real estate,  
826 leaseholds, or other interests therein within the development zone to finance the cost of the  
827 improvements and the maintenance, repair, replacement and renewal thereof, and the expense of  
828 administration thereof. In determining the basis for and amount of the special assessment, the  
829 cost of the improvements and the maintenance, repair, replacement and renewal thereof, and the  
830 expense of administration thereof, including the cost of the repayment of the debt issued or to be

831 issued by the agency to finance the improvements, may be calculated and levied using any of the  
832 following methods that result in fairly allocating the costs of the improvements to the real estate  
833 in the development zone:

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

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

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

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

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

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

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

847 (4) the circumstances under which the special assessment levied against any parcel may be  
848 increased, if at all, as a consequence of delinquency or default by the owner of that parcel or any  
849 other parcel within the development zone;

850 (5) the circumstances under which the special assessments may be reduced or abated; and

851 (6) the assessing party may establish procedures allowing for the prepayment of infrastructure  
852 assessments under this chapter.

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

860 (d) Notwithstanding any general or special act to the contrary, the agency, the municipality, or  
861 any other public facilities owner may contract with 1 or more owners of real estate within a  
862 development zone to acquire or undertake improvements within the development zone. Upon  
863 completion, such improvements shall be conveyed to the public facilities owner, provided that  
864 the consideration for said conveyance shall be limited to the cost of said improvements.

865 Section 5. (a) In addition to the powers granted pursuant to chapter 23G and chapter 40D, the  
866 agency may borrow money and issue and secure its bonds for the purpose of financing  
867 improvements as provided in and subject to, the provisions of this chapter; provided, further, that  
868 the provisions of said chapters 23G and 40D shall apply to bonds issued under this section,  
869 except that the provisions of subsection (b) of section 8 of said chapter 23G and section 12 of  
870 said chapter 40D shall not apply to bonds issued pursuant to this chapter or the improvements  
871 financed thereby; and provided further, that the improvements financed by the agency pursuant  
872 to this chapter shall constitute a project within the meaning of section 1 of said chapter 23G and

873 section 1 of said chapter 40D, but shall not be considered facilities to be used in a commercial  
874 enterprise. With respect to the issuance of bonds or notes for the purposes of this chapter in the  
875 event of a conflict between this chapter and chapter 23G, the provisions of this chapter shall  
876 control.

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

881 (b) The agency may provide by resolution of its board of directors, from time to time, for the  
882 issuance of bonds or notes of the agency for any of the purposes set forth in this chapter. Bonds  
883 issued hereunder shall be special obligations payable solely from particular funds and revenues  
884 generated from infrastructure assessments levied pursuant to this chapter as provided in such  
885 resolution. No bonds or notes shall be issued by the agency pursuant to this chapter until the  
886 agency's board of directors has determined that the bonds or notes trust agreement and any  
887 related financing documents are reasonable and proper and comply with this chapter. The agency  
888 may charge a reasonable fee in connection with the review of such documentation by its staff and  
889 board of directors. Without limiting the generality of the foregoing, such bonds may be issued to  
890 pay or refund notes issued pursuant to this chapter, to pay the cost of acquiring, laying,  
891 constructing, and reconstructing the improvements. The bonds of each issue shall be dated, shall  
892 bear interest at the rates, including rates variable from time to time, and shall mature at the time  
893 or times not exceeding 35 years from their date or dates, as determined by the agency, and may  
894 be redeemable before maturity, at the option of the agency or the holder thereof, at the price or  
895 prices and under the terms and conditions fixed by the agency before the issuance of the bonds.

896 The agency shall determine the form of the bonds and the manner of execution of the bonds, and  
897 shall fix the denomination or denominations of the bonds and the place or places of payment of  
898 principal and interest, which may be at any bank or trust company within or without the  
899 commonwealth and such other locations as designated by the agency. In the event an officer  
900 whose signature or a facsimile of whose signature shall appear on any bonds shall cease to be an  
901 officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and  
902 sufficient for all purposes the same as if he had remained in office until the delivery. The bonds  
903 shall be issued in registered form. The agency may sell the bonds in a manner and for a price,  
904 either at public or private sale, as it may determine to be for the best interests of the development  
905 zone.

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

912 While any bonds or notes of the agency remain outstanding, its powers, duties or existence shall  
913 not be diminished or impaired in any way that will affect adversely the interests and rights of the  
914 holders of such bonds or notes. Bonds or notes issued under this chapter, unless otherwise  
915 authorized by law, shall not be deemed to constitute a debt of the commonwealth or the  
916 municipality, or a pledge of the faith and credit of the commonwealth or of the municipality, but  
917 the bonds or notes shall be payable solely by the agency as special obligations payable from  
918 particular funds collected from infrastructure assessments levied pursuant to this chapter and any

919 revenues derived from the operation of the improvements. Any bonds or notes issued by the  
920 agency under this chapter, shall contain on the face thereof a statement to the effect that neither  
921 the commonwealth, or the municipality, shall be obliged to pay the same or the interest thereon,  
922 and that the faith and credit or taxing power of the commonwealth, the municipality, or the  
923 agency is not pledged to the payment of the bonds or notes. All bonds or notes issued under this  
924 chapter shall have and are hereby declared to have all the qualities and incidents of negotiable  
925 instruments as defined in section 3-104 of chapter 106.

926 Issuance by the agency of 1 or more series of bonds or notes for 1 or more purposes shall not  
927 preclude it from issuing other bonds or notes in connection with the same project or any other  
928 project; provided, however, that the resolution or trust indenture wherein any subsequent bonds  
929 or notes may be issued shall recognize and protect any prior pledge made for any prior issue of  
930 bonds or notes unless in the resolution or trust indenture authorizing such prior issue the right is  
931 reserved to issue subsequent bonds on a parity with such prior issue.

932 (c) In the discretion of the agency, bonds issued pursuant to this chapter may be secured by a  
933 trust agreement between the agency and the bond owners or a corporate trustee which may be  
934 any trust company or bank having the powers of a trust company within or without the  
935 commonwealth. A trust agreement may pledge or assign, in whole or in part, the revenues, funds  
936 and other assets or property held or to be received by the assessing party, or the agency  
937 including, without limitation all monies and investments on deposit from time to time in any  
938 fund of the assessing party or the agency or any account thereof and any contract or other rights  
939 to receive the same, whether then existing or thereafter coming into existence and whether then  
940 held or thereafter acquired by the assessing party or the agency, and the proceeds thereof. A trust  
941 agreement may pledge or assign, in whole or in part, development zone revenues, funds and

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

965 created under this chapter shall not be applied to any purposes not permitted by the pledge or  
966 assignment.

967 (d) The agency may issue, from time to time, notes of the agency in anticipation of federal, state  
968 or local grants for the cost of acquiring, constructing or improving the development zone's  
969 improvements or in anticipation of bonds to be issued pursuant to this chapter. Said notes shall  
970 be authorized, issued and sold in the same manner as, and shall otherwise be subject to the other  
971 provisions of this chapter. Such notes shall mature at such time or times as provided by the  
972 issuing resolution of the agency and may be renewed from time to time; provided, however, that  
973 all such notes and renewals thereof shall mature on or prior to 20 years from their date of  
974 issuance.

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

987 (f) In connection with, or incidental to, the issuance of bonds, notes or other obligations, the  
988 agency may enter into such contracts as the agency may determine to be necessary or appropriate  
989 relative to the issuance thereof and the interest payable thereon or to place the bonds, notes or  
990 other obligations of the agency, as represented by the bonds or notes, or other obligations in  
991 whole or in part, on such interest rate or cash flow basis as the agency may determine appropriate  
992 including, without limitation, interest rate swap agreements, insurance agreements, forward  
993 payment conversion agreements, futures contracts, contracts providing for payments based on  
994 levels of, or changes in, interest rates or market indices, contracts to manage interest rate risk  
995 including, without limitation, interest rate floors or caps, options, puts, calls and similar  
996 arrangements. Such contracts shall contain such payment, security, default, remedy and other  
997 terms and conditions as the agency may deem appropriate and shall be entered into with such  
998 party or parties as the agency may select, after giving due consideration, where applicable, for  
999 the credit worthiness of the counter party or counter parties, including any rating by a nationally  
1000 recognized rating agency, the impact on any rating on outstanding bonds, notes or other  
1001 obligations or any other criteria the agency may deem appropriate.

1002 (g) The agency shall have the power out of any funds available therefore to purchase its bonds or  
1003 notes. The agency may hold, pledge, cancel or resell such bonds or notes, subject to and in  
1004 accordance with agreements with bondholders. The agency may issue refunding bonds for the  
1005 purpose of paying any of its bonds at maturity or upon acceleration or redemption. Refunding  
1006 bonds may be issued at such time or times prior to the maturity or redemption of the refunded  
1007 bonds as the agency deems to be in the public interest. Refunding bonds may be issued in  
1008 sufficient amounts to pay or provide for the principal of the bonds being refunded, together with  
1009 any redemption premium thereon, any interest accrued or to accrue to the date of payment of

1010 such bonds, the expense of issuing the refunding bonds, the expense of redeeming bonds being  
1011 refunded and such reserves for debt service or other capital from the proceeds of such refunding  
1012 bonds as may be required by a trust agreement or resolution securing the bonds and, if  
1013 considered advisable by the agency, for the additional purpose of the acquisition, construction or  
1014 reconstruction and extension or improvement of improvements. All other provisions relating to  
1015 the issuance of refunding bonds shall be as set forth in this chapter insofar as the same may be  
1016 applicable.

1017 (h) All moneys received pursuant to the provisions of this chapter, whether as proceeds from the  
1018 issue of bonds or notes or as revenue or otherwise, shall be deemed trust funds to be held and  
1019 applied solely as provided in this chapter.

1020 (i) Bonds or notes issued under this chapter are hereby made securities in which all public  
1021 officers and public bodies of the commonwealth and its political subdivisions, all insurance  
1022 companies, trust companies in their commercial departments and within the limits set by the  
1023 General Laws, banking associations, investment companies, executors, trustees and other  
1024 fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to  
1025 invest in bonds or other obligations of a similar nature may properly and legally invest funds,  
1026 including capital in their control and belonging to them; and the bonds are hereby made  
1027 obligations that may properly and legally be made eligible for the investment of savings deposits  
1028 and income thereof in the manner provided by section 2 of chapter 167E. The bonds or notes are  
1029 hereby made securities that may properly and legally be deposited with and received by any state  
1030 or municipal officer or any agency or political subdivision of the commonwealth for any purpose  
1031 for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter  
1032 be authorized by law.

1033 Notwithstanding any general or special law to the contrary, or any provision in their respective  
1034 charters, agreements of associations, articles or organization, or trust indentures, domestic  
1035 corporations organized for the purpose of carrying on business within the commonwealth  
1036 including, without limitation any electric or gas company as defined in section 1 of chapter 164,  
1037 railroad corporations as defined in section 1 of chapter 160, financial institutions, trustees and the  
1038 municipality may acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any  
1039 bonds, notes, securities or other evidence of indebtedness of the agency provided that they are  
1040 rated similarly to other governmental bonds or notes, and to make contributions to the agency, all  
1041 without the approval of any regulatory authority of the commonwealth.

1042 (j) Any holder of bonds or notes issued under this chapter, and a trustee under a trust agreement,  
1043 except to the extent its rights may be restricted by the trust agreement, may, either at law or in  
1044 equity, by suit, action, mandamus or other proceeding, protect and enforce all rights under the  
1045 laws of the commonwealth or granted hereunder or under the trust agreement, and may enforce  
1046 and compel the performance of all duties required by this chapter or by the trust agreement, to be  
1047 performed by the agency or by any officer thereof.

1048 (k) Notwithstanding any of the provisions of this chapter or any recitals in any bonds or notes  
1049 issued under this chapter, all such bonds or notes shall be deemed to be investment securities  
1050 under the provisions of chapter 106.

1051 (l) Bonds or notes may be issued under this chapter without obtaining the consent of any  
1052 department, division, commission, board, bureau or agency of the commonwealth or the  
1053 municipality, and without any proceedings or the happening of any other conditions or things  
1054 than those proceedings, conditions or things that are specifically required thereof by this chapter,

1055 and the validity of and security for any bonds or notes issued by the agency shall not be affected  
1056 by the existence or nonexistence of any such consent or other proceeding conditions, or things.

1057 Section 6. Bonds or notes issued by the agency and their transfer and their interest or income,  
1058 including any profit on the sale thereof, and the improvements belonging to the public facilities  
1059 owner shall at all times be exempt from taxation within the commonwealth, provided that  
1060 nothing in this chapter shall act to limit or restrict the ability of the commonwealth or the  
1061 municipality to otherwise tax the individuals and companies or their real or personal property or  
1062 any person living or business operating within the boundaries of the development zone.

1063 Section 7. For purposes of this chapter, the agency may issue bonds secured by infrastructure  
1064 assessments pursuant to and according to the terms of chapter 40Q. With the approval of the  
1065 municipal governing body and the economic assistance coordinating council, the agency may  
1066 issue its bonds in place of those of the municipality pursuant to, and according to the terms of  
1067 chapter 40Q, provided that the municipality has fulfilled all requirements set forth in said chapter  
1068 40Q that would be required of the municipality if it were itself issuing bonds pursuant to said  
1069 chapter 40Q. In addition, the municipality shall include in its “invested revenue district  
1070 development program” as defined in said chapter 40Q, a description of the rights and  
1071 responsibilities of the assessing party, the agency and the municipality with respect to said  
1072 program. In such case, the municipality may designate the agency as the issuer of bonds pursuant  
1073 to said chapter 40Q for the purpose of financing any of the “project costs” as defined in said  
1074 chapter 40Q and that are located in, or functionally serving the needs of the development zone.  
1075 The municipality shall determine the percentage of the “captured assessed valuation,” as defined  
1076 in said chapter 40Q, of property within the boundaries of the development zone that the  
1077 municipality is pledging pursuant to an invested revenue district development program as

1078 defined in said chapter 40Q for the payment of the agency’s bonds. With the written agreement  
1079 of the person or persons owning 1 or more specific tax parcels in the development zone, the  
1080 assessing party may adopt a plan whereby any of the assessing powers described in this chapter  
1081 are made applicable exclusively to said parcels in order to secure and fund the debt service for  
1082 the bonds. The “project costs” as defined in said chapter 40Q, shall not be reduced by the amount  
1083 of the revenues derived pursuant to this chapter and said revenues derived from such a plan, may  
1084 be made contingent upon or abated, in whole or in part, by the assessing party upon the receipt of  
1085 the anticipated revenues generated through the pledged captured assessed valuation. At its  
1086 option, the municipality may waive any adjustment for the “inflation factor” described in said  
1087 chapter 40Q, in order to increase the captured assessed valuation available to finance  
1088 improvements benefiting the development zone. The assessing party, the agency and the  
1089 municipality shall enter into an agreement delineating the rights and responsibilities of each  
1090 pursuant to such district improvement financing.

1091 Section 8. The agency may make representations and agreements for the benefit of the holders of  
1092 the agency’s bonds and notes or other obligations to provide secondary market disclosure  
1093 information. The agreement may include: (1) covenants to provide secondary market disclosure  
1094 information (2) arrangements for such information to be provided with the assistance of a paying  
1095 agent, trustee, dissemination or other agent; and (3) remedies for breach of the agreements,  
1096 which remedies may be limited to specific performance.

1097 Section 9. The collector-treasurer of each municipality, at the option of the municipality and the  
1098 agency, may collect any infrastructure assessments including any recording fees, on behalf of the  
1099 agency pursuant to an agreement between the municipality and the agency and to disburse the  
1100 funds to any designated management entity or financial institution selected by agency. The

1101 collector-treasurer shall disburse revenues to the management entity or financial institution  
1102 within 30 days of the collection of such fees, together with the interest earned on the holding of  
1103 such fees.

1104 Section 10. (a) This chapter shall be considered to provide an exclusive, additional, alternative  
1105 and complete method of accomplishing the purposes of this chapter and exercising the powers  
1106 authorized hereby and shall be considered and construed to be supplemental and additional to,  
1107 and not in derogation of, powers conferred upon the agency, the assessing party or the public  
1108 facilities owner, by law; but, insofar as the proceedings of this chapter are inconsistent with any  
1109 general or specific law, administrative order or regulation, or any resolution or ordinance of the  
1110 municipality, this chapter shall be controlling. Without limiting the generality of the foregoing,  
1111 no provision of any resolution or ordinance of the municipality requiring ratification by the  
1112 voters of certain bond issues shall apply to the issuance of bonds or notes of the agency pursuant  
1113 to this chapter, nor shall be applicable to the manner of voting or the limitations as to the amount  
1114 and time of payment of debts incurred by the agency.

1115 (b) Except as specifically provided in this chapter, all other statutes, ordinances, resolutions,  
1116 rules and regulations of the commonwealth and the municipality shall be fully applicable to the  
1117 property, property owners, residents and businesses located in the development zone. This  
1118 chapter shall not obligate the municipality or the agency to pay any costs for the acquisition,  
1119 construction, equipping or operation and administration of the improvements located within the  
1120 development zone.

1121 SECTION 39. Section 2WWW of chapter 29 of the General Laws, as amended by section 105 of  
1122 chapter 3 of the acts of 2011, is hereby further amended by striking out subsection (d) and  
1123 inserting in place thereof the following subsection:-

1124 (d) There shall be credited to the fund any revenue from appropriations or other monies  
1125 authorized by the general court and specifically designated to be credited to the fund, including  
1126 funds transferred from the Gaming Economic Development Fund established under section  
1127 2DDDD, and any gifts, grants, private contributions, investment income earned on the fund's  
1128 assets and all other sources. Money remaining in the fund at the end of a fiscal year shall not  
1129 revert to the General Fund.

1130 SECTION 40. Said section 2WWW of said chapter 29, as amended by section 105 of said  
1131 chapter 3, is hereby further amended by inserting after subsection (h) the following subsection:-

1132 (h ½) A portion of the grant fund shall be used to address the gap between the skills held by  
1133 workers and the skills needed by employers for jobs that require more than a high school  
1134 diploma but less than a 4-year degree. Grants awarded under this program shall focus on building  
1135 relationships and partnerships among geographic clusters of high schools, vocational-technical  
1136 schools, community colleges, state universities, institutions of higher education, local employers,  
1137 industry partners, local workforce investment boards , labor organizations to support the creation  
1138 of workforce investment training opportunities for civilians or for veterans who served on active  
1139 duty in the armed forces during a war or in a campaign or expedition for which a campaign  
1140 badge has been authorized and who have separated from the military within 48 months of the  
1141 effective date of this act, and workforce development entities, in order to create multiple and  
1142 seamless pathways to employment through enhanced coordination of existing institutions and

1143 resources. Each cluster shall designate 1 entity or organization as the lead partner for each cluster  
1144 and approved procurements shall be jointly applied for by, at a minimum, a public educational  
1145 institution including a community college, at least 1 regional workforce investment board, and at  
1146 least 1 regional employer in a high growth sector. Grants made under this program shall include  
1147 consideration of, but not be limited to: defining and establishing the process for students to  
1148 transition from adult basic education programs to college-based programs; programs accessible  
1149 to working, unemployed or underemployed adults; programs that focus on the recruitment, training  
1150 and employment of older workers; programs in which one or more non-profit  
1151 corporations collaborate with a community college to prepare low income or  
1152 underemployed adults for employment in the workforce of regional emerging  
1153 industries; support of education and workforce development initiatives that collaborate with the  
1154 efforts or initiatives of public educational institutions, including development of stackable  
1155 certificates and credentials, non-semester-based modular programs and accelerated associate  
1156 degree programs, provided however that the grants issued from this fund shall serve to  
1157 supplement, and not supplant, ongoing initiatives at community colleges; providing sector-based  
1158 training including developmental education and certification programs; providing student  
1159 support services; using competency-based placement assessments; leveraging regional resources,  
1160 including shared equipment and funding; partnering with 2 or more training organizations in a  
1161 region; adopting innovative approaches to high intensity training methodologies of periods of  
1162 less than 6 months duration; and partnering with 2 or more employers in a region. This portion of  
1163 the grant fund may also be used to develop regional centers of excellence, which shall be aligned  
1164 to the commonwealth's economic development strategies to meet the needs of employers in high  
1165 growth sectors including, but not limited to, health care, life sciences, information technology

1166 and advanced manufacturing. Each center of excellence shall be located at a community college,  
1167 state university, vocational or technical high school or collaboration between these entities.

1168 A project grant program shall be designed by Commonwealth Corporation, in consultation with a  
1169 middle skills subcommittee of the advisory committee, which shall include, at a minimum, a  
1170 representative from the business community to be appointed by the secretary of labor and  
1171 workforce development; the director of the Center for Labor Market Studies at Northeastern  
1172 University or a designee; a representative of adult basic education or non-traditional college  
1173 students in the commonwealth to be appointed by the secretary of education; the Massachusetts  
1174 Workforce Board Association; and the Massachusetts AFL-CIO, as well as any representatives  
1175 of the other mandatory advisory committee constituencies under paragraph (b).

1176 SECTION 41. Said section 2WWW of said chapter 29, as amended by said section 105 of said  
1177 chapter 3, is hereby further amended by striking out subsection (k) and inserting in place thereof  
1178 the following subsection:-

1179 (k) The director of workforce development and the advisory committee established under  
1180 paragraph (b) shall examine and make an ongoing assessment of the effectiveness of the grant  
1181 fund, considering any similar educational or workforce development grant programs funded by  
1182 the commonwealth. The director and committee shall encourage coordination of existing  
1183 workforce development initiatives and strategies of employers and employer associations, local  
1184 workforce investment boards, labor organizations, community-based organizations, including  
1185 adult basic education providers; institutions of higher education, vocational education  
1186 institutions, one-stop career centers, local workforce development entities, and nonprofit  
1187 education, training or other service providers, and, when applicable, shall inform grant applicants

1188 of the availability and eligibility for other workforce training funds. The establishment of the  
1189 Workforce Competitiveness Trust Fund shall not be determined to replace, displace or serve as a  
1190 substitute for any other workforce training fund, including community college workforce  
1191 development programs or the Workforce Training Fund established in section 2RR, and award of  
1192 any grant funds from the Workforce Competitiveness Trust Fund shall not make an applicant  
1193 ineligible for any other funds.

1194 SECTION 42. Said section 2WWW of said chapter 29 is hereby further amended by adding the  
1195 following subsection:-

1196 (l) Each grant recipient shall submit an annual report for the duration of the program or  
1197 partnership funded through a grant to the committee for its review. Before grants are awarded,  
1198 the Commonwealth Corporation shall reach agreement with each eligible entity that receives a  
1199 grant on performance measures and indicators that will be used to evaluate the performance of  
1200 the eligible entity in carrying out the activities described in their application.

1201 SECTION 43. Chapter 40 of the General Laws is hereby amended by striking out section 59, as  
1202 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

1203 Section 59. Notwithstanding any general or special law to the contrary, any city or town by vote  
1204 of its town meeting, town council, or city council with the approval of the mayor where required  
1205 by law, on its own behalf or in conjunction with 1 or more cities or towns, and pursuant to  
1206 regulations issued by the economic assistance coordinating council established under section 3B  
1207 of chapter 23A, may adopt and prosecute a tax increment financing agreement hereinafter  
1208 referred to as TIF agreement, and do any and all things necessary thereto; provided, however,  
1209 that the TIF agreement:

1210 (i) includes a description of the parcels to be included in the agreement; provided, however, that  
1211 each area so designated is wholly within an economic target area or an area presenting  
1212 exceptional opportunities for increased economic development, as defined in section 3D of  
1213 chapter 23A, and in regulations adopted by the economic assistance coordinating council;  
1214 provided, further, that in the case of a TIF area that includes parcels located in 1 or more city or  
1215 towns, the areas included in the TIF agreement shall be contiguous areas of such cities or towns;

1216 (ii) describes in detail all construction and construction-related activity, public and private,  
1217 contemplated for such TIF agreement as of the date of adoption of the TIF agreement; provided,  
1218 however, that in the case of public construction as aforesaid, the TIF agreement shall include a  
1219 detailed projection of the costs thereof and a betterment schedule for the defrayal of such costs;  
1220 provided, further, that the TIF agreement shall provide that no costs of such public constructions  
1221 shall be recovered through betterments or special assessments imposed on any party which has  
1222 not executed an agreement in accordance with the provisions of clause (v); and provided, further,  
1223 that in the case of private construction as aforesaid, the TIF agreement shall include the types of  
1224 industrial and commercial developments which are projected to occur within such TIF area, with  
1225 documentary evidence of the level of commitment therefore, including but not limited to,  
1226 architectural plans and specifications as required by said regulations;

1227 (iii) authorizes tax increment exemptions from property taxes, under clause Fifty-first of section  
1228 5 of chapter 59, for a specified term not to exceed 20 years, for any parcel of real property which  
1229 is located in the TIF zone and for which an agreement has been executed with the owner of the  
1230 real property under clause (v); provided, however, that the TIF agreement shall specify the level  
1231 of the exemptions expressed as exemption percentages, not to exceed 100 per cent to be used in  
1232 calculating the exemptions for the parcel, and for personal property situated on that parcel, as

1233 provided under said clause Fifty-first of said section 5 of said chapter 59; provided, further, that  
1234 the exemption for each parcel of real property shall be calculated using an adjustment factor for  
1235 each fiscal year of the specified term equal to the product of the inflation factors for each fiscal  
1236 year since the parcel first became eligible for an exemption under this clause; provided, further  
1237 that the inflation factor for each fiscal year shall be a ratio:

1238 (a) the numerator of which shall be the total assessed value of all parcels of commercial and  
1239 industrial real estate that are assessed at full and fair cash value for the current fiscal year minus  
1240 the new growth adjustment for the current fiscal year attributable to the commercial and  
1241 industrial real estate as determined by the commissioner of revenue under subsection (f) of  
1242 section 21C of chapter 59; and

1243 (b) the denominator of which shall be the total assessed value for the preceding fiscal year of all  
1244 the parcels included in the numerator; provided, however, that the ratio shall not be less than 1;

1245 (iv) establishes a maximum percentage of the costs of any public construction, referenced in  
1246 clause (ii) and initiated subsequent to the adoption of the TIF agreement, that can be recovered  
1247 through betterments or special assessments against any parcel of real property eligible for tax  
1248 increment exemptions from property taxes pursuant to clause (iii) during the period of such  
1249 parcel's eligibility for exemption from annual property taxes pursuant to clause fifty-first of  
1250 section 5 of chapter 59, notwithstanding the provisions of chapter 80 or any other general or  
1251 special law authorizing the imposition of betterments or special assessments;

1252 (v) includes executed agreements between such city or town and each owner of a parcel of real  
1253 property which is located in such TIF area; provided, however, that each such agreement shall  
1254 include: (1) all material representations of the parties which served as the basis for the

1255 descriptions contained in the TIF agreement in accordance with the provisions of clause (ii); (2)  
1256 a detailed recitation of the tax increment exemptions and the maximum percentage of the cost of  
1257 public improvements that can be recovered through betterments or special assessments regarding  
1258 such parcel of real property pursuant to clauses (iii) and (iv); (3) a detailed recitation of all other  
1259 benefits and responsibilities inuring to and assumed by the parties to such agreement; and (4) a  
1260 provision that such agreement shall be binding upon subsequent owners of such parcel of real  
1261 property;

1262 (vi) delegates to 1 board, agency or officer of the city or town the authority to execute the  
1263 agreement in accordance with the provisions of clause (v);

1264 (vii) is certified as an approved TIF agreement by the economic assistance coordinating council  
1265 pursuant to section 3D of chapter 23A and regulations adopted by said council; provided,  
1266 however, that the economic assistance coordinating council shall certify in its vote that the  
1267 agreement is consistent with the requirements of this section and section 3D and will further the  
1268 public purpose of encouraging increased industrial and commercial activity in the  
1269 commonwealth;

1270 (viii) includes the right for the city or town to revoke its designation of the TIF agreement  
1271 pursuant to section 3F of chapter 23A; provided, such revocation shall not affect agreements  
1272 relative to property tax exemptions and limitations on betterments and special assessments  
1273 pursuant to said clause (v) which were executed prior thereto; and

1274 (ix) requires of an owner of a parcel pursuant to clause (v) to submit to the city or town clerk and  
1275 the economic assistance coordinating council a report detailing the status of the construction laid  
1276 out in the agreement, the current value of the property, and the number of jobs created to date as

1277 a result of the agreement; provided, however, that a report shall be filed every 2 years for the  
1278 term of the tax increment exemption allowed under clause Fifty-first of section 5 of chapter 59;  
1279 and provided, further, that a final report shall be filed in the final year of the exemption.

1280 The board, agency or officer of the city or town authorized pursuant to clause (vi) to execute  
1281 agreements shall forward to the board of assessors a copy of each approved TIF agreement,  
1282 together with a list of the parcels included therein.

1283 SECTION 44. Chapter 40J of the General Laws is hereby amended by inserting after section 4F  
1284 the following section:-

1285 Section 4G. (a) The general court finds that scientific and technology research and development  
1286 conducted at higher education institutions and non-profit research institutions in the  
1287 commonwealth is vital to identifying and developing new knowledge that leads to innovations  
1288 that drive the commonwealth's economy, promote economic development and job growth  
1289 opportunities throughout the diverse regions of the commonwealth, improve the quality of life  
1290 for those living in the commonwealth and throughout the world, and help strengthen the  
1291 commonwealth's global competitiveness. Research leadership and the capacity to create new  
1292 jobs in major growth sectors including but not limited to life sciences, IT and cybersecurity and  
1293 advanced manufacturing in turn depends on a new generation of academic and industry  
1294 partnerships aimed at solving national and global challenges.

1295 (b) In order to assist in fostering additional scientific and technology research and development  
1296 in the state, there is hereby established a fund to be known as the Scientific and Technology  
1297 Research and Development Matching Grant Fund, hereinafter referred to as the matching grant  
1298 fund, to which shall be credited the proceeds of bonds or notes of the commonwealth issued for

1299 the purpose, and any appropriations designated by the general court to be credited thereto. The  
1300 matching grant fund shall be administered by the corporation. The corporation shall hold the  
1301 matching grant fund in an account or accounts separate from other funds of the corporation. The  
1302 purpose of the matching grant fund is to provide matching funds for capital expenditures to be  
1303 made in connection with projects which are sponsored by the University of Massachusetts,  
1304 research universities, non-profit entities, or non-profit research institutions in the commonwealth  
1305 for scientific or technology research and development and funded in part by the federal  
1306 government or other public or private funds including, but not limited to, venture capital;  
1307 provided, that any grant awarded in accordance with this section shall leverage at least \$3 for  
1308 each dollar granted from sources other than an agency as defined by section 39 of chapter 6;  
1309 provided further, funds expended specifically for this matching fund from the higher education  
1310 bond bill, established by section 258 of the acts of 2008, shall not count towards the \$3 of  
1311 financing that is required for the matching fund; provided further, that prior to awarding any  
1312 grant under this section the corporation shall determine that the grant will advance the finding in  
1313 paragraph (a); provided further, that priority shall be given to large-scale, long-term research and  
1314 development activities that have the greatest potential to support scientific and technological  
1315 innovation and stimulate economic and employment opportunities in the commonwealth through  
1316 industry partnerships; and provided, further that at least 50 per cent of the grant funds under this  
1317 section shall be reserved for award, subject to qualification, to the University of Massachusetts.  
1318 The University of Massachusetts may, if it deems necessary to help ensure efficient and effective  
1319 research and development efforts, enter into collaborative agreements with other higher  
1320 education institutions in the commonwealth to undertake parts of any research and development  
1321 project for which grant funding under this section is sought.

1322 (c) To support effective planning and implementation of the matching grant fund, the corporation  
1323 shall develop program guidelines or regulations in consultation with the University of  
1324 Massachusetts and such other institutions or persons as deemed appropriate by the corporation.  
1325 The corporation shall annually file a report with the joint committee on higher education and the  
1326 house and senate committees on ways and means detailing the grants awarded under this section.

1327 SECTION 45. Section 2 of chapter 40Q of the General Laws, as appearing in the 2010 Official  
1328 Edition, is hereby amended by striking out, in lines 11 to 14, inclusive, the words “; (2) the  
1329 development district has been certified as an approved development district by the economic  
1330 assistance coordinating council established in section 3B of chapter 23A and pursuant to  
1331 regulations adopted by said council.”

1332 SECTION 46. Section 2 of chapter 40Q of the General Laws, as so appearing, is hereby  
1333 amended by striking in its entirety paragraph (a) and inserting in place thereof the following  
1334 paragraph:-

1335 (a) Notwithstanding any general or special law to the contrary, any city or town by vote of its  
1336 town meeting, town council or city council with the approval of the mayor where required by  
1337 law may designate development districts within the boundaries of the city or town provided,  
1338 however, a development district may consist of 1 or more parcels or lots of land, whether or not  
1339 contiguous, or 1 or more buildings or structures, whether or not adjacent, on 1 or more parcels of  
1340 land, provided that the total area of all development districts shall not exceed 25 per cent of the  
1341 total area of a city or town; and provided that the boundaries of a development district may be  
1342 altered only after meeting the requirements for adoption under this subsection. The city or town  
1343 shall find that the designation of the development district is consistent with the requirements of

1344 this section and will further the public purpose of encouraging increased residential, industrial  
1345 and commercial activity in the commonwealth.

1346 SECTION 47. Section 2 of chapter 43D of the General Laws, as so appearing, is hereby  
1347 amended by striking the definition of “Priority development site” and inserting in place thereof  
1348 the following definition:-

1349 “Priority development site”, a privately or publicly owned property that is: (1) eligible  
1350 under applicable zoning provisions, including special permits or other discretionary permits, for  
1351 the development or redevelopment of a building at least 50,000 square feet of gross floor area in  
1352 new or existing buildings or structures; and (2) designated as an appropriate priority  
1353 development site by the board. Several parcels or projects may be included within a single  
1354 priority development site. Wherever possible, priority development sites should be located  
1355 adjacent to areas of existing development or in underutilized buildings or facilities or close to  
1356 appropriate transit services.

1357 SECTION 48. Subsection (g) of section 6 of chapter 62 of the General Laws, as most recently  
1358 amended by section 65 of chapter 68 of the acts of 2011., is hereby amended by striking out  
1359 paragraph (1) and inserting in place thereof the following paragraph:-

1360 (1) A credit shall be allowed against the tax liability imposed by this chapter, to the extent  
1361 authorized by the economic assistance coordinating council established in section 3B of chapter  
1362 23A, up to an amount equal to 50 per cent of such liability in any taxable year; provided,  
1363 however, that the 50 per cent limitation shall not apply where the credit is refundable under  
1364 paragraph (5): (i) for certified expansion projects and certified enhanced expansion projects, as  
1365 defined in sections 3A and 3F of said chapter 23A, an amount up to 10 per cent; (ii) for certified

1366 manufacturing retention projects, as defined in said sections 3A and 3F of said chapter 23A, an  
1367 amount up to 40 per cent of the cost of property that would qualify for the credit allowed by  
1368 section 31A of chapter 63 if the property were purchased by a manufacturing corporation or a  
1369 business corporation engaged primarily in research and development and used exclusively in a  
1370 certified project, as defined in said sections 3A and 3F of said chapter 23A; and (iii) for certified  
1371 job creation projects, as defined in said sections 3A and 3F of said chapter 23A, an amount up to  
1372 \$5,000 per job created; provided, however, that the total award per project shall be no more than  
1373 \$1,000,000; provided, however, that the economic assistance coordinating council may award a  
1374 greater credit in an amount not to exceed \$10,000 per job created under the project if the jobs  
1375 created are located in a gateway municipality, as defined by section 3A of chapter 23A; and  
1376 provided, however, that a credit under this clause (iii) shall be allowed for the year subsequent to  
1377 that in which the jobs are created. A lessee may be eligible for a credit pursuant to this  
1378 subsection for real property leased pursuant to an operating lease. Notwithstanding any contrary  
1379 provisions in section 3F of chapter 23A, if such property is disposed of or ceases to be in  
1380 qualified use within the meaning of section 31A or ceases to be used exclusively in a certified  
1381 project before the end of the certified project's certification period, or if a project's certification is  
1382 revoked, the recapture provisions of subsection (e) of section 31A shall apply. In the case of  
1383 revocation of projects certified before January 1, 2012 because of a material variance, the  
1384 revocation shall take effect on the first day of the tax year in which a material variance occurred  
1385 as determined by the economic assistance coordinating council. If such property is disposed of  
1386 after the certified project's certification period but before the end of such property's useful life,  
1387 the recapture provisions of subsection (e) of section 31A shall apply. The expiration of a certified

1388 project's certification shall not require the application of the recapture provisions of subsection  
1389 (e) of section 31A.

1390 Notwithstanding any contrary provisions in subsection (e) of section 31A, for projects certified  
1391 after January 1, 2012, if the economic assistance coordinating council revokes a project's  
1392 certification, the total amount of credits taken under this section shall be recaptured and added  
1393 back as additional tax in the taxable year in which the economic assistance coordinating council  
1394 makes the determination to revoke.

1395 SECTION 49. The second paragraph of paragraph (1) of subsection (g) of said section 6 of said  
1396 chapter 62, as so appearing, is hereby further amended by striking out the second sentence .

1397 SECTION 50. The third paragraph of said paragraph (1) of said subsection (g) of said section 6  
1398 of said chapter 62, as so appearing, is hereby amended by striking out the fourth sentence and  
1399 inserting in place thereof the following sentence:- To the extent applicable, paragraph (3) of  
1400 section 3F of said chapter 23A shall apply to tax benefits awarded under this section.

1401 SECTION 51. Said subsection (g) of said section 6 of said chapter 62, as so appearing, is hereby  
1402 further amended by striking out paragraph (5) and inserting in place thereof the following  
1403 paragraph:-

1404 (5) If a credit allowed under clauses (ii) and (iii) of paragraph (1) for certified manufacturing  
1405 retention projects and certified job creation projects exceeds the tax otherwise due under this  
1406 chapter, 100 per cent of the balance of such credit may, at the option of the taxpayer and to the  
1407 extent authorized pursuant to the economic assistance coordinating council, be refundable to the  
1408 taxpayer for the taxable year in which qualified property giving rise to that credit is placed in  
1409 service by a manufacturing retention project or for the taxable year subsequent to the year in

1410 which the required jobs are added by the job creation project. If such credit balance is refunded  
1411 to the taxpayer, the credit carryover provisions of paragraph (2) shall not apply.

1412 SECTION 52. Said section 6 of said chapter 62, as so appearing, is hereby further amended by  
1413 striking out, in line 273, the figure “2013” and inserting in place thereof the following figure:-  
1414 2015.

1415 SECTION 53. Said section 6 of said chapter 62, as so appearing, is hereby further amended by  
1416 striking out, in line 278, the figure “2014” and inserting in place thereof the following figure:-  
1417 2016.

1418 SECTION 54. Section 6J of said chapter 62, as so appearing, is hereby amended by striking out,  
1419 in line 39, the figure “\$50,000,000” and inserting in place thereof the following figure:-  
1420 \$60,000,000.

1421 SECTION 55. Chapter 62 of the General Laws is hereby amended by inserting after section 6L  
1422 the following section:-

1423 Section 6M. (a) The purpose of this section shall be to enable local residents and stakeholders to  
1424 work with and through community development corporations to partner with nonprofit, public  
1425 and private entities to improve economic opportunities for low and moderate income households  
1426 and other residents in urban, rural and suburban communities across the commonwealth.

1427 (b) For purposes of this section, the following words shall, unless the context clearly requires  
1428 otherwise, have the following meanings:-

1429

1430 “Community development corporation”, a corporation certified as a community development  
1431 corporation by the department consistent with chapter 40H.

1432 “Community investment plan”, an organizational business plan developed by a certified  
1433 community development corporation that details its goals, outcomes, strategies, programs and  
1434 activities for a 3 to 5 year period and its financial plans for supporting its strategy. The plan shall  
1435 be designed to engage local residents and businesses to work together to undertake community  
1436 development programs, projects and activities which develop and improve urban, rural or  
1437 suburban communities in sustainable ways that create and expand economic opportunities for  
1438 low and moderate income households. The specific format and content of a community  
1439 investment plan may be adapted to the particular organization and community, but shall include  
1440 the following elements:

1441 (i)a description of the community to be served by the organization, including the neighborhoods,  
1442 towns, or cities to be served as well as any particular constituencies that the organization is  
1443 dedicated to serving;

1444 (ii)a description of how community residents and stakeholders were engaged in the development  
1445 of the plan and their role in monitoring and implementing the organization’s activities during the  
1446 time period of the plan;

1447 (iii)the goals sought to be achieved during the time period of the plan, including how low and  
1448 moderate income households or low and moderate income communities will benefit and how the  
1449 entire community will benefit;

1450 (iv)the activities to be pursued to achieve those goals;

- 1451 (v)the manner in which success shall be measured and evaluated;
- 1452 (vi)a description of the collaborative efforts that shall support implementation of the plan,  
1453 including collaborative efforts with nonprofit, for-profit or public entities;
- 1454 (vii)a description of how the different activities within the plan fit together and how the entire  
1455 plan fits into a larger strategy or vision for the community;
- 1456 (viii)the financial strategy to be deployed to support these activities; and
- 1457 (ix)other information regarding the history and track record of the organization as determined by  
1458 the department.
- 1459 “Community investment tax credit”, the tax credit described in subsection (d).
- 1460 “Community investment tax credit allocation”, an award provided by the department through a  
1461 competitive process that enables the recipient of the allocation to solicit and receive qualified  
1462 investments from taxpayers and to provide those taxpayers with a community investment tax  
1463 credit.
- 1464 “Community partner”, a community development corporation or a community support  
1465 organization selected by the department through a competitive process to receive a community  
1466 investment tax credit allocation.
- 1467 “Community Partnership Fund”, a fund administered by a nonprofit organization selected by the  
1468 department to receive qualified investments from taxpayers for the purpose of allocating such  
1469 investments to community partners.

1470 “Community support organization”, any nonprofit organization which is not a community  
1471 development corporation but has a focus on and track record of providing capacity building  
1472 services to community development corporations.

1473 “Department”, the department of housing and community development.

1474 “Gateway municipality”, a gateway municipality as defined in section 3A of chapter 23A.

1475 “Low and moderate income community”, an economic target area as defined in section 3A of  
1476 chapter 23A, an enhanced economic enterprise community or empowerment zone as designated  
1477 by the United States Department of Housing and Urban Development, or 1 or more contiguous  
1478 census tracts as designated by a city or town, in which either: (1) a majority of the households  
1479 are low and moderate income households as defined herein; or (2) the unemployment rate is at  
1480 least 25 per cent higher than the annual statewide average unemployment rate at a time when the  
1481 statewide unemployment rate is less than or equal to 5 per cent or the unemployment rate is at  
1482 least 10 per cent higher than the annual statewide average unemployment rate at a time when the  
1483 statewide unemployment rate is greater than 5 per cent.

1484 “Low and moderate income households”, households which have incomes that do not exceed 80  
1485 per cent of the median income for the area, with adjustments made for smaller and larger  
1486 families, as such median shall be determined from time to time by the Secretary of Housing and  
1487 Urban Development pursuant to 42 U.S.C. 1437(a)(B)(2) or any successor legislation and the  
1488 regulations promulgated thereunder.

1489 “Qualified investment”, a cash contribution made to a specific community partner to support the  
1490 implementation of its community investment plan or to a community partnership fund, as defined  
1491 by this section.

1492 “Taxpayer”, any person, firm, or other entity subject to the personal income tax under the  
1493 provisions of this chapter or any corporation subject to an excise under the provisions of chapter  
1494 63.

1495 (c) The department shall promulgate regulations concerning the process by which community  
1496 development corporations apply to become a community partner and receive qualified  
1497 investments, provided that:

1498 (1) The department shall design a competitive process to review applications by community  
1499 development corporations and community support organizations. Community support  
1500 organizations may qualify, provided that no more than 2 such organizations may, at any given  
1501 time, be awarded community investment tax credits.

1502 (2) The selection process shall favor community development corporations with the highest  
1503 quality community investment plans and strong track records and shall strive to ensure that all  
1504 regions of the commonwealth are able to fairly compete for allocations, including gateway  
1505 municipalities, rural areas and suburban areas. At least 30 per cent of the community partners  
1506 shall be located in or serving gateway municipalities and at least 20 per cent of the community  
1507 partners shall be located in or serving rural areas, as defined by the department, unless the  
1508 department finds that there are not a sufficient number of qualified applications from those areas.

1509 (3) The department shall implement at least one such allocation process each year. Each tax  
1510 credit allocation shall be valid for a period of up to 3 years, contingent upon the community  
1511 partner satisfactorily meeting the reporting requirements of the department. Community partners  
1512 who have not fully utilized their community investment tax credit allocations within 3 years may  
1513 apply to the department for a 1 year extension. Community investment tax credit allocations may

1514 be revoked after 2 years from the date of the award by the department if (i) the community  
1515 partner has been unable to secure donation commitments for at least 50 per cent of total  
1516 allocation by that time, (ii) if the community partner is found to be in noncompliance with this  
1517 statute or the department's regulations promulgated hereunder, (iii) if the community partner is  
1518 determined by the department to be making inadequate progress on its community investment  
1519 plan, or (iv) for other good cause as determined by the department.

1520 (4) No community partner shall receive a community investment tax credit allocation of less than  
1521 \$50,000 or more than \$150,000 in any 1 fiscal year. No community partner may receive a  
1522 subsequent allocation unless it has utilized at least 95 per cent of the 3 year total of any prior  
1523 allocation.

1524 (5) A community partner may receive qualified investments directly from 1 or more taxpayers or  
1525 it may transfer some or all of its community investment tax credit allocation to a community  
1526 partnership fund and receive qualified investments from that fund.

1527 (6) Before receiving a qualified investment from a taxpayer or from a community partnership  
1528 fund, the community partner shall first receive certification from the department that it has been  
1529 awarded a community investment tax credit allocation.

1530 (7) The department may authorize up to 2 nonprofit organizations to operate community  
1531 investment partnership funds. In selecting 1 or 2 nonprofit organizations to serve in this function  
1532 the department shall seek organizations which demonstrate that they have the capacity to solicit,  
1533 administer and re-grant qualified investments and can advance the purposes of this statute.

1534 (8) The department, in consultation with the commissioner shall prescribe regulations necessary  
1535 to carry out this subsection. Such regulations shall include requirements for annual reports from

1536 community partners and community partnership funds regarding outcomes achieved during the  
1537 prior year.

1538 (d) There is hereby established a Massachusetts community investment tax credit.

1539 (e) The commissioner, in consultation with the department, shall authorize annually an amount  
1540 not to exceed \$2,000,000 in 2013, \$4,000,000 in 2014, and \$6,000,000 in 2015 and each year  
1541 thereafter for the community investment tax credit.

1542 (f) The total of all tax credits available to a taxpayer pursuant to this section shall not exceed  
1543 \$1,000,000 in any 1 tax year and no tax credit shall be allowed to any taxpayer for participating  
1544 in a qualified community investment activity of less than \$1,000.

1545 (g) A taxpayer that makes a qualified investment shall be allowed a credit, to be computed as  
1546 hereinafter provided, against taxes owed to the commonwealth under chapter 62 or chapter 63 or  
1547 other applicable law. The credit shall be equal to 50 per cent of the total qualified investments  
1548 made by the taxpayer, subject to the cap described in paragraph (2) of this subsection. The  
1549 department shall issue a certification to the taxpayer after the taxpayer makes a qualified  
1550 investment. Such certification shall be acceptable as proof that the expenditures related to such  
1551 investment qualify as qualified investment for purposes of the credit allowed under this section.

1552 (h) The credit allowable under this section shall be allowed for the taxable year in which a  
1553 qualified investment is made. A taxpayer allowed a credit under this section for a taxable year  
1554 may carry over and apply against such taxpayer's tax liability in any of the succeeding 5 taxable  
1555 years, the portion, as reduced from year to year, of those credits which exceed the tax for the  
1556 taxable year.

1557 (i) Community investment tax credits allowed to a partnership or a limited liability company  
1558 taxed as a partnership shall be passed through to the persons designated as partners, members or  
1559 owners, respectively, pro rata or pursuant to an executed agreement among the persons  
1560 designated as partners, members or owners documenting an alternative distribution method  
1561 without regard to their sharing of other tax or economic attributes of the entity.

1562 (j) Taxpayers eligible for the community investment tax credit may, with prior notice to and in  
1563 accordance with regulations adopted by the commissioner, transfer the credits, in whole or in  
1564 part, to any taxpayer, and the transferee shall be entitled to apply the credits against the tax with  
1565 the same effect as if the transferee had made the qualified investment itself. The transferee shall  
1566 use the credit in the year it is transferred. If the credit allowable for any taxable year exceeds the  
1567 transferee's tax liability for that tax year, the transferee may carry forward and apply in any  
1568 subsequent taxable year, the portion, as reduced from year to year, of those credits which exceed  
1569 the tax for the taxable year; provided, however, the carryover period shall not exceed 5 taxable  
1570 years after the close of the taxable year during which the qualified investment was made as  
1571 provided for in this section.

1572 (k) The commissioner, in consultation with the department, shall prescribe regulations necessary  
1573 to carry out the tax credit established in subsection (d).

1574 SECTION 56. Subsection (a) of section 38N of chapter 63 of the General Laws, as so appearing,  
1575 is hereby amended by striking out the first paragraph and inserting in place thereof the following  
1576 paragraph:-

1577 A corporation subject to tax under this chapter that participates in a certified project, as defined  
1578 in sections 3A and 3F of chapter 23A, may take a credit against the excise imposed by this

1579 chapter to the extent authorized by the economic assistance coordinating council, established by  
1580 section 3B of said chapter 23A, in an amount not to exceed 50 per cent of such liability in a  
1581 taxable year; provided, however, that the 50 per cent limitation shall not apply if the credit is  
1582 refundable under subsection (b): (i) for certified expansion projects and certified enhanced  
1583 expansion projects, as defined in said sections 3A and 3F of said chapter 23A, an amount up to  
1584 10 per cent; (ii) for certified manufacturing retention projects, as defined in said sections 3A and  
1585 3F of said chapter 23A, an amount up to 40 per cent of the cost of any property that would  
1586 qualify for the credit allowed by section 31A if the property were purchased by a manufacturing  
1587 corporation or a business corporation engaged primarily in research and development and is used  
1588 exclusively in a certified project, as defined in said sections 3A and 3F of said chapter 23A; and,  
1589 (iii) for certified job creation projects, as defined in said sections 3A and 3F of said chapter 23A,  
1590 an amount up to \$5,000 per job created; provided, however, that the total award per project shall  
1591 be no more than \$1,000,000; provided, however, that the economic assistance coordinating  
1592 council may award a greater credit in an amount not to exceed \$10,000 per job created under the  
1593 project if the jobs created are located in a gateway municipality, as defined by section 3A of  
1594 chapter 23A; and provided, however, that a credit under this clause (iii) shall be allowed for the  
1595 year subsequent to that in which the jobs are created A lessee may be eligible for a credit under  
1596 this subsection for real property leased under an operating lease.

1597 SECTION 57. The second paragraph of said subsection (a) of said section 38N of said chapter  
1598 63, as so appearing, is hereby further amended by striking out the second sentence.

1599 SECTION 58. Said subsection (a) of said section 38N of said chapter 63, as so appearing, is  
1600 hereby further amended by striking out the third paragraph and inserting in place thereof the  
1601 following 2 paragraphs:-

1602 The credit allowed under this section may be taken by an eligible corporation; provided,  
1603 however, that the credit allowed by section 31A or section 31H shall not be taken by such  
1604 corporation. For purposes of this paragraph, the corporation need not be a manufacturing  
1605 corporation or a business corporation engaged primarily in research and development.  
1606 Notwithstanding any contrary provisions in section 3F of chapter 23A, if such property is  
1607 disposed of or ceases to be in qualified use within the meaning of section 31A or ceases to be  
1608 used exclusively in a certified project before the end of the certified project's certification period,  
1609 or if a certified project's certification is revoked, the recapture provisions of subsection (e) of  
1610 section 31A shall apply. In the case of revocation of projects certified before January 1, 2012, the  
1611 revocation shall take effect on the first day of the tax year in which a material variance occurred  
1612 as determined by the economic assistance coordinating council. If such property is disposed of  
1613 after the certified project's certification period but before the end of such property's useful life,  
1614 the recapture provisions of subsection (e) of section 31A shall apply. The expiration of a certified  
1615 project's certification shall not require the application of the recapture provisions of subsection  
1616 (e) of section 31A.

1617 Notwithstanding any contrary provisions in subsection (e) of chapter 31A, for projects certified  
1618 after January 1, 2012, if the economic assistance coordinating council revokes a project's  
1619 certification, the total amount of credits taken under this section shall be recaptured and added  
1620 back as additional tax in the taxable year in which the economic assistance coordinating council  
1621 makes the determination to revoke.

1622 SECTION 59. The fourth paragraph of said subsection (a) of said section 38N of said chapter 63,  
1623 as so appearing, is hereby further amended by striking out the fourth sentence and inserting in

1624 place thereof the following sentence:- To the extent applicable, paragraph (3) of section 3F of  
1625 said chapter 23A shall apply to tax benefits awarded under this section.

1626 SECTION 60. Said section 38N of said chapter 63, as so appearing, is hereby further amended  
1627 by striking out subsection (b) and inserting in place thereof the following subsection:-

1628 (b) If a credit allowed under clauses (ii) and (iii) of subsection (a) for certified manufacturing  
1629 retention projects and certified job creation projects exceeds the tax otherwise due under this  
1630 chapter, 100 per cent of the balance of such credit may, at the option of the taxpayer and to the  
1631 extent authorized pursuant to the economic assistance coordinating council, be refundable to the  
1632 taxpayer for the taxable year in which qualified property giving rise to that credit is placed in  
1633 service by a manufacturing retention project or for the taxable year subsequent to the year in  
1634 which the required jobs are added by a job creation project. If such credit balance is refunded to  
1635 the taxpayer, the credit carryover provisions of subsection (d) shall not apply. The amount of  
1636 credit eligible to be refunded shall be determined without regard to the limitations in subsections  
1637 (a) and (c).

1638 SECTION 61. Section 38O of said chapter 63, as so appearing, is hereby further amended by  
1639 striking out, in lines 4 to 6, inclusive, the words “ opportunity area as determined by the  
1640 economic assistance coordinating council established by section three B of chapter twenty-three  
1641 A” and inserting in place thereof the following words: - target area as defined by section 3D of  
1642 chapter 23A.

1643 SECTION 62. Section 38Q of said chapter 63, as so appearing, is hereby amended by striking  
1644 out, in line 3, the figure “2013” and inserting in place thereof the following figure:- 2015.

1645 SECTION 63. Said section 38Q of said chapter 63, as so appearing, is hereby further amended  
1646 by striking out, in line 8, the figure “2014” and inserting in place thereof the following figure:-  
1647 2016.

1648 SECTION 64. Section 38R of said chapter 63, as so appearing, is hereby amended by striking  
1649 out, in line 37, the figure “\$50,000,000” and inserting in place thereof the following figure:-  
1650 \$60,000,000.

1651 SECTION 64A. Chapter 79 of the General Laws, as appearing in the 2010 Official Edition, is  
1652 hereby amended by inserting after section 1 the following new section:-

1653 Section 1A. The taking of real estate or of any interest therein by right of eminent domain under  
1654 this chapter or chapter 80A shall be effected only when necessary for the possession, occupation,  
1655 and enjoyment of land by the public at large or by public agencies and shall not be effected for  
1656 the purpose of commercial enterprise, private economic development, or any private use of the  
1657 property. Property shall not be taken from one owner and transferred to another on the grounds  
1658 that the public will benefit from a more profitable use. Whenever an attempt is made to take  
1659 property for a use alleged to be public, the question whether the contemplated use is truly public  
1660 shall be a judicial question and determined as such without regard to any legislative assertion  
1661 that the use is public. In the event that property taken pursuant to this chapter or chapter 80A is  
1662 not used for the purpose for which it was taken within 5 years of the taking, the governmental  
1663 authority that took the property must offer to sell the property to the owner from whom it was  
1664 acquired, or his or her known or ascertainable heirs or assigns, at the price which was paid for  
1665 the property or for the fair market value of the property at the time of the sale, whichever is less,  
1666 and if the offer is not accepted within 180 days from the date it is made, the property may be sold  
1667 to any other person, but only at public sale after legal notice is given.

1668 SECTION 64B. Subsection (c) of section 3 of chapter 63B of the General Laws, as appearing in  
1669 the 2010 Official Edition, is hereby amended by striking said subsection and inserting in place  
1670 thereof the following:—

1671 (c) For purposes of this chapter, there shall be four required installments for each taxable year,  
1672 except as otherwise provided by this chapter. The first installment shall be paid on or before the  
1673 fifteenth day of the third month of the taxable year; the second installment shall be paid on or  
1674 before the fifteenth day of the sixth month of the taxable year; the third installment shall be paid  
1675 on or before the fifteenth day of the ninth month of the taxable year; and the fourth installment  
1676 shall be paid on or before the fifteenth day of twelfth month of the taxable year. The amount of  
1677 any installment shall be 25 percent of the required annual payment.

1678 The term “required annual payment” means the lesser of (i) 90 per cent of the tax shown on the  
1679 return for the taxable year or, if no return is filed, 90 per cent of the tax for such year, or (ii) 100  
1680 per cent of the tax shown on the return of the corporation for the preceding taxable year, or (iii)  
1681 90 per cent of the tax for the taxable year or, (iv) ninety per cent of the tax that would be required  
1682 to be shown on the return for taxable year if the tax were determined by using the income  
1683 apportionment percentage determined for the preceding taxable year under chapter 63.

1684 Clause (ii) shall not apply if the preceding taxable year was not a taxable year of 12 months or  
1685 the corporation did not file a return for such preceding taxable year showing a liability for tax.

1686 Clause (ii) shall not apply in the case of a large corporation, as defined in section 6655 (g) of the  
1687 Internal Revenue Code of the United States, as amended on January 1, 1989 and in effect for the  
1688 taxable year except for purposes of determining the amount of the first required installment for  
1689 any taxable year; provided, however that any reduction in such first installment by reason of this

1690 provision shall be recaptured by increasing the amount of the next required installment by the  
1691 amount of such reduction.

1692 SECTION 64C. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby  
1693 amended by striking the word “sixty-five” in line 4 and inserting in place thereof the  
1694 following:— 50

1695 SECTION 64D. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby  
1696 amended by striking the word “ten” in line 9 and inserting in place thereof the following:— 25

1697 SECTION 64E. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby  
1698 amended by striking the word “ninety” in line 14 and inserting in place thereof the following:—  
1699 25

1700 SECTION 64F. Section 4A of chapter 63B of the General Laws, as so appearing, is hereby  
1701 amended by striking the word “ten” in line 16 and inserting in place thereof the following:— 25

1702 SECTION 64G. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby  
1703 amended by striking the word “thirty” in line 7 and inserting in place thereof the following:—  
1704 25.

1705 SECTION 64H. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby  
1706 amended by striking the word “twenty-five” in line 10 and inserting in place thereof the  
1707 following:— 25.

1708 SECTION 64I. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby  
1709 amended by striking the word “twenty-five” in line 13 and inserting in place thereof the  
1710 following:— 25.

1711 SECTION 664J. Section 4B of chapter 63B of the General Laws, as so appearing, is hereby

1712 amended by striking the word “twenty” in line 15 and inserting in place thereof the following:—  
1713 25.

1714 SECTION 65. Section 57A of chapter 121B of the General Laws is hereby repealed.

1715 SECTION 65A. Section 25 of chapter 151A of the General Laws, as appearing in the 2010  
1716 Official Edition, is amended by inserting after subsection (j) the following new subsection (k):-

1717 (k) Any week in which the individual is barred from working for, or being paid by, the  
1718 employing unit by reason of the provisions of section 91(b) of chapter 32.

1719 SECTION 66. Section 14C of chapter 167 of the General Laws, as appearing in the 2010 Official  
1720 Edition, is hereby amended by striking out the third and fourth paragraphs and inserting in place  
1721 thereof the following 3 paragraphs:-

1722 The small business loan review boards shall meet on a regular basis or, as demand for their  
1723 services requires, to review small business loan denials that applicants believe were  
1724 unreasonably denied. Upon commencement of a review of a small business loan denial submitted  
1725 by an applicant, the small business loan review board shall be required to report the results of  
1726 their findings to the applicant within 30 days of submission or request of the review; provided  
1727 however, that the board may, at its discretion, extend the review period to within 60 days of a  
1728 submission or request. Upon making a determination for reason of denial, the small business loan  
1729 review boards shall be required to provide information on their findings to the applicant and  
1730 commissioner of banks and shall provide information to the applicant on alternative sources of  
1731 financing, including information on any small business financing programs or other relevant  
1732 programs offered by the commonwealth. The Commissioner shall file annual reports regarding  
1733 the activities of the small business loan review boards with the chairs of the joint committee on

1734 community development and small business, chairs of the joint committee on economic  
1735 development and emerging technologies, and chairs of the joint committee on revenue, on or  
1736 before January 1.

1737 In addition, the small business loan review boards shall conduct annual studies and issue annual  
1738 reports on the availability of credit to small businesses within their regions and report back to the  
1739 commissioner of banks on their findings. The reports shall be published and made available to  
1740 the public through the website of the office of consumer affairs and business regulation or the  
1741 small business website established under section 3 of Chapter 23A.

1742 Notwithstanding the provisions of this chapter, the commissioner may promulgate rules and  
1743 regulations governing the establishment, operation and procedures of said small business loan  
1744 review boards. In addition, the commissioner shall be required to market and promote the small  
1745 business loan review boards as a resource for small businesses located in the commonwealth.

1746 SECTION 67. Item 6033-9013 of section 2 of chapter 246 of the acts of 2002 is hereby amended  
1747 by inserting after the word “item”, in line 19, the following words:- ; provided, that after April 1,  
1748 2012 this item shall be used for the MassWorks infrastructure program, as established by section  
1749 63 of chapter 23A of the General Laws; provided further, that any uncommitted balance as of  
1750 April 1, 2012 from the aforementioned item shall be transferred to the executive office of  
1751 housing and economic development; provided further, that any unexpended balance as of  
1752 September 1, 2012 from the aforementioned item or its successor item established as a result of  
1753 chapter 25 of the acts of 2009 shall be transferred to item 7002-8005 within the executive office  
1754 of housing and economic development; and provided further, that before October 1, 2012 the  
1755 executive office of housing and economic development shall submit a report on the amount of

1756 authorization expended from this item before April 1, 2012; provided further, that said report  
1757 shall detail awards expected to utilize this authorization after April, 1, 2012 and the schedule  
1758 plan for completing awards; and provided further that said report shall be delivered to the house  
1759 and senate committees on ways and means and the house and senate committees on bonding,  
1760 capital expenditures and state assets.

1761 SECTION 68. Item 6033-0428 of section 2B of chapter 291 of the acts of 2004 is hereby  
1762 amended by inserting after the figure “\$500,000”, in line 17, the following words:- ; provided,  
1763 that after April 1, 2012 this item shall be used for the MassWorks infrastructure program, as  
1764 established by section 63 of chapter 23A of the General Laws; provided further, that any  
1765 uncommitted balance as of April 1, 2012 from the aforementioned item or its successor item  
1766 established as a result of chapter 25 of the acts of 2009 shall be transferred to item 7002-8010  
1767 within the executive office of housing and economic development; provided further, that any  
1768 unexpended balance as of September 1, 2012 from the aforementioned item shall be transferred  
1769 to the executive office of housing and economic development; and provided further, that before  
1770 October 1, 2012 the executive office of housing and economic development shall submit a report  
1771 on the amount of authorization expended from this item before April 1, 2012; provided further,  
1772 that said report shall detail awards expected to utilize this authorization after April, 1, 2012 and  
1773 the schedule plan for completing awards; and provided further that said report shall be delivered  
1774 to the house and senate committees on ways and means and the house and senate committees on  
1775 bonding, capital expenditures and state assets.

1776 SECTION 69. Item 6033-0499 of said section 2B of said chapter 291 is hereby amended by  
1777 inserting after the word “item”, in line 19, the following words:- ; provided, that after April 1,  
1778 2012 this item shall be used for the MassWorks infrastructure program, as established by section

1779 63 of chapter 23A of the General Laws; provided further, that any uncommitted balance as of  
1780 April 1, 2012 from the aforementioned or its successor item established as a result of chapter 25  
1781 of the acts of 2009 shall be transferred to item 7002-8015 within the executive office of housing  
1782 and economic development; provided further, that any unexpended balance as of September 1,  
1783 2012 from the aforementioned item shall be transferred to the executive office of housing and  
1784 economic development; and provided further, that before October 1, 2012 the executive office  
1785 of housing and economic development shall submit a report on the amount of authorization  
1786 expended from this item before April 1, 2012; provided further, that said report shall detail  
1787 awards expected to utilize this authorization after April, 1, 2012 and the schedule plan for  
1788 completing awards; and provided further that said report shall be delivered to the house and  
1789 senate committees on ways and means and the house and senate committees on bonding, capital  
1790 expenditures and state assets.

1791 SECTION 70. Item 6001-0421 of section 2I of said chapter 291 is hereby amended by inserting  
1792 after the word “item”, in line 43, the following words:- ; provided, that after April 1, 2012 this  
1793 item shall be used for the MassWorks infrastructure program, as established by section 63 of  
1794 chapter 23A of the General Laws; provided further, that any uncommitted balance as of April 1,  
1795 2012 from the aforementioned item or its successor item established as a result of chapter 25 of  
1796 the acts of 2009 shall be transferred to the item 7002-8020 within executive office of housing  
1797 and economic development; provided further, that any unexpended balance as of September 1,  
1798 2012 from the aforementioned item shall be transferred to the executive office of housing and  
1799 economic development; and provided further, that before October 1, 2012 the executive office  
1800 of housing and economic development shall submit a report on the amount of authorization  
1801 expended from this item before April 1, 2012; provided further, that said report shall detail

1802 awards expected to utilize this authorization after April, 1, 2012 and the schedule plan for  
1803 completing awards; and provided further that said report shall be delivered to the house and  
1804 senate committees on ways and means and the house and senate committees on bonding, capital  
1805 expenditures and state assets.

1806 SECTION 71. Item 1100-8000 of section 2B of chapter 123 of the acts of 2006 is hereby  
1807 amended by inserting after the word "item", in line 31, the following words:- ; provided, that  
1808 after April 1, 2012 this item shall be used for the MassWorks infrastructure program, as  
1809 established by section 63 of chapter 23A of the General Laws; provided further, that any  
1810 uncommitted balance as of April 1, 2012 from the aforementioned item or its successor item  
1811 established as a result of chapter 25 of the acts of 2009 shall be transferred to the executive office  
1812 of housing and economic development; provided further, that any unexpended balance as of  
1813 September 1, 2012 from the aforementioned item shall be transferred to item 7005-8025 within  
1814 the executive office of housing and economic development; and provided further, that before  
1815 October 1, 2012 the executive office of housing and economic development shall submit a report  
1816 on the amount of authorization expended from this item before April 1, 2012; provided further,  
1817 that said report shall detail awards expected to utilize this authorization after April, 1, 2012 and  
1818 the schedule plan for completing awards; and provided further that said report shall be delivered  
1819 to the house and senate committee on ways and means and the house and senate committees on  
1820 bonding, capital expenditures and state assets.

1821 SECTION 72. The definition "Public infrastructure improvements" in section 5 of chapter 293 of  
1822 the acts of 2006 is hereby amended by inserting after the words " facilities", in line 6, the  
1823 following words:- , parking garages.

1824 SECTION 73. Subsection (d) of section 7 of chapter 293 of the acts of 2006, as amended by  
1825 section 7 of chapter 129 of the acts of 2008, is hereby further amended by striking out, in line 2,  
1826 the figure "\$250,000,000" and inserting in place thereof the following:- \$400,000,000, excluding  
1827 bonds issued to refinance bonds previously issued under section 6.

1828 SECTION 74. The second sentence of subsection (e) of said section 7 of said chapter 293, as  
1829 appearing in section 7 of said chapter 129, is hereby amended by striking out, in line 3, the figure  
1830 "2" and inserting in place thereof the following figure:- 4

1831 SECTION 75. Said chapter is hereby further amended by inserting after section 12A the  
1832 following section:-

1833 Section 12B. Notwithstanding any other provision of this act, new revenue and new state tax  
1834 revenues may, respectively, and to the extent and in the manner approved by the secretary with  
1835 consideration of economic conditions and the characteristics of the project, include revenue and  
1836 state tax revenue attributable to construction-related activity and purchases in connection with an  
1837 economic development project, and all calculations of any matter under the act, including,  
1838 without limitation, calculation of infrastructure assessments and shortfalls, shall reflect such  
1839 inclusion in the manner approved by the secretary. The commissioner shall certify the amount of  
1840 new state tax revenues attributable to such construction-related activity and purchases in the  
1841 manner and at the times specified in the secretary's certification of the economic development  
1842 project.

1843 SECTION 76. Item 6033-0887 of section 2B of chapter 86 of the acts of 2008 is hereby amended  
1844 by inserting after the word "bridge", in line 6, the following words:- ; provided, that after April  
1845 1, 2012 this item shall be used for the MassWorks infrastructure program, established by section

1846 63 of chapter 23A of the General Laws; provided further, that any uncommitted balance as of  
1847 April 1, 2012 from the aforementioned item or its successor item established as a result of  
1848 chapter 25 of the acts of 2009 shall be transferred to the item 7002-8030 within executive office  
1849 of housing and economic development; provided further, that any unexpended balance as of  
1850 September 1, 2012 from the aforementioned item shall be transferred to the executive office of  
1851 housing and economic development; and provided further, that before October 1, 2012 the  
1852 executive office of housing and economic development shall submit a report on the amount of  
1853 authorization expended from this item before April 1, 2012; provided further, that said report  
1854 shall detail awards expected to utilize this authorization after April, 1, 2012 and the schedule  
1855 plan for completing awards; and provided further that said report shall be delivered to the house  
1856 and senate committees on ways and means and the house and senate committees on bonding,  
1857 capital expenditures and state assets.

1858 SECTION 77. Item 7004-0035 of section 2 of chapter 119 of the acts of 2008 is hereby  
1859 amended by inserting after the word “department”, in line 14, the following words:- ; provided,  
1860 that after April 1, 2012 this item shall be used for the MassWorks infrastructure program,  
1861 established by section 63 of chapter 23A of the General Laws; provided further, that any  
1862 uncommitted balance as of April 1, 2012 from the aforementioned item or its successor item  
1863 established as a result of chapter 25 of the acts of 2009 shall be transferred to the item 7005-8035  
1864 within executive office of housing and economic development; provided further, that any  
1865 unexpended balance as of September 1, 2012 from the aforementioned item shall be transferred  
1866 to the executive office of housing and economic development; and provided further, that before  
1867 October 1, 2012 the executive office of housing and economic development shall submit a report  
1868 on the amount of authorization expended from this item before April 1, 2012; provided further,

1869 that said report shall detail awards expected to utilize this authorization after April, 1, 2012 and  
1870 the schedule plan for completing awards; and provided further that said report shall be delivered  
1871 to the house and senate committees on ways and means and the house and senate committees on  
1872 bonding, capital expenditures and state assets.

1873 **SECTION 78.** Section 2WWW of Chapter 29 of the General Laws, as appearing in the 2010  
1874 Official Edition, is hereby amended by inserting after fifth paragraph the following paragraph:-

1875 A portion of the grant fund shall be used to address the gap between the skills held by workers  
1876 and the skills needed by employers for jobs that require more than a high school diploma but less  
1877 than a 4-year degree. Grants awarded under this program shall focus on building relationships  
1878 and partnerships among geographic clusters of high schools, vocational-technical schools,  
1879 community colleges, state universities, institutions of higher education, local employers, industry  
1880 partners, local workforce investment boards, and workforce development entities, in order to  
1881 create multiple and seamless pathways to employment through enhanced coordination of existing  
1882 institutions and resources. Each cluster shall designate 1 entity or organization as the lead partner  
1883 for each cluster and approved procurements shall be jointly applied for by, at a minimum, a  
1884 public educational institution including a community college, at least one regional workforce  
1885 investment board, and at least one regional employer in a high growth sector. . Grants made  
1886 under this program shall include consideration of, but not be limited to: defining and establishing  
1887 the process for students to transition from adult basic education programs to college-based  
1888 programs; programs accessible to working, unemployed or underemployed adults; support of  
1889 education and workforce development initiatives that collaborate with the efforts or initiatives of  
1890 public educational institutions, including development of stackable certificates and credentials,  
1891 non-semester-based modular programs and accelerated associate degree programs, provided

1892 however that the grants issued from this fund shall serve to supplement, and not supplant,  
1893 ongoing initiatives at community colleges; providing sector-based training including  
1894 developmental education and certification programs; providing student support services; using  
1895 competency-based placement assessments; leveraging regional resources, including shared  
1896 equipment and funding; partnering with 2 or more training organizations in a region; and  
1897 partnering with 2 or more employers in a region. This portion of the grant fund may also be used  
1898 to develop regional centers of excellence, which shall be aligned to the commonwealth’s  
1899 economic development strategies to meet the needs of employers in high growth sectors,  
1900 including but not limited to, health care, life sciences, information technology and advanced  
1901 manufacturing. Each center of excellence shall be located at a community college, state  
1902 university, vocational or technical high school or collaboration between these entities.

1903 A project grant program shall be designed by Commonwealth Corporation, in consultation with a  
1904 middle skills subcommittee of the fund committee, which shall include, at a minimum, a  
1905 representative from the business community to be appointed by the secretary of labor and  
1906 workforce development; the director of the Center for Labor Market Studies at Northeastern  
1907 University or a designee; a representative of adult basic education or non-traditional college  
1908 students in the commonwealth to be appointed by the secretary of education; the Massachusetts  
1909 Workforce Board Association; a representative from a non-profit trade association with a state  
1910 approved apprenticeship program and the Massachusetts AFL-CIO, as well as any  
1911 representatives of the other mandatory advisory committee constituencies under paragraph  
1912 (b).SECTION 79. Item 6033-0877 of section 2B of chapter 303 of the acts of 2008, as amended  
1913 by section 33 of chapter 26 of the acts of 2009, is hereby amended by inserting after the word  
1914 “item”, in line 12, the following words:- ; provided, that after April 1, 2012 this item shall be

1915 used for the MassWorks infrastructure program, as established by section 63 of chapter 23A of  
1916 the General Laws; provided further, that any uncommitted balance as of April 1, 2012 from the  
1917 aforementioned item shall be transferred to the executive office of housing and economic  
1918 development; provided further, that any unexpended balance as of September 1, 2012 from the  
1919 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009  
1920 shall be transferred to item 7002-8045 within the executive office of housing and economic  
1921 development; and provided further, that before October 1, 2012 the executive office of housing  
1922 and economic development shall submit a report on the amount of authorization expended from  
1923 this item before April 1, 2012; provided further, that said report shall detail awards expected to  
1924 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and  
1925 provided further that said report shall be delivered to the house and senate committees on ways  
1926 and means and the house and senate committees on bonding, capital expenditures and state  
1927 assets.

1928 SECTION 80. Item 6033-0887 of said section 2B of said chapter 303, as amended by section 34  
1929 of said chapter 26, is hereby amended by inserting after the word “bridges”, in line 6, the  
1930 following words:- ; provided, that after April 1, 2012 this item shall be used for the MassWorks  
1931 infrastructure program, as established by section 63 of chapter 23A of the General Laws;  
1932 provided further, that any uncommitted balance as of April 1, 2012 from the aforementioned  
1933 item or its successor item established as a result of chapter 25 of the acts of 2009 shall be  
1934 transferred to the item 7002-8040 within executive office of housing and economic development;  
1935 provided further, that any unexpended balance as of September 1, 2012 from the aforementioned  
1936 item shall be transferred to the executive office of housing and economic development; and  
1937 provided further, that before October 1, 2012 the executive office of housing and economic

1938 development shall submit a report on the amount of authorization expended from this item before  
1939 April 1, 2012; provided further, that said report shall detail awards expected to utilize this  
1940 authorization after April, 1, 2012 and the schedule plan for completing awards; and provided  
1941 further that said report shall be delivered to the house and senate committees on ways and means  
1942 and the house and senate committees on bonding, capital expenditures and state assets.

1943 SECTION 81. Item 6001-0803 of section 2C of chapter 303 of the acts of 2008 is hereby  
1944 amended by inserting after the word “Holyoke”, in line 23, the following words:- ; provided, that  
1945 after April 1, 2012 this item shall be used for the MassWorks infrastructure program, as  
1946 established by section 63 of chapter 23A of the General Laws; provided further, that any  
1947 uncommitted balance as of April 1, 2012 from the aforementioned item or its successor item  
1948 established as a result of chapter 25 of the acts of 2009 shall be transferred to item 7002-8050  
1949 within the executive office of housing and economic development; provided further, that any  
1950 unexpended balance as of September 1, 2012 from the aforementioned item shall be transferred  
1951 to the executive office of housing and economic development; and provided further, that before  
1952 October 1, 2012 the executive office of housing and economic development shall submit a report  
1953 on the amount of authorization expended from this item before April 1, 2012; provided further,  
1954 that said report shall detail awards expected to utilize this authorization after April, 1, 2012 and  
1955 the schedule plan for completing awards; and provided further that said report shall be delivered  
1956 to the house and senate committees on ways and means and the house and senate committees on  
1957 bonding, capital expenditures and state assets.

1958 SECTION 82. Item 6001-0817 of said section 2C of said chapter 303 is hereby amended by  
1959 inserting after the word “purpose”, in line 20, the following words:- ; provided, that after April 1,  
1960 2012 this item shall be used for the MassWorks infrastructure program, established by section 63

1961 of chapter 23A of the General Laws; provided further, that any uncommitted balance as of April  
1962 1, 2012 from the aforementioned item or its successor item established as a result of chapter 25  
1963 of the acts of 2009 shall be transferred to the item 7002-8055 within executive office of housing  
1964 and economic development; provided further, that any unexpended balance as of September 1,  
1965 2012 from the aforementioned item shall be transferred to the executive office of housing and  
1966 economic development; and provided further, that before October 1, 2012 the executive office  
1967 of housing and economic development shall submit a report on the amount of authorization  
1968 expended from this item before April 1, 2012; provided further, that said report shall detail  
1969 awards expected to utilize this authorization after April, 1, 2012 and the schedule plan for  
1970 completing awards; and provided further that said report shall be delivered to the house and  
1971 senate committees on ways and means and the house and senate committees on bonding, capital  
1972 expenditures and state assets.

1973 SECTION 83. Item 1100-8020 of section 2C of chapter 304 of the acts of 2008, is hereby  
1974 amended by inserting after the word “applicable”, in line 35, the following words:- ; provided,  
1975 that after April 1, 2012 this item shall be used for the MassWorks infrastructure program,  
1976 established by section 63 of chapter 23A of the General Laws; provided further, that any  
1977 uncommitted balance as of April 1, 2012 from the aforementioned item or its successor item  
1978 established as a result of chapter 25 of the acts of 2009 shall be transferred to item 7002-8060  
1979 within the executive office of housing and economic development; provided further, that any  
1980 unexpended balance as of September 1, 2012 from the aforementioned item shall be transferred  
1981 to the executive office of housing and economic development; and provided further, that before  
1982 October 1, 2012 the executive office of housing and economic development shall submit a report  
1983 on the amount of authorization expended from this item before April 1, 2012; provided further,

1984 that said report shall detail awards expected to utilize this authorization after April, 1, 2012 and  
1985 the schedule plan for completing awards; and provided further that said report shall be delivered  
1986 to the house and senate committees on ways and means and the house and senate committees on  
1987 bonding, capital expenditures and state assets.

1988 SECTION 84. Item 6001-0817 of section 2B of chapter 240 of the acts of 2010, as amended by  
1989 section 1 of chapter 412 of the acts of 2010 is hereby amended by inserting after the figure  
1990 “2008”, in line 24, the following words:- ; provided, that after April 1, 2012 this item shall be  
1991 used for the MassWorks infrastructure program, established by section 63 of chapter 23A of the  
1992 General Laws; provided further, that any uncommitted balance as of April 1, 2012 from the  
1993 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009  
1994 shall be transferred to item 7002-8060 within the executive office of housing and economic  
1995 development; provided further, that any unexpended balance as of September 1, 2012 from the  
1996 aforementioned item shall be transferred to the executive office of housing and economic  
1997 development; and provided further, that before October 1, 2012 the executive office of housing  
1998 and economic development shall submit a report on the amount of authorization expended from  
1999 this item before April 1, 2012; provided further, that said report shall detail awards expected to  
2000 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and  
2001 provided further that said report shall be delivered to the house and senate committees on ways  
2002 and means and the house and senate committee son bonding, capital expenditures and state  
2003 assets.

2004 SECTION 85. Section 171 of said chapter 240 is hereby amended by striking out, in lines 4 and  
2005 5, the words “\$25,000,000 and not more than \$50,000,000 in banks or financial institutions” and

2006 inserting in place thereof the following words:- \$50,000,000 and not more than \$100,000,000 in  
2007 banks, financial institutions, or other investment funds

2008 SECTION 86. Section 173 of chapter 240 of the acts of 2010 is hereby amended by striking the  
2009 definition of “Tolling period” and inserting in place thereof the following definition:-

2010 “Tolling period”, the period beginning August 15, 2008, and continuing through August 15,  
2011 2012.

2012 SECTION 87. Subsection (b) of said section 173 of said chapter 240 is hereby amended by  
2013 striking out, in line 2, the figure “2” and inserting in place thereof the following figure:- 4.

2014 SECTION 88. Chapter 68 of the acts of 2011 is hereby amended by striking out section 171 and  
2015 inserting in place thereof the following section:-

2016 Section 171. (a) Notwithstanding any general or special law to the contrary, after complying with  
2017 clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the  
2018 consolidated net surplus in the budgetary funds for fiscal year 2012 by transferring said funds as  
2019 follows: (a)\$10,000,000 shall be transferred to the Massachusetts Life Sciences Investment Fund  
2020 established by section 6 of chapter 23I of the General Laws; (b) \$10,000,000 shall be transferred  
2021 to the Workforce Competitiveness Trust Fund, established in section 2 WWW of chapter 29; and  
2022 (c) any amount remaining after the transfers pursuant to clauses (a) and (b) shall be transferred to  
2023 the Commonwealth Stabilization Fund established pursuant to section 2H of chapter 29 of the  
2024 General Laws.

2025 (b) All transfer pursuant to this section shall be made from the undesignated fund balances in the  
2026 budgetary funds proportionally from the undesignated fund balances; provided, however, that no  
2027 such transfer shall cause a deficit in any of the funds.

2028 SECTION 89. To meet expenditures necessary in carrying out section 2, the state treasurer shall,  
2029 upon the request of the governor, issue and sell bonds of the commonwealth in an amount to be  
2030 specified by the governor from time to time but not exceeding, in the aggregate, \$25,000,000. All  
2031 bonds issued by the commonwealth as aforesaid shall be designated on their face, the  
2032 Massachusetts Technology Park Corporation Scientific and Technology Research and  
2033 Development Matching Grant Fund Act of 2011, and shall be issued for a maximum term of  
2034 years, not exceeding 30 years as the governor may recommend to the general court under section  
2035 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later  
2036 than June 30, 2048. All interest and payments on account of principal on these obligations shall  
2037 be payable from the General Fund. Bonds and interest on bonds issued under this section shall,  
2038 notwithstanding any other provision of this act, be general obligations of the commonwealth.

2039 SECTION 91. The Commonwealth Corporation shall study and report on workforce  
2040 development, education and skills training in the commonwealth with the objective of  
2041 establishing baseline data for middle-skill training completion and credential attainment rates for  
2042 all students at public and private colleges and universities, vocational, technical, apprenticeship  
2043 and community-based training programs, including adults and those enrolled in workforce  
2044 training leading to industry-recognized certification. The Commonwealth Corporation shall  
2045 coordinate its reporting with existing efforts of the department of elementary and secondary  
2046 education, the department of higher education, including any applicable work of the vision  
2047 project, the department of labor and workforce development, the state workforce investment

2048 board and the Massachusetts community colleges executive office. The report shall include, but  
2049 not be limited to, an examination of the feasibility and impact of all relevant workforce  
2050 development strategies and programs including, but not limited to, ways to leverage and shape  
2051 education and training to maximize responsiveness to industry needs and streamline or  
2052 restructure educational and training opportunities to enable faster and increased rates of skill,  
2053 credential, and educational attainment.

2054 The Commonwealth Corporation shall file said report of its findings with the house and senate  
2055 committees on ways and means, the joint committee on community development and small  
2056 business, the joint committee on education, joint committee on higher education, the joint  
2057 committee on economic development and emerging technologies, and the joint committee on  
2058 labor and workforce development no later than December 31, 2012.

2059 SECTION 92. Notwithstanding any general or special law to the contrary, the University of  
2060 Massachusetts Building Authority shall be allowed to enter into long-term leases for the  
2061 purposes of alleviating educational space overcrowding at university campuses and for the  
2062 purpose of stimulating economic development in gateway municipalities, as defined by section  
2063 3A of chapter 23A of the General Laws, across the commonwealth. The University of  
2064 Massachusetts Building Authority shall report annually to the house and senate committees on  
2065 ways and means a list of any square footage leased pursuant to this section, the educational  
2066 programs offered in said square footage, and the economic development projects leveraged by  
2067 the individual leases in each gateway municipality.

2068 SECTION 93. Notwithstanding the last paragraph of section 2H of chapter 29 of the General  
2069 Laws, \$4,000,000 received from proceeds of one-time settlements or judgments that would

2070 otherwise be transferred to the Commonwealth Stabilization Fund shall instead be deposited in  
2071 the Smart Growth Housing Trust Fund, established in section 35AA of chapter 10 of the General  
2072 Laws.

2073 SECTION 94. The commissioner of revenue, in consultation with the department of housing and  
2074 community development, shall review the effectiveness of the community investment tax credit  
2075 as it relates to the purposes set forth in section 6M of chapter 62 of the General Laws and shall  
2076 file a report, together with any recommendations for legislative changes to the tax credit, to the  
2077 joint committee on revenue, the joint committee on economic development and emerging  
2078 technologies, the chairs of the joint committee on community development and small business  
2079 and the house and senate ways and means committees no later than January 1, 2019 and every 6  
2080 years thereafter, as necessary.

2081 SECTION 95. Section 55 shall take effect on January 1, 2013.

2082 SECTION 96. Subsection (b) of Section 12 of Chapter 90D of the General Laws is hereby  
2083 amended by adding at the end thereof, the following new sentence:-

2084 This section shall not apply to a vehicle described in subsection (e) of section 20 of this chapter.

2085 SECTION 97. Section 13 of Chapter 90D of the General Laws is hereby amended by striking  
2086 subsection (a) and inserting in place thereof the following:-

2087 (a) Except as provided for in subsection (e) of section 20, the applicant is not the owner  
2088 of the vehicle; or

2089 SECTION 98. Section 15 of Chapter 90D of the General Laws is hereby amended by striking  
2090 subsection (a) and inserting in place thereof the following:-

2091 Section 15. (a) Except as provided for in subsection (e) of section 20, if an owner of a  
2092 vehicle for which a certificate of title has been issued under this chapter transfers his interest  
2093 therein, other than by the creation of a security interest, he shall, at the time of the delivery of the  
2094 vehicle, execute an assignment including the actual odometer reading and warranty of title to the  
2095 transferee in the space provided therefor on the certificate, or such other form as the registrar  
2096 shall prescribe, and cause the certificate and assignment to be mailed or delivered to the  
2097 transferee or to the registrar.

2098 SECTION 99. Section 19 of Chapter 90D of the General Laws is hereby amended by striking  
2099 subsection (a) and inserting in place thereof the following:-

2100 Section 19. (a) The registrar, upon receipt of a properly assigned certificate of title,  
2101 except as provided for in subsection (e) of section 20, with an application for a new certificate of  
2102 title, the required fee and any other documents required by law, shall issue a new certificate of  
2103 title in the name of the transferee as owner and mail it to the first lienholder named in it or, if  
2104 none, to the owner. If in accordance with subsection (e) of section 20, the outstanding certificate  
2105 of title is not delivered to him, the registrar shall make demand therefor from the holder thereof.

2106 SECTION 100. Section 20 of Chapter 90D of the General Laws is hereby amended by striking  
2107 subsection (a) and inserting in place thereof the following:-

2108 Section 20. (a) Except as provided for in subsection (e), whenever an insurer acquires  
2109 ownership of a motor vehicle which it has determined to be a total loss salvage motor vehicle, it  
2110 shall, within ten days from the date of acquisition, surrender the certificate of title to the registrar  
2111 and shall apply for a salvage title.

2112 Section 20 of Chapter 90D of the General Laws is hereby further amended by adding at  
2113 the end thereof the following new subsection:-

2114 (e)(1) Whenever an insurer acquires a motor vehicle which it has determined to be a total  
2115 loss salvage motor vehicle but is unable to obtain the certificate of title, the insurer may apply for  
2116 a salvage title in its name without surrendering the certificate of title. Such application shall be  
2117 accompanied by evidence that the insurer has paid a total loss claim on the vehicle and made at  
2118 least 2 written attempts, addressed to the last known owner of the vehicle and any known  
2119 lienholder, to obtain the certificate of title. In lieu of a salvage title, the insurer may similarly  
2120 apply for a certificate of title in its name for a vehicle if the age of the vehicle precludes issuance  
2121 of a salvage title.

2122 (2) Whenever an insurer requests that Class 2 or Class 3 dealer take possession of a motor  
2123 vehicle that is the subject of an insurance claim and subsequently a total loss claim is not paid by  
2124 the insurer with respect to such motor vehicle, the Class 2 or Class 3 dealer may, if such motor  
2125 vehicle has been abandoned at the facility of the Class 2 or Class 3 dealer for more than 30 days,  
2126 apply for a salvage title in such dealer's name without surrendering the certificate of title. Such  
2127 application shall be accompanied by evidence that the Class 2 or Class 3 dealer made at least 2  
2128 written attempts, addressed to the last known owner of the vehicle and any known lienholder, to  
2129 have the vehicle removed from the facility. In lieu of a salvage title, the Class 2 or Class 3 dealer  
2130 may similarly apply for a certificate of title in the dealer's name for a vehicle if the age of the  
2131 vehicle precludes issuance of a salvage title.

2132 SECTION 101. Section 20A of Chapter 90D of the General Laws is hereby amended by striking  
2133 subsection (a) and inserting in place thereof the following:-

2134 Section 20A. (a) The application for the salvage title shall be made by the owner, except  
2135 as provided for in subsection (e) of section 20, to the registrar on such form or forms as the

2136 registrar shall prescribe and shall be accompanied by: (1) a properly assigned certificate of title,  
2137 except as provided for in subsection (e) of section 20,; (2) any other information and documents  
2138 the registrar may reasonably require to establish ownership of the vehicle and the existence or  
2139 nonexistence of a lien to the extent not inconsistent with subsection (e) of section 20; and (3) the  
2140 required fee.

2141 SECTION 102. Notwithstanding any general or special law to the contrary, the commissioner of  
2142 the division of capital asset management and maintenance, in consultation with the president of  
2143 Massasoit community college and the department of higher education, is hereby authorized to  
2144 enter into a lease or other contractual arrangement with Marine and Environmental Education  
2145 Alliance, Inc., a not-for-profit corporation, to allow the college to utilize facilities now or  
2146 hereafter owned, leased or operated by the corporation for the purpose of providing post-  
2147 secondary career and training opportunities in marine and environmental studies. The lease or  
2148 other contractual arrangement shall be for a term, including extensions, of up to 30 years, and  
2149 shall be on such terms and conditions as the commissioner of the division of the division of  
2150 capital asset management and maintenance, in consultation with the president of Massasoit  
2151 community college and the department of higher education, deems appropriate.

2152 Section 103. Notwithstanding anything in subsection (g) of section 3 of chapter 152 of the acts of  
2153 1997 to the contrary, in addition to the construction and development of an expansion to the  
2154 hotel located in the northeast corner of the convention center development area, as defined in  
2155 said chapter 152, not more than 7 additional hotels may be constructed and developed within a  
2156 BCEC Hotel Zone, so called, within the city of Boston, such BCEC Hotel Zone to include the  
2157 portion of the convention center finance district located south of Summer Street and east of Fort  
2158 Point Channel, provided that (i) such hotels shall include not more than a total of 2700 rooms,

2159 including not more than 1 additional headquarters hotel, so called, with not more than 1200  
2160 rooms; and (ii) the developer or operator of each such hotel shall enter into a contract with the  
2161 Massachusetts Convention Center Authority with provisions regarding the cooperative  
2162 marketing, pricing and use of such hotels to encourage the use of the Boston convention and  
2163 exhibition center and incorporating community input from the neighborhoods surrounding the  
2164 BCEC Hotel Zone.

2165 Section 104. In accordance with section 38N of chapter 190 of the acts of 1982, as amended,  
2166 capital facility projects described in the report titled “Top 5 Initiative - Phase 1 Feasibility Study  
2167 and Program,” dated May 16, 2012 shall be filed with the clerks of the senate and house of  
2168 representatives and the senate and house committees on ways and means. Said capital facility  
2169 projects and the acquisition of lands for the purpose of said projects are facilities of the Authority  
2170 and may be funded pursuant to section 10(c)(iv) of chapter 152 of the acts of 1997, as amended.

2171 SECTION 105: The joint committee on telecommunications, utilities and energy, in consultation  
2172 with the state 911 department and department of revenue, shall study and report on the amount of  
2173 revenue collected from the current enhanced 911 system surcharge for prepaid wireless service  
2174 and any uncollected revenue from the current system. The study shall include an investigation on  
2175 collecting the enhanced 911 system surcharge for prepaid wireless service at the point of sale and  
2176 an estimate of the annual revenue collected from a prepaid wireless service surcharge at the point  
2177 of sale. The joint committee on telecommunications, utilities and energy shall report its findings  
2178 and recommendations, together with drafts of legislation necessary to carry the recommendations  
2179 into effect, by filing the same with the clerks of the house of representatives and senate and the  
2180 house and senate committees on ways and means not later than November 1, 2012.

2181 SECTION 106. Notwithstanding any general or special law to the contrary, the comptroller may,  
2182 on or before June 30, 2014, transfer no more than \$200,000,000 to the General Fund from the  
2183 Commonwealth Stabilization Fund; provided, the amount of the transfer shall be Commonwealth  
2184 Stabilization Fund shall be reimbursed the full amount of the transfer by December 31, 2014.  
2185 The comptroller, in consultation with the secretary of administration and finance, may take the  
2186 overall cash flow needs of the commonwealth into consideration in determining the timing of  
2187 any transfer of funds. The comptroller shall provide a schedule of transfers to the secretary of  
2188 administration and finance and to the house and senate committees on ways and means.

2189 SECTION 107. Sections 64B through 64J, inclusive, shall take effect beginning January 1, 2014.