By striking out all after the enacting clause and inserting in place thereof the following:—

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

SECTION 2A.

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

6720-1351. For a grant program to coastal communities to be administered by the
Seaport Economic Council; provided that funding shall be used for community planning and
investment activities that stimulate economic development and create jobs in the maritime
economy sector, and to construct, improve, repair, maintain and protect coastal assets that are
vital to achieving these goals; provided further, that that the planning, prioritization, selection
and implementation of projects shall consider climate change impacts in furtherance of the goals of climate change mitigation and adaptation and consistent with the integrated state hazard mitigation and climate change adaptation plan............................. $50,000,000

7002-1120. For grants to municipalities and other public instrumentalities for design, construction, building, land acquisition, rehabilitation, repair and other improvements to publicly owned infrastructure, or those owned or operated by nonprofit organizations; provided further, that not less than $250,000 shall be expended to the city of Melrose for the expansion and improvement of the Victorian Downtown Business District; provided further, that $400,000 shall be expended for the design and construction of connecting the Methuen Rail Trail to the Spicket River Greenway in the city of Methuen and the city of Lawrence; provided further that not less than $225,000 shall be expended for the purpose a feasibility study and business plan for an Applied Climate/Coastal Resilience Innovation Center in the town of Barnstable; provided further, that $50,000 shall be expended for the Southeastern Massachusetts Convention and Visitors Bureau; provided further, that not less than $350,000 shall be expended for parking improvements in the town of Holliston; provided further, that not less than $350,000 shall be expended for the establishment of a building code upgrade fund in the city of Pittsfield; provided further, that not less than $200,000 shall be expended to the Falmouth Economic Development and Industrial Corporation to fund fiber optic cable expansion in the town of Falmouth; provided further, that $200,000 shall be expended for improvements to Goddard park and Auburn pond in the town of Auburn; provided further, that not less than $75,000 shall be expended for the Sweetser Park Fountain in the town of Amherst; provided further, that not less than $50,000 shall be expended for sidewalk projects for the village center in the town of Pelham; provided further, that not less than $50,000 shall be expended for a commercial kitchen in the community hall in
town of Pelham; provided further, that not less than $150,000 shall be expended for the
construction of bus transit shelters in the town of Burlington; provided further, that not less than
$100,000 shall be expended for the construction of secure bicycle shelters and marked bicycle
lanes on state route 4/225 in the town of Bedford; provided further that not less than $250,000
shall be expended to infrastructure improvements to Lincoln street in Marlborough for the
revitalization of the French Hill area; provided that not less than $300,000 shall be expended for
improving sewer infrastructure along route 20 in the town of Shrewsbury; provided further, that
$100,000 shall be expended for an erosion study located in the town of Salisbury; provided
further, that $150,000 shall be expended for the MetroWest Tourism and Visitors Bureau;
provided further, that not less than $100,000 shall be expended for sidewalk, road, and parking
improvement projects in commercial and retail areas within the town of Ashland; provided
further, that not less than $100,000 shall be expended for sidewalk, road, and parking
improvement projects in commercial and retail areas within the city of Framingham; provided
further, that not less than $250,000 shall be expended for park development costs for North
Mountain park in the town of Dalton; provided further, that not less than $100,000 shall be
expended for repairs and the beautification of Sullivan park in the city of Lawrence; provided
further, that not less than $100,000 shall be expended for repairs and the beautification of
Stockton park in the city of Lawrence; provided further, that not less than $100,000 shall be
expended for the renovation and repair of the soccer field at Burgoin Square park in the city of
Lawrence; provided further, that not less than $250,000 for the improvement of sidewalks and
bike path infrastructure in the city of Lawrence; provided further, that not less than $250,000
shall be expended for the University of Massachusetts at Lowell for technical assistance,
mentoring, prototyping, product development, and manufacturing referral services for medical
device, manufacturing and technology-based startups within the Hamilton Canal Innovation
District and to promote industry and supply chain partnerships; provided further, that no less
than $40,000 be provided to the town of Sterling for the implementation of an online, e-
permitting program; provided further, that not less than $75,000 shall be expended for the
Downtown Taunton Foundation, Inc. to facilitate commercial and residential housing
development; provided further, that not less than, $250,000 shall be expended for the installation
of lights at the baseball fields located at Aaron Krock Memorial park in Worcester; provided
further that not less than $50,000 be expended to the Essex National Heritage Commission for
the purposes of improving signage on Essex Heritage Sites; provided further, that not less than
$150,000 shall be expended for sidewalk, road, and parking improvement projects in commercial
and retail areas within the city of Malden; provided further, that not less than $25,000 shall be
expended for career and technical training programs held at the Malden YWCA; provided
further, that not less than $100,000 shall be expended to the city of Haverhill for the
advancement of redevelopment on Merrimack street; provided further, that not less than
$100,000 shall be expended to the city of Haverhill for a grant program to support rental costs
for new small businesses in the city’s Central Business District; provided further, that not less
than $75,000 shall be expended for the establishment of a feasibility study, site assessment, and
pre-development work through the city of Haverhill on the former Dutton Airport parcels;
provided further that not less than $200,000 shall be expended for coastal culvert repair in the
Blish Point section of the town of Barnstable; provided, that not less than $3,000,000 shall be
expended on land acquisition for the purposes of market rate housing in the city of Fall River;
provided that $5,000,000 shall be expended for the Harbor Development Commission in the city
of New Bedford for the construction of a Fisheries Innovation Center; provided further, that not
less than $1,000,000 shall be expended for the implementation of a pilot Transportation
Management Association to address mobility and connectivity gaps in the town of Stoneham;
provided further, that not less than $1,000,000 shall be expended for the continued maintenance
and development of Powers Farm park in the town of Randolph; provided further, that not less
than $1,000,000 shall be expended for site readiness and storm water management at the William
Stanley Business Park in Pittsfield; provided further, that not less than $1,000,000 be allocated to
the Marine Biological Laboratory to be used for the restoration of the seawall located at
Waterfront park in the town of Falmouth; provided further, that not less than $1,000,000 shall be
allocated for dredging in the town of Tisbury; provided further, that $1,500,000 shall be
expended to support improvements to the water and sewer infrastructure system along state
highway route 20 in the town of Oxford; provided further, that not less than $900,000 shall be
expended for implementing infrastructure improvements and development strategies of the Drury
Square Plan in the town of Auburn; provided further, that not less than $1,000,000 shall be
expended for economic development of the Avon Industrial Park in the town of Avon; provided
further, that not less than $3,500,000 shall be expended for the establishment of a pilot program
in the city of Lowell administered by a local 501(c)3 that has the capability to provide zero to 3
per cent loans to local commercial businesses to implement energy efficiency updates to increase
commercial activity, contribute to downtown revitalization, promote job creation in
economically depressed areas, or advance other local economic development goals; provided
further, that not less than $1,000,000 shall be expended to New North Citizens Council, Inc., for
infrastructure improvements and capital investments to support the low-income neighborhood
revitalization, business corridor redevelopment, financing for Facade for Micro/small businesses,
and other community economic development initiatives; provided further that not less than
$500,000 be allocated for the design and construction of a regional cultural arts center at the
Burlington Mall or other suitable location in the town of Burlington; provided further, that
$500,000 shall be expended for improvements to the Welcome Center in the town of Salisbury;
provided further, that $500,000 shall be expended for improvements and repairs to the route 1
corridor located in the city of Newburyport; provided further, that $1,000,000 shall be expended
for the demolition of the former Microfab building in the city of Amesbury; provided further,
that not less than $3,000,000 shall be expended to promote facilities that produce mass timber
products for building construction and are located in Massachusetts gateway cities, provided that
such facilities use or produce responsibly harvested wood products certified by the Forest
Stewardship Council or Programme for the Endorsement of Forest Certification; provided
further, that not less than $3,000,000 shall be allocated to municipalities for upgrading traffic
signals to light-emitting diode technology and intelligent transportation system applications, such
as autonomous and connected vehicle-related technology, performing regional operations such as
re-timing, developing special event plans and monitoring traffic signals and for maintaining and
operating traffic signals; provided further, that not less than $1,000,000 shall be expended for the
construction of an anaerobic digester for the city of Greenfield for sludge disposal; provided
further, that not less than $2,000,000 shall be made available to the Municipal Americans with
Disabilities Act Improvement Grant Program, operated by the Massachusetts office on disability,
for the purposes of supporting capital improvements specifically dedicated to improving access
for persons with disabilities while enhancing economic development in cities and towns across
the commonwealth; provided further, that not less than $525,000 be expended to the town of
Upton for the revitalization of the town center; provided further, that not less than $700,000 be
expended to the town of Grafton for the Westboro road-route 30 sewer extension project;
provided further, that not less than $500,000 be expended to the town of Grafton for the Fisherville Mill 40R Streetscape and Infrastructure Improvements Project; provided further, that not less than $2,000,000 shall be allocated for dredging of Plymouth Harbor; provided that not less than $500,000 shall be expended for career training and costs associated with equipment upgrades for the career and technical services program at Weymouth high school; provided further, than not less than $500,000 be expended for the dredging of the Back river in the area of the Weymouth Back river boat launch facility and the nourishment of George Lane beach; provided further, that $3,000,000 shall be expended for the city of Lowell for the design and engineering of a 1,000 space parking garage on the site of a current surface parking lot; provided further, that $3,000,000 shall be spent for the restoration of downtown sidewalks, lighting, street furnishings, street trees and other plantings and facade restoration grants in the city of Lowell; provided further, that not less than $1,200,000 shall be expended for water and sewage infrastructure in the town of Northborough; provided further, that not less than $5,000,000 shall be expended for the creation and development of a cultural highway along state highway route 62 in the towns of Hudson, Berlin, Clinton, Sterling, Princeton, Stow, and Maynard, which shall ensure the preservation of the economic, cultural, historical, agricultural and scenic aspects unique to the route and its host municipalities; provided further, that not less than $3,000,000 shall be expended to commence investigation, develop, refine, and build prototype vehicles or vessels utilizing nonpolluting sources such as photovoltaic power; provided further, that not less than $1,000,000 shall be expended to the city of Haverhill for the establishment of a building code upgrade fund; provided further, that not less than $1,000,000 shall be allocated to the town of Dennis toward the dredging of the Sesuit harbor;
provided further, that not less than $3,500,000 shall be expended for an extended care career ladder grant program, consistent with section 410 of chapter 159 of the Acts of 2000; provided further, that not less than $8,000,000 shall be expended to the town of Lee for the planning, design, and construction of a new water line from the water treatment plant into downtown Lee, for increased access to water and public safety, and to make possible the continued development of the former Eagle Mill into a mixed-use residential, retail, and hotel establishment; provided further, that not less than $2,000,000 shall be expended for the restoration and rehabilitation of the historic Everett Square Theatre in the Hyde Park section of the city of Boston; provided further, that not less than $3,000,000 shall be expended for the development of land for housing, community and commercial use in the Rail Transit District of the town of Ashland; provided further, that not less than $3,000,000 shall be expended for the costs associated with the replacement of the Saxonville fire station in the city of Framingham; provided further, that not less than $3,000,000 shall be expended for the site study, acquisition and improvements related to the Axton-Crossing land in the town of Holliston; provided further, that not less than $2,500,000 shall be expended for improvements to the Grove Street Business Corridor in the city known as the town of Franklin; provided further, that not less than $2,000,000 shall be expended for the design and construction of a high pressure water service system in the town of Hopkinton; provided further, that not less than $1,200,000 shall be expended for the costs associated with a new public service facility in the town of Medway; provided further, that not less than $1,500,000 shall be expended for the costs associated with the development of a parking garage in the downtown area of the town of Natick; provided further, that not less than $10,000,000 shall be expended to Massachusetts Bay Community College to support workforce development for the early education and care and allied health professions; provided further, that not less than
$1,150,000 shall be expended for the design and construction of the Mount Auburn street community path in the city of Watertown; provided further, that not less than $1,200,000 shall be expended for the reconstruction of Arsenal park in the city of Watertown; provided further, that not less than $3,000,000 shall be expended for the improvement of Victory field athletic complex in the city of Watertown; provided further, that not less than $100,000 shall be expended to conduct a feasibility study to determine the best use for the municipal light building in the town of Belmont; provided further, that not less than $50,000 shall be expended to conduct a feasibility study to determine the best use of the McLean barn, a national historic place in the town of Belmont; provided further, that not less than $2,000,000 shall be expended for the façade improvement program and streetscape improvements in neighborhood business districts in the city of Worcester; provided further, that not less than $1,000,000 shall be expended to support the growth of the startup and small business ecosystem, including the operation of incubators, accelerators and other new ventures, in the city of Worcester; provided further, that not less than $1,000,000 shall be expended for business development along Pleasant street in the city of Worcester; provided further, that not less than $500,000 shall be expended for the fit-out of the ground floor of the Union Station garage for commercial use in the city of Worcester; provided further, that not less than $200,000 shall be expended for the town of Barnstable for costs related to design, impact studies, planning and development of the Oceanside Performing Arts Center; provided further, that not less than $12,000,000 shall be expended for a water collection and filtration system in the town of Maynard; provided further, that not less than $1,000,000 shall be expended for the Black Box Theater at the Worcester PopUp in the city of Worcester; provided further, that not less than $1,100,000 shall be expended for the town of Wellfleet to purchase and develop a property within the town of Wellfleet, for use as a new business incubator space;
provided further, that not less than $75,000 shall be expended for The Provincetown Commons
for the development of a digital media studio and related expenses; provided further, that not less
than $2,000,000 shall be expended for maintenance dredging of approximately sediment in the
town of Barnstable from the western end of Sampson's Island, with disposal occurring on the
eastern end of Dead Neck; provided further, that not less than $750,000 shall be expended for the
town of Edgartown to obtain the use of a property within the town of Edgartown to store dredge
sand and other materials in preparation for severe storm events or for other expenses incurred in
connection with dredging and dredging preparation; provided further, that not less than $250,000
shall be expended for the town of Yarmouth for dredging of the Bass River and Parkers River
coastal waterways; provided further, that not less than $375,000 shall be expended for the town
of Chatham to modify the town’s existing Comprehensive Dredge and Disposal Permit and to
dredge critical shoal locations to restore navigation access and emergency response; provided
further, that not less than $1,000,000 shall be expended for the business development in Webster
square in the city of Worcester; provided further, $1,050,000 shall be expended for repairs and
improvements to the Main street gateway and improvements included in the Dean park master
plan in the town of Shrewsbury; provided further, that not less than $1,000,000 shall be
expended for the dredging of waterways, beach nourishment, dune restoration and other
ecological improvements to support the Swansea Waterfront Revitalization project in the town of
Swansea; provided further, that not less than $15,000,000 shall be expended for dredging in the
waterways and the construction, rehabilitation and repair of on-shore facilities located at Brayton
Point in the town of Somerset, to support the growth and expansion of the off-shore wind-driven
electricity generating projects; provided further, that $5,000,000 shall be expended for water and
sewer infrastructure along state highway route 140 in the town of Upton; provided further,
$1,050,000 shall be expended for a façade improvement program and improvements to the Pakachoag municipal golf course and Brotherton way in the town of Auburn; provided further, that $650,000 shall be expended on the Four Corners downtown revitalization project in the town of Millbury; provided further, that not less than $100,000 shall be expanded for the development of a water and sewer economic infrastructure feasibility study and master plan in the town of Leicester; provided further, that $500,000 shall be expended on the redevelopment of Bolack Plaza in the town of Grafton; provided further, that not less than $500,000 be expended to the town of Northbridge for the urban renewal and redevelopment of the downtown area; provided further, that not less than $400,000 be expended to the town of Northbridge for the property redevelopment study; provided further, $2,050,000 shall be expended on renovations to the Fanning building in the city of Worcester; provided further, that not less than $1,300,000 shall be expended for new equipment and technological improvements to combine next-gen sequencing with high performance technology and big data analytics to mine the rich genetic diversity of marine organisms for a joint proposal of the Ocean Genome Legacy, Inc./Northeastern Marine Science Center and Gloucester Marine Genomics Institute Incorporated; provided further, that not less than $500,000 shall be expended for the replacement and renovation for the water main in the town of Ipswich; provided further, that not less than $500,000 shall be expended for a re-use study of the old Westport high school site in the town of Westport; provided further, that not less than $500,000 shall be expended for signalization on route 1 in the town of Rowley; provided further, that not less than $500,000 shall be expended for signalization on Main street in the town of Wenham; provided further, that not less than $1,500,000 shall be expended for the construction of a police station facility in the town of Newbury; provided further, that not less than $1,000,000 shall be expended for the development and improvement of the Waterfield lot in
the town of Winchester; provided further, that not less than $3,000,000 shall be expended for
downtown revitalization and infrastructure upgrades in the city of Malden; provided further, that
not less than $2,500,000 shall be expended for the Buzzards Bay Water District to expand
capacity by installing a new tank and piping; provided further, that not less than $1,000,000 shall
be expended for downtown revitalization and infrastructure upgrades in the town of Reading;
provided further, that $1,000,000 shall be provided to the 1Berkshire Strategic Alliance
Foundation Inc. for the Berkshire Blueprint Partnership Fund; provided further, that $75,000
shall be expended to the Historic Route 20 Association for development of the Gateway
Hilltowns Visitors Center; provided further, that not less than $800,000 shall be provided to the
city of Pittsfield for upgrades to the Gordon Rose Technology Park Pump Station; provided
further, that $1,500,000 shall be provided to Rural Commonwealth, Inc. for the Franklin County
8 Town Economic Development Center; provided further, that $1,625,000 shall be expended for
the purchase of equipment for the Berkshire Innovation Center, Inc. in the city of Pittsfield;
provided further, that not less than $2,000,000 shall be expended to the town of Adams for the
construction of the Greylock Glen Outdoor Center; provided further, that not less than
$12,000,000 shall be expended for parking upgrades, including but not limited to the
development of a parking deck, and general infrastructure improvements in the downtown area
of the city of Taunton; provided further, that not less than $8,000,000 shall be expended for the
study, design, improvements and maintenance of United States highway route 1 in the towns of
Norwood, Westwood and Dedham through the VFW and West Roxbury parkway in the West
Roxbury section of the city of Boston; provided further, that not less than $1,000,000 shall be
expended for the redevelopment of the Old Town Hall building in the town of Westwood;
provided further, that not less than $1,000,000 shall be expended for improvements to the town
provided further, that not less than $150,000 shall be provided to the Commissioning Committee for expenses associated with the September 2018 Commissioning of the USS Thomas Hudner; provided further, that not less than $100,000 shall be expended for The National Guard Association of Massachusetts, Inc. for the planning and operations of the one hundred and forty second National Guard Association of the United States General Conference; provided further, that $500,000 shall be expended to leverage philanthropic match funding to provide technical assistance to gateway cities and other municipalities designated as opportunity zones to promote economic competitiveness and job creation; provided further, that funds shall be used to support technical assistance by the National Resource Network to provide assistance to cities and towns across various disciplines including economic development, workforce development, fiscal and operational efficiency and to promote best practices and inter-city assistance; provided further, that not less than $500,000 shall be expended for the design costs for the town center improvement project in the town of Weston; provided further, that not less than $50,000 shall be expended to support the artists’ market in the town of Concord; provided further, that not less than $200,000 shall be expended to improve lighting in commuter parking lots in the town of Concord; provided further, that not less than $800,000 shall be expended for the acquisition and renovation of a visitors center in the town of Concord; provided further, that not less than $2,150,000 shall be expended for the construction of a pedestrian bridge over the Assabet River in the town of Concord; provided further, that not less than $4,650,000 shall be expended for the Cambridge turnpike improvement project in the town of Concord; provided further, that not less than $1,050,000 shall be expended for improvements to sewer pump stations in the town of Concord; provided further, that not less than $1,000,000 shall be expended for broadband service improvements in the town of Concord;
provided further, that not less than $750,000 shall be expended for improvements at the White Pond beach in the town of Concord; provided further, that not less than $500,000 shall be expended on sidewalk, drainage and roadway improvements in the business district in the town of Chelmsford; provided further, that not less than $350,000 shall be expended on supplies and equipment for a certified nursing program at Minuteman Regional Vocational Technical School; provided further, that not less than $3,000,000 shall be expended for costs associated with repairs, replacements and construction of water infrastructure owned by the town of Scituate; provided further, that not less than $3,000,000 shall be expended for costs associated with repairs, replacements, purchase and construction of water infrastructure servicing the residential and commercial development known as Union Point in the city known as the town of Weymouth; provided further, that $2,250,000 shall be expended for repair of the Fisherman beach boat house, beach pier, outfall and launching ramp in the town of Swampscott; provided further, that not less than $2,000,000 shall be expended for costs associated with the design, planning, construction and renovation of Norwell town center in the town of Norwell; provided further, that $10,500,000 shall be expended for improvements at the Tri-County Regional Vocational Technical High School in the city known as the town of Franklin; provided further, that not less than $2,000,000 shall be expended for costs associated with the construction of a business climate innovation center in the town of Marshfield, to assist businesses statewide on climate adaptation, resiliency and reducing emissions; provided further, that not less than $3,000,000 shall be expended for downtown revitalization and infrastructure upgrades in the city of Melrose; provided further, that not less than $2,000,000 shall be expended for the economic redevelopment in the downtown mixed use overlay district in the town of Stoughton; provided further, that not less than $500,000 shall be expended for the reconfiguration and renovation of
the downtown area in the town of Topsfield; provided further, that not less than $75,000 shall be expended for administrative costs related to the operation of the Life Sciences Consortium of the North Shore run through North Shore InnoVentures, Inc. in Beverly; provided further, that not less than $250,000 shall be expended to the city of Peabody for the design, manufacturing and implementation of a wayfinding plan and signage for Centennial Business Park in the city of Peabody; provided further, that not less than $200,000 shall be expended for the design and construction of improvements to the downtown area in the town of Danvers; provided further, that not less than $200,000 shall be expended for the town of Danvers for the design of an east-west trail link connecting its downtown area to Middleton center; provided further, that $500,000 shall be expended for engineering improvements to the slip ramp for state highway route 1A and interstate highway route 495 in the town of Wrentham; provided further, that not less than $2,600,000 shall be expended for renovations to the town hall in the town of Wellesley; provided further, that not less than $100,000 shall be expended to the city of Newton, to improve external marketing of economic development services offered by the city; provided further, that not less than $200,000 shall be expended to the city of Newton, to conduct a market analysis and community engagement process for a strategic vision plan for the future of Newton Centre; provided further, that not less than $100,000 shall be expended to the city of Newton, to expand the capacity of the Newton Innovation Center; provided further, that not less than $2,380,000 shall be expended to replace the aging hard-wire fire alarm call box system with solar-powered wireless infrastructure in the town of Brookline; provided further, that not less than $1,000,000 shall be expended for the city of Newton parks and recreation department for the purpose of replacing the bath house located at Crystal lake in the city of Newton, a great pond under chapter 91 of the General Laws; provided further, that not less than $200,000 shall be expended to the
city of Newton, for new bathroom and locker room facilities at Gath Pool; provided further, that not less than $5,000,000 be expended for redesign and improvements of Wells office park in the city of Newton; provided further, that not less than $3,000,000 shall be expended to improve local mobility and access to transit for Stoneham residents, employees, customers and visitors at the Stone zoo and other recreational amenities in the Middlesex Fells; provided further, that not less than $1,000,000 shall be expended for downtown revitalization and infrastructure upgrades in the town of Wakefield; provided further, that $250,000 shall be expended for the facilitation and support of the Massachusetts-Israel Economic Connection operated by the New England Israel Business Council, Inc. to pursue economic collaboration between Israel and the commonwealth; provided further, that not less than $4,000,000 shall be expended for water infrastructure improvement projects in the town of Warren; provided further, that not less than $880,000 shall be expended for broadband infrastructure projects in the town of Petersham; provided further, that not less than $250,000 shall be expended for improvements to the police department of the town of Templeton; provided further, that not less than $1,000,000 shall be expended for construction of a police station for the town of Hardwick; provided further, that not less than $1,000,000 shall be expended for construction of a public safety complex in the town of West Brookfield; provided further, that not less than $2,000,000 shall be expended for costs associated with land acquisition and development of housing in the town of Holland; provided further, that not less than $1,870,000 shall be expended for construction of a fire station in the town of North Brookfield, including costs for associated land improvements; provided further, that not less than $1,000,000 shall be expended for bridge infrastructure improvements in the town of Monson; provided further, that not less than $1,000,000 shall be expended for the design of a pedestrian and bicycle bridge connecting businesses, housing and public transit in the
Alewife section of the city of Cambridge; provided further, that not less than $350,000 shall be used to renovate the Chevalier theater in the city of Medford; provided further, that not less than $1,000,000 shall be expended for the Clippership Connector, a multi-use path in the city of Medford; provided further, that $250,000 shall be used for street and sidewalk construction on Commercial street in city of Medford; provided further, that not less than $9,400,000 shall be expended for a grant program administered by the secretary of elder affairs focused on advanced skill training for the home care aide workforce that serves consumers of the elder home care program administered by the department of elder affairs; provided further, that not less than $500,000 shall be expended for the conversion of the Allen Avenue school in the town of North Attleboro into a center for the North Attleboro council on aging; provided further, than not less than $1,000,000 shall be expended for costs associated with improvements to the Weymouth Landing area in the city known as the town of Weymouth; provided further, that not less than $2,000,000 shall be expended for the economic redevelopment of the Paul Revere Heritage Site project and the Washington street corridor in order to upgrade utilities, sidewalks, intersections and roadways in the town of Canton; provided further, than not less than $1,000,000 shall be expended for costs associated with streetscape and parking improvements and business development in the Nantasket beach front business district in the town of Hull; provided further, that not less than $500,000 shall be expended for public safety improvements in the town of Millis; provided further, that not less than $2,500,000 shall be expended for the siting, design and construction of a rowing and boating facility, including necessary rowing equipment and a rowing and boating facility study including, but not limited to, a cost analysis, facility site assessments, and configuration options in the city of Haverhill; provided further, that not less than $1,000,000 shall be expended for the airframe and power plant program at Westfield
Technical Academy; provided further, that $100,000 shall be expended for the Airframe and Powerplant program at Cape Cod Community College; provided further, that not less than $1,000,000 shall be expended to purchase a rail corridor and construct an access road to facilitate increased public access along the Merrimack River and to extend the Haverhill Rail Trail to the Groveland Rail Trail in the city of Haverhill; provided further, that not less than $1,000,000 shall be expended to the town of Lunenburg for economic development improvements including, but not limited to, streetscape improvements of Main street and Massachusetts, Leominster and Lancaster avenues, redevelopment of the former L & M Service Station at 925 Massachusetts avenue and the development of a community commercial kitchen for small business owners in need of kitchen facilities; provided further, that not less than $6,000,000 shall be expended to the city of Gardner for the second phase of the city’s Rear Main Street Revitalization Program, and for the demolition of a former factory building at 20 Rock street; provided further, that not less than $250,000 shall be expended to the town of Bolton for improvements to the route 117 corridor; provided further, that not less than $300,000 shall be expended to the town of Clinton for improvements, renovations, and updates to High street and the downtown area in order to promote economic development; provided further, that not less than $100,000 shall be expended to the town of Berlin for structural improvements to their historic town hall; provided further, that not less than $100,000 shall be expended to the North Central Massachusetts Development Corporation for the development of a regional economic development blueprint for north central Massachusetts; provided further, that not less than $125,000 shall be expended to the town of Townsend for the development of a town master plan; provided further, that not less than $500,000 shall be expended to the town of Townsend for the rehabilitation of the former Hart Free Public Library building; provided further, that not less than $75,000 be expended to the
town of Lancaster to conduct a reuse study for the historic former Lancaster School for Girls;
provided further, that not less than $500,000 shall be expended for implementing infrastructure
and utility improvements to promote economic development on Boulder drive in the city of
Fitchburg; provided further, that not less than $500,000 shall be expended to Fitchburg State
University for the development of the Idealab business entrepreneurship center; provided further,
that not less than $350,000 shall be expended to the city of Fitchburg for the implementation of a
municipal fiber-optic telecommunication infrastructure; provided further, that not less than
$1,000,000 shall be expended to the city of Leominster for the redevelopment of the building at
210 Lancaster street into a school-to-work training center for student workforce development;
provided further, that not less than $1,200,000 shall be expended to the city of Leominster for the
replacement of sewer and water lines in the central business district from the intersections of
Mechanic and Main streets to Central and Tocci streets; provided further, that not less than
$3,000,000 shall be expended for the Springfield Science Museum for comprehensive upgrades
including a planetarium dome, upgrading interactive exhibits, installation of multi-sensory and
immersive environments to compliment the historic dioramas, an animatronic dinosaur and new
educational learning center; provided further, that $2,000,000 shall be expended for the design
and construction of traffic signals at the intersection of Ash street and West Chestnut street in the
city of Brockton; provided further, that not less than $3,175,000 shall be expended for the design
and construction of waste water treatment facility improvements in the city of Haverhill to
reduce combined sewer overflows into the Merrimack River; provided further, that $2,500,000
shall be expended to secure and raze buildings with Brockton Redevelopment Authority as part
of the Downtown Brockton Urban Redevelopment in the city of Brockton; provided further, that
not less than $1,000,000 shall be expended for sewer and roadway infrastructure improvements
and for expanded housing and economic development for the intersection of Poquanticut avenue and Foundry street in the town of Easton; provided further, that not less than $1,000,000 shall be expended for renovations at the historic Engine 8 fire station on Hanover street in the North End section of the city of Boston; provided further, that not less than $250,000 be expended for a feasibility analysis on constructing a new public high school in the city of Revere including, but not limited to, potential sites, capital costs and population growth projections; provided further, that not less than $3,000,000 shall be expended for educational opportunities and a workforce development program in the city of Revere to be run by the Revere economic development department; provided further, that not less than $3,000,000 shall be expended for the expansion of water and sewer infrastructure in the town of Mendon; provided further, that not less than $5,000,000 shall be expended for the expansion and improvement of the cruise terminal and passenger disembarkation system in the city of Salem; provided further, that not less than $1,125,000 shall be expended to support the small business incubator hub at Stetson hall, infrastructure improvements at Union Crossing and the Urban Renewal Plan for Crawford square in the city known as the town of Randolph; provided further, that not less than $1,500,000 shall be expended for the renovation of the barracks building and the hangar at Winter Island in the city of Salem; provided further, that not less than $2,500,000 shall be expended for the revitalization of Cabot street in the downtown area in the city of Beverly; provided further, that not less than $300,000 shall be expended for OpenCape Corporation to expand fiber optic cable in the village of Hyannis in the town of Barnstable; provided further, that not less than $300,000 shall be expended for the town of Provincetown to expand access to broadband internet in the town; provided further, that not less than $4,000,000 shall be expended to city of Springfield for the revitalization of the Indian Orchard neighborhood; provided further, that not less than...
$4,000,000 shall be expended to Way Finders, Inc., a housing and community development agency in the city of Springfield, for infrastructure improvements and capital investments to support the expansion of services relative to affordable housing, homeownership opportunities, neighborhood redevelopment, financing for small businesses and other community housing and economic development initiatives; provided further, that not less than $1,000,000 shall be expended for the Roxbury Trust Fund for the creation of jobs, job training and placement, business development and expansion, financial workshops for individuals and small businesses, education, literacy and English language acquisition in the Roxbury section of the city of Boston; provided further, that $1,000,000 shall be expended for construction, renovations and infrastructure improvements for the Italian Home for Children campuses located in the Jamaica Plain section of the city of Boston and in the East Freetown section of the town of Freetown; provided further, that not less than $100,000 shall be expended for the mitigation of or contribution toward any cost associated with design, construction or infrastructure improvements related to the redevelopment of the intersection of Carew and Cass streets in the city of Springfield; provided further, that not less than $3,000,000 shall be expended to enhance economic opportunity for the village of south Braintree in order to draw biomedical, life science, and related commerce initiatives to tie in the growing transportation system in the southern section of the city known as the town of Braintree; provided further, that $1,500,000 shall be expended for infrastructure improvements at the Seaport Marina in the city of Lynn; provided further, that not less than $1,000,000 shall be expended for the redevelopment of the old town hall building in the town of Walpole; provided further, that not less than $2,000,000 shall be expended for downtown economic development projects, streetscape improvements, parking, facade and signage consistency and improvements and small business support including, but not
limited to, the recruitment of innovative businesses and the creative arts community in the town of Walpole; provided further, that $3,500,000 shall be expended to the Zeiterion Theatre in the city of New Bedford for capital facility repairs and improvements including, but not limited to, marquee design and construction in order to provide world-class performing arts in the downtown area of the city that will benefit financially-disadvantaged children and families; provided further, that not less than $500,000 shall be expended for the Transit Oriented Development Public Parking Garage Feasibility Study, which shall include, but not be limited to, the parking structure, land acquisition costs and associated economic development planning and materials costs in the city of Attleboro; provided further, that not less than $500,000 shall be expended for intersection improvement projects on state highway route 106, East Center street, to fund engineering and design improvements for the commercial corridor in the town of West Bridgewater; provided further, that $4,000,000 shall be expended for the Buttonwood Park Zoo in the city of New Bedford for capital facility repairs and redevelopment as part of the master plan redevelopment project to benefit financially disadvantaged children; provided further, that $250,000 shall be expended for clean up of the municipal trash site in the city of Attleboro; provided further, that $500,000 shall be expended to the Southeastern Massachusetts Convention & Visitors Bureau, Inc. in consultation with Downtown New Bedford Inc. and the New Bedford Area Chamber of Commerce, Inc., to develop and implement a marketing campaign to generate increased visitation, tourism and economic development in and around the downtown of the city of New Bedford, which may include, but shall not be limited to, billboards, print media, social media, radio, television and other electronic forms of advertising in the Greater Boston area; provided further, that not less than $300,000 be expended on a technical assistance program for small businesses, mid-sized businesses and entrepreneurs in the East Boston section of the city of
Boston, of which $100,000 shall be expended for technical support to immigrant and non-
English speaking businesses and business owners and administered by East Boston Mainstreets
Inc.; provided further, that $4,000,000 shall be expended to the Northstar Learning Centers, Inc.
to design and construct the early childhood education center in the city of New Bedford to
benefit financially disadvantaged children and families by removing barriers to educational and
economic success; provided further, that not less than $2,000,000 shall be expended for dry dock
improvements and dredging at Milton landing, dredging of the Milton wharf and reconfiguration
and reconstruction of the Wood street overpass in the town of Milton; provided further, that not
less than $1,200,000 shall be expended for the town of Nantucket for the replacement of the
town pier and floating dock and related expenses; provided further, that not less than $300,000
shall be expended for the Nantucket Dreamland Foundation for a feasibility study and related
costs for the expansion of the Nantucket Dreamland Foundation building on South Water street
in the town of Nantucket; provided further, that $1,000,000 shall be expended for the town of
Oak Bluffs for improvements to the North Bluff ferry terminal area; provided further, that
$300,000 shall be expended for the town of Gosnold for the planning, engineering and
construction of a visitor center at the Coast Guard Boat House; provided further, that not less
than $500,000 shall be expended for the Hyannis Main street Business Improvement District to
purchase property on Main Street in Barnstable, for use as a visitor and welcome center;
provided further, that not less than $750,000 shall be expended for the renovation and
rehabilitation of the Patton Homestead in the town of Hamilton; provided further, that not less
than $200,000 shall be expended for an economic development study in the town of Merrimac;
provided further, that not less than $11,000,000 shall be expended to the Massachusetts
International Festival of the Arts, Inc. for the restoration of the Victory Theatre in the city of
Holyoke; provided further, that not less than $2,500,000 shall be expended for the replacement
of the deteriorating bulkhead supporting the boardwalk on Newburyport’s Central Waterfront
and for the design and construction of the final phase of the Clipper City rail trail connection
across United States highway route 1, including redesign of the United States route 1 rotary and
pedestrian ways; provided further, that not less than $125,000 shall be expended for upgrades
and improvements to the shellfish purification plant in the city of Newburyport; provided further,
that not less than $200,000 shall be expended for the design, and construction of a seafood test
kitchen in the city of Gloucester; provided further, that not less than $1,000,000 shall be
expended for the planning, design and construction of an archives facility in the city of
Gloucester; provided further, that not less than $1,000,000 shall be expended for dockage and
other facilities for the accommodation of transient boaters and other improvements at the
Gloucester harbormaster’s office in the city of Gloucester; provided further, that not less than
$1,000,000 shall be expended for the expansion of and increased access to the riverwalk trail and
park area, including a bridge crossing the Powow river; provided further, that not less than
$1,500,000 shall be expended for road construction on route 110 and Elm street to facilitate
access to the development site in the city of Amesbury; provided further, that not less than
$1,000,000 shall be expended for economic development projects in the town of Georgetown;
provided further, that not less than $1,000,000 shall be expended for improvements to commuter
parking and other facilities for the North Wilmington commuter rail station in the town of
Wilmington; provided further, that not less than $250,000 shall be expended for economic
development infrastructure improvements on the route 38 corridor in the town of Wilmington;
provided further, that not less than $1,000,000 shall be expended for the planning, design and
construction of a commuter rail site in the town of North Andover; provided further, that not less
than $3,750,000 shall be expended for the city of Lowell for planning and investment in opportunity zones, including the restoration of sidewalks, lighting, street furnishings, street trees and other plantings as well as transit-oriented development planning for route 110 from Cross Point Towers to the Charles A. Gallagher Transit Terminal and the construction of a new public park with festival and event space accommodations and a pedestrian walkway connecting a public parking facility to adjacent development opportunities; provided further, that not less than $2,000,000 shall be expended for the city of Lowell to conduct a parking analysis and implement recommendations and technology upgrades to city-owned parking facilities; provided further, that not less than $2,000,000 shall be expended for the city of Lowell to procure services for design and construction of a bridge over the Pawtucket canal and associated walkways or a water taxi dock to enhance pedestrian access to Western Avenue Studios; provided further, that not less than $1,000,000 shall be expended for the city of Lowell to design and construct the Merrimack riverwalk phase II project, including a pedestrian walkway, ramp, cantilevered overlook and bridge over the Concord river, and other services associated with those activities; provided further, that not less than $250,000 shall be expended for the city of Lowell to procure services for the redevelopment of the Hamilton Canal Innovation District, including activities associated with submission of a notice of project changes for the district’s Massachusetts environmental policy act certificate, and brokerage services to include marketing, sale negotiation and other services associated with those activities; provided further, that not less than $2,000,000 shall be expended for the city of Lowell to acquire properties that will advance the goals and objectives of the town of Ayer's City Industrial Park Urban Revitalization and Development Project Plan, and other services associated with those activities; provided further, that not less than $2,250,000 shall be expended for the purchase of dredging equipment to service the region that includes
Cape-Ann and extends to the New Hampshire border; provided further, that not less than $1,000,000 shall be expended for investment in the town of Tyngsborough; provided further, that not less than $200,000 shall be expended for a study to analyze strategies and opportunities to protect and expand affordable and workforce housing in the city of Revere; provided further, that not less than $2,750,000 shall be expended to support the implementation, planning and construction of projects recommended by that study; provided further, that not less than $3,900,000 shall be expended to the town of West Springfield for the revitalization of the downtown area; provided further, that not less than $6,000,000 shall be expended for roadway, sidewalk, streetscape and other infrastructure improvements along the Main street and state highway route 9 downtown business district corridor in the city of Northampton; provided further, that not less than $2,000,000 shall be expended for sidewalk, street lighting, streetscape and other infrastructure improvements in the Florence downtown business district of the city of Northampton; provided further, that not less than $100,000 shall be expended for building safety improvements to the historic, municipally-owned Academy of Music Theatre in the city of Northampton to sustain its economic vitality as a local and regional entertainment venue; provided further, that not less than $100,000 shall be expended for a study and design of a municipal broadband network in the city of Northampton; provided further, that not less than $2,500,000 shall be expended for infrastructure and improvements at 34 Riddell street in the city of Greenfield; provided further, that not less than $130,000 shall be expended for the New England Learning Center for Women in Transition in the city of Greenfield; provided further, that not less than $150,000 shall be expended to the Hampshire Regional Tourism Council for the implementation of an outdoor recreation marketing campaign; provided further, that not less than $150,000 shall be expended to the Franklin County Regional Tourism Council to examine
intermodal transportation enhancements to spur economic development around outdoor recreation; provided further, that not less than $870,000 shall be expended to the Franklin Hampshire Career Center for a one stop career center in Hampshire county; provided further, that not less than $205,000 be expended for the Marine Renewable Energy Collaborative to acquire and install new equipment at the Bourne Tidal Test Site; provided further, that not less than $500,000 be expended for the Woods Hole Oceanographic Institute to utilize autonomous vehicles to detect harmful algal blooms that impact fishermen and shellfishermen; provided further, that not less than $3,000,000 shall be expended for infrastructure improvements to Hedges Pond road in the town of Plymouth; provided further, that not less than $1,500,000 shall be expended to the Abington and Rockland Joint Water Works for improvements to and expansion of the Meyers Avenue Plant; provided further, that not less than $2,500,000 shall be expended for business development, infrastructure, streetscape and accessibility improvements in the town of Braintree; provided further, that not less than $3,500,000 shall be expended for business development, infrastructure and streetscape improvements in Wollaston Center in the city of Quincy; provided further, that not less than $2,000,000 shall be expended for business development, infrastructure and streetscape improvements in the town of Holbrook; provided further, that not less than $1,250,000 shall be expended for business development, infrastructure and streetscape improvements in the town of Rockland; provided further, that not less than $1,250,000 shall be expended for business development, infrastructure and streetscape improvements in the town of Abington; provided further, that not less than $1,500,000 shall be expended for the city of Everett for facade and streetscape improvements in neighborhood business districts; provided further, that not less than $3,000,000 be allocated for water distribution infrastructure projects in the town of Kingston; provided further, that not less than
$3,000,000 shall be expended for the city of Everett for a new roadway near BNY Mellon and the Berberian sites in order to design and build the roadway and create a bike path connection between BNY and the GE site; provided further, that not less than $4,500,000 shall be expended for the city of Chelsea for the Beacham Street Rehabilitation Project in order to enhance the economic viability of the Produce Center; provided further, that not less than $1,200,000 shall be expended for the construction of a children's museum in the city of Peabody; provided further, that not less than $350,000 shall be expended for roadway design of Pulaski Mills in the city of Peabody; provided further that not less than $150,000 shall be expended for welcome signs in the city of Peabody; provided further that $500,000 shall be expended for equipment, materials and transportation for the carpentry and electric, machine tool technology, and auto technology programs at Chicopee Comprehensive High School in the city of Chicopee; provided further, that $4,000,000 shall be expended for new construction of 4,500 lineal feet of Riverside drive with accompanying infrastructure as a public way within the Ludlow Mills complex in the town of Ludlow; provided further, that $2,000,000 shall be expended to create a Baystate Clinical Trials Unit, which would provide infrastructure, staffing, services, training, and support to facilitate clinical and translational research with human subjects and develop national partnerships to advance cutting edge medical research; provided further, that $2,000,000 shall be expended to create a Baystate Collaborative Addiction Resource Team, which would establish a multi-disciplinary, multi-modal, evidence-based addictions service to serve the large number of individuals treated at Baystate who have substance use disorders with an emphasis on facilitating evidence-based MAT; provided further, that not less than $3,000,000 shall be expended to fund infrastructure improvements at the Victor drive and Main street intersection in the town of Tewksbury; provided further, that not less than $1,500,000 shall be expended to fund sidewalk
repairs, traffic lights, and infrastructure improvements at the intersection of Mammoth road and
Lakeview avenue and along Lakeview avenue in the town of Dracut; provided further, that not
less than $2,000,000 shall be expended for the city of Cambridge to support accessibility
improvements for businesses along Cambridge street; provided further, that $500,000 shall be
expended for the Lower Pioneer Valley Educational Collaborative to replace, repair and upgrade
equipment for various programs at the Lower Pioneer Valley Educational Collaborative Career
Technical Educational Center; provided further, that not less than $1,000,000 shall be expended
for the city of Cambridge for the expansion of biomedical and information technology (IT)
workforce development programs to prepare local low- to moderate-income adults for careers in
the biotechnology, life sciences, medical research industries, and IT, as well as supply local
employers with work-ready, diverse employees; provided further, that not less than $1,500,000
shall be expended to fund river tourism and road construction along the Merrimack River to
support economic development in the area; provided further, that not less than $2,000,000 shall
be expended to fund economic development & infrastructure improvements along Rt. 133 and
Shawsheen Square in the town of Andover; provided further that not less than $300,000 be
expended for the street-scaping, lighting, and other improvements in Winthrop's business district;
provided further, that $2,500,000 shall be expended for the Boston 4 Celebrations Foundation
Inc. for the Boston Pops July fourth fireworks spectacular at the Edward A. Hatch Memorial
Shell in the city of Boston; provided further that not less than $1,000,000 be provided to the
Magazine Beach Partners to be expended on the renovations and redesign of Magazine Beach
and its parks in the city of Cambridge; provided further, that not less than $3,000,000 shall be
expended for the expansion of water, sewer, and green energy infrastructure along route 122 and
Central street in the towns of Millville and Blackstone; provided further, that not less than
$4,000,000 shall be expended for the development of the Draper Mill Complex in the town of Hopedale; provided further, that not less than $2,000,000 shall be expended for the redevelopment and revitalization of the downtown area in the town of Milford; provided further, that not less than $1,000,000 shall be expended to fund downtown revitalization and infrastructure improvements in the town of Andover; provided further, that not less than $10,000,000 be expended to the Boston Housing Authority for the Mary Ellen McCormack Redevelopment project to create new Senior, Veterans, and Workforce Housing; provided further, that $3,500,000 shall be expended for further development and improvement to infrastructure along the Saugus River waterfront in the town of Saugus; provided further, that not less than $2,000,000 shall be expended for the Jackson Square Recreation Center in the Roxbury section of the city of Boston; provided further, that not less than $2,000,000 shall be expended to the Blessed Sacrament in Jamaica Plain; provided further that not less than $350,000 shall be expended for the Black Economic Council of Massachusetts for technical assistance; provided further that not less than $250,000 shall be expended for STRIVE FORWARD, a job-readiness program to be coordinated by the Justice Resource Institute to connect chronically unemployed adults with training, case management and job placement; and provided further, that not less than $200,000 shall be expended to Beacon Communities for a job training program at the John L. Tierney Center in the South Boston section of the city of Boston; provided further that not less than $100,000 shall be expended for capital needs, programming and operations at the Ella J. Baker house in the Dorchester section of the city of Boston; and provided further that not less than $100,000 shall be expended for South Boston En Accion; provided further, that $1,000,000 shall be expended for improvements to infrastructure and signage along the Washington Street Corridor in the city of Lynn; provided further, that $2,000,000 shall be expended for
improvements at Historic Barry Park in the city of Lynn; provided that not less than $1,000,000
shall be expended to the Dorchester Bay Economic Development Corporation for the design,
construction, and renovation of the Pierce Building in the Uphams Corner section of the city of
Boston; provided further, that $2,700,000 shall be expended for infrastructure and road
improvements at the intersection of interstate highway route 95, South Main street, and Old Post
road in the town of Sharon; provided further, that not less than $3,250,000 shall be expended for
the town of Mashpee for the design, engineering and construction of a wastewater discharge
force main and related disposal site to support reasonable economic development in the town’s
central business district; provided further, that not less than $3,000,000 shall be expended for the
downtown revitalization of the town of Pembroke; provided further, that not less than $2,000,000
shall be expended to fund site assessment, master planning and demolition at Merrimack Paper
in the city of Lawrence; provided further that not less than $1,000,000 shall be expended to fund
repairs and rehabilitation of Museum Square Parking Garage in the city of Lawrence; provided
further, that $2,000,000 shall be expended for a traffic study and the design and construction of
traffic signals at the intersection of Hanover street, Circuit street, and Pleasant street in the town
of Hanover; provided further, that $320,000 shall be expended for the replacement of Field
lighting, poles and installation costs at the Sirrico Field located at the Silver Lake Regional High
School in the town of Kingston; provided further, that $3,000,000 shall be expended for the CSX
property located along an active commuter and freight rail line running north-south for future
commercial/industrial development located in the city of Brockton; provided further, that
$500,000 shall be expended to build 4 monitoring stations, with access for setup, monitoring, and
maintenance to automate the monitoring of the cyanobacteria sampling locations in Monponsett
Pond as part of a resource management plan ordered by the Department of Environmental
Protection in the town of Halifax; and provided further that not less than $700,000 be expended for the planning and construction of a roadway and drainage improvement at the Belle Isle Terrace business district ..........................................................$537,345,000

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

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

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

7002-8019. For the Massachusetts Growth Capital Corporation established in section 2 of chapter 40W of the General Laws, for a program to provide matching grants to community development financial institutions certified by the United States Treasury or community development corporations certified under chapter 40H of the General Laws to enable the community development financial institution or community development corporation to leverage
federal or private investments for the purpose of making loans to small
businesses........................................................................................................ $1,250,000

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

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

SECTION 2B.

EXECUTIVE OFFICE OF EDUCATION

Office of the Secretary

7009-2005. For a competitive grant program to be administered by the executive
office of education, in consultation with the executive office of housing and economic
development and the executive office of labor and workforce development, to provide funding
for the purchase and installation of equipment and related improvements and renovations to
facilities necessary for the installation and use of such equipment, to establish, upgrade and
expand career technical education and training programs that are aligned to regional economic
and workforce development priorities; provided, that grant applications may facilitate
collaboration to provide students enrolled in eligible vocational technical schools with
postsecondary opportunities consistent with clause (o) of the first paragraph of section 22 of
chapter 15A of the General Laws and section 37A of chapter 74 of the General Laws; provided further, that community colleges and innovation centers that receive funds from the Massachusetts Life Sciences Center shall also be eligible for funds from this program; provided further, that the executive office of education, in consultation with the executive office of housing and economic development and the executive office of labor and workforce development, shall adopt additional guidelines as necessary for the administration of the program; and provided further, that awards may be made to community-based organizations with recognized success in training adults with barriers to employment.

$75,000,000

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Office of the Secretary

6720-1341. For the mitigation of or contribution toward costs associated with or arising out of the design, construction or infrastructure improvements to the Raymond L. Flynn Cruiseport in the South Boston section of the city of Boston to accommodate large cruise ships and increasing passenger demand, for the continued competitiveness of the terminal; provided, that the secretary, in coordination with the chief executive officer of the Massachusetts Port Authority, shall seek to maximize federal and private funds and reimbursement to offset, to the extent feasible, costs incurred under this item; provided further, that the Massachusetts Port Authority shall implement a program that reduces emissions associated with cruise ship operations while said ships are at berth not later than July 1, 2024; provided further, that said program to reduce emissions shall include ship-to-shore capabilities or other advanced emission reduction technology; and provided further, that the Massachusetts Port Authority shall publish an annual report concerning environmental impacts of operations at the Conley Terminal and...
Flynn Cruiseport, including but not limited to, air quality, emissions and noise pollution..................................................................................................................................................$100,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary.

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

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

Notwithstanding this section, section 46 or any other general or special law to the contrary, the department may convey, or lease for a term not to exceed 198 years, air rights within the parcel known as Massachusetts Turnpike Parcel 15 to the designated developer of that parcel or its nominee. The parcel is located in the city of Boston and bounded by Cambria street to the south, St. Cecilia street to the west, Boylston street and private property to the north and Dalton street to the east. The boundaries of the air rights conveyed or leased shall preserve the department’s ownership of the turnpike roadway and adjacent rail tracks and air space above the roadway and rail tracks as considered necessary and desirable by the department for its transportation purposes. Any such sale or lease may include air rights above streets owned by the department that adjoin the parcel and the department may grant a developer or its nominee rights and easements to install and maintain foundations, walls and other appurtenances below
the air rights so conveyed or leased, all on such terms and conditions as the secretary of transportation or general counsel deems necessary or desirable. Any such sale or lease shall be at the then-fair market value of the air rights as determined using customary appraisal practices in the commonwealth and shall not be subject to the requirements of this section. Any such sale or lease shall be subject to: (i) the department reserving all easements and rights needed for its transportation purposes; (ii) recognition by the developer or its nominee that the department’s transportation needs remain paramount; (iii) compliance by the developer or its nominee with the department’s requirements for indemnification, covenants not to sue and releases relating to negative impacts from development above the turnpike and rail lines; (iv) the developer fulfilling its commitment to the city of Boston’s inclusionary development policy by building off-site units in the Back Bay or Fenway and Kenmore sections of the city of Boston or the South End planning district, with a preference for locations within 1/2 mile of the project site; and (v) such other terms and conditions as the secretary of transportation or the general counsel determines are necessary or desirable. The developer or its nominee shall be obligated to take such premises “as is, where is” with all existing site conditions, including existing environmental conditions. If the department of transportation completes such a sale or extended lease and if the developer’s mandatory inclusionary development policy contribution in combination with available commonwealth funding is insufficient to construct 1 or more viable projects totaling a minimum of 51,840 square feet of affordable housing within the geographic area established in clause (iv), the department of transportation shall transfer an amount of up to 20 per cent of the sale or lease proceeds to the Boston Redevelopment Authority as gap financing to be used exclusively for the construction of affordable housing. If the Boston Redevelopment Authority certifies that 1 or more viable projects totaling 51,840 square feet or more within the geographic area has been
identified, the department of transportation shall instead transfer an amount equal to 12 per cent of the sale or lease proceeds to increase the number of affordable units in those projects. In neither case shall the department of transportation funds or other commonwealth funds be used to subsidize or offset a developers’ inclusionary development policy commitment.


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

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

SECTION 6. Said chapter 23A is hereby further amended by striking out section 10B, as so appearing, and inserting in place thereof the following section:-
Section 10B. The secretary of housing and economic development shall establish a Massachusetts advanced manufacturing collaborative, hereinafter referred to as the collaborative, within the executive office of housing and economic development, which shall be responsible for advising and assisting on the development, implementation and periodic update of a plan to foster and strengthen the conditions necessary for growth and innovation of manufacturing within the commonwealth. The collaborative shall include, but not be limited to: the secretary of housing and economic development, or a designee, who shall serve as chair; the secretary of labor and workforce development, or a designee; 1 person who shall be appointed by the speaker of the house of representatives; 1 person who shall be appointed by the president of the senate; the director of the office of business development; the executive director of the Massachusetts clean energy center; the executive director of the Massachusetts Life Sciences Center; the executive director of the John Adams Innovation Institute; the executive director of the Massachusetts Technology Transfer Center; the president of the Massachusetts Manufacturing Extension Partnership, Inc.; a representative from the Associated Industries of Massachusetts, Inc.; a representative from the Massachusetts Workforce Board Association; a representative from the Massachusetts Development Finance Agency; a representative from the Massachusetts Technology Park Corporation; a representative from a local chamber of commerce appointed by the governor; and 8 members appointed by the governor to represent the commonwealth’s large manufacturers, small-to-medium sized enterprises, incubators, innovation centers and federally-funded research and development centers. The collaborative shall: (i) consult with stakeholders in the public and private sector in the development and implementation of the commonwealth's manufacturing plan; (ii) identify emerging priorities within the commonwealth's manufacturing sector in order to make recommendations for high impact projects and initiatives; (iii) facilitate
the implementation of goals established under the plan; and (iv) develop a statewide certification process for the advanced manufacturing industry with the goal of establishing uniform industry workforce standards across the commonwealth. The collaborative may establish working groups that aid in the development and implementation of the plan.

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

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

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

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

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

Section 54A. If a city or town or any other person purchases any former railroad right-of-way in the commonwealth, no permit to build a structure of any kind on land so purchased shall be issued by any city or town in the commonwealth without first obtaining the consent, or a determination of inapplicability, in writing to the issuance of such permit from the secretary of the department of transportation. The department of transportation shall establish an application process, applicable timeframes and review guidelines that may require a public hearing component depending on when the former railroad right-of-way was last used by the railroad. As used in this section, the term “former railroad right-of-way” shall mean any property either formerly owned in fee by a railroad company and used as a railroad right-of-way or portion of any property formerly subject to an easement held by a railroad company and used as a railroad right-of-way. If said secretary does not consent to the issuance of such permit, the owner of the land may recover from the commonwealth such damages as would be awarded under the provisions of chapter seventy-nine.
Notwithstanding the provisions of the last sentence of the foregoing paragraph, there
shall be no recovery from the commonwealth or the department in damages under said sentence
by an owner of such land purchased after January 1, 1976.

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

Section 4H. (a) In order to grow the cybersecurity industry cluster in the commonwealth
and protect against cybersecurity threats, there is hereby established and set up on the books of
the corporation the Massachusetts Cybersecurity Innovation Fund, hereinafter referred to as the
fund, to which shall be credited the proceeds of any bonds or notes of the commonwealth issued
for the purpose, and any appropriations designated by the general court to be credited thereto.
The fund shall be administered by the corporation. The corporation shall hold the fund in an
account or accounts separate from other funds of the corporation. The purpose of the fund shall
be to: (i) support facilities, hardware and software used to develop or test cybersecurity solutions
and enable the growth of innovative ideas to address cybersecurity threats; (ii) accelerate the
growth of the cybersecurity cluster and related clusters; (iii) expand employment opportunities
and address talent pipeline needs in the cybersecurity industry and related industries for the
residents of the commonwealth, including, but not limited to, women, minorities, veterans, and
unemployed and underemployed individuals, through workforce training; (iv) match public and
private universities with industry participants to develop cybersecurity technology and expand
other relevant capabilities; and (v) promote the development and implementation of educational
programs within the commonwealth’s public schools, kindergarten to grade 12, inclusive, and
public institutions of higher education through collaboration with Massachusetts Computing
Attainment Network.
SECTION 12. Paragraph (a) of part B of section 3 of chapter 62 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out subparagraph (10) and inserting in place thereof the following subparagraph:-  
(10) An amount equal to 10 per cent of the cost of renovating any abandoned building that is part of a certified project as defined in section 3A of chapter 23A.

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

SECTION 14. Said section 6 of said chapter 62, as most recently amended by section 6 of chapter 99 of the acts of 2018, is hereby further amended by adding the following subsection:-  
(v)(1) An employer that is not a business corporation subject to the excise under chapter 63, shall be allowed a credit equal to $4,800 or 50 per cent of the wages paid to each qualified apprentice in a taxable year, whichever is less, against the tax liability imposed by this chapter. If a credit allowed by this subsection exceeds the tax otherwise due under this chapter, 100 per cent of the balance of such credit may, at the option of the taxpayer, be refundable to the taxpayer. In order to qualify, the apprentice must meet the definition of apprentice in section 11H of chapter 23 and must be hired and trained in 1 of the following occupations, as defined by the Bureau of Labor Statistics: computer occupations, as defined by Standard Occupational Codes 15-1200; health technologists and technicians, as defined by Standard Occupational Codes 29-2000; health practitioner support technologists and technicians, as defined by Standard Occupational Codes 29-2050; healthcare support occupations, as defined by Standard
(2) To be eligible for a credit under this subsection: (a) the primary place of employment of the apprentice must be in the commonwealth; (b) the business must be registered with the division of apprentice standards as an apprenticeship program sponsor and have an apprentice agreement, as defined in section 11H of chapter 23, with each apprentice for whom the credit is claimed; and (c) the apprentice must have been employed as an apprentice by the business for at least 180 calendar days in the taxable year in which the credit is claimed.

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

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

(5) The credit under this subsection shall be attributed on a pro rata basis to the owners, partners or members of the legal entity entitled to the credit under this subsection, and shall be allowed as a credit against the tax due under this chapter of such owners, partners or members, in a manner determined by the commissioner.
(6) The secretaries of labor and workforce development and administration and finance, acting jointly and in writing shall authorize tax credits pursuant to this subsection and section 38HH of chapter 63. The total amount of credits that may be authorized in a calendar year pursuant to this subsection and said section 38HH of said chapter 63 shall not exceed $2,500,000. No credits shall be allowed under this subsection except to the extent authorized in this paragraph. The commissioner, after consulting with the secretaries, on the criteria set forth in paragraphs (1) and (2) of this subsection, shall adopt regulations governing applications for and other administration of the tax credits. The secretaries and the division of apprentice standards shall provide the commissioner with the documentation that the commissioner deems necessary to confirm compliance with the annual cap.

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

SECTION 15. Subsection (v) of said section 6 of said chapter 62, added by section 14, is hereby repealed.
SECTION 16. Section 38O of said chapter 63, as appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 4 to 5, the words “either located within an economic target area designated under section 3G of chapter 23A, or”.

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

Section 38HH.

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

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

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

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

(e) The secretaries of labor and workforce development and administration and finance,
acting jointly and in writing shall authorize tax credits pursuant to this section and subsection (v)
of section 6 of chapter 62. The total amount of credits that may be authorized in a calendar year
pursuant to this section and said subsection (v) of said section 6 of said chapter 62 shall not
exceed $2,500,000. No credits shall be allowed under this section except to the extent authorized
in this subsection. The commissioner, after consulting with the secretaries, on the criteria set
forth in subsections (a) and (b) of this section, shall adopt regulations governing applications for
and other administration of the tax credits. The secretaries and the division of apprentice
standards shall provide the commissioner with the documentation that the commissioner deems necessary to confirm compliance with the annual cap.

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

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

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

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

(1) "Improper means", includes, without limitation, theft, bribery, misrepresentation, unreasonable intrusion into private physical or electronic space, or breach or inducement of a
breach of a confidential relationship or other duty to limit acquisition, disclosure or use of
information; reverse engineering from properly accessed materials or information is not
improper means.

(2) "Misappropriation",

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

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

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

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

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

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

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

(C) before a material change of the actor’s position, knew or had reason to know that it
was a trade secret and that the actor’s knowledge of it had been acquired by accident, mistake, or
through another person’s act described in clause (A) of paragraph (ii) or subclauses (I) or (II) of
clause (B) of said paragraph (ii) of the definition of Misappropriation.
(3) "Person", a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

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

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

and

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

Section 42A. (a) Actual or threatened misappropriation may be enjoined upon principles of equity, including but not limited to consideration of prior party conduct and circumstances of potential use, upon a showing that information qualifying as a trade secret has been or is threatened to be misappropriated. Upon application to the court, an injunction shall be terminated when the trade secret has ceased to exist, but the injunction may be continued for an additional reasonable period of time in order to eliminate any economic advantage that otherwise would be derived from misappropriation.
(b) In exceptional circumstances, an injunction may condition future use upon payment of a reasonable royalty for no longer than the period of time for which use could have been prohibited. Exceptional circumstances include, but are not limited to, a material and prejudicial change of position prior to acquiring knowledge or reason to know of misappropriation that renders a prohibitive injunction inequitable.

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

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

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

Section 42C. The court may award reasonable attorney's fees and costs to the prevailing party if: (i) a claim of misappropriation is made or defended in bad faith, (ii) a motion to enter or to terminate an injunction is made or resisted in bad faith, or (iii) willful and malicious misappropriation exists. In considering such an award, the court may take into account the
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Section 42D. (a) In an action under sections 42 to 42G, inclusive, a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include granting protective orders in connection with discovery proceedings, holding in-camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose an alleged trade secret without prior court approval.

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

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

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

(b) Sections 42 to 42G, inclusive, do not affect:
(1) contractual remedies, provided that, to the extent such remedies are based on an interest in the economic advantage of information claimed to be confidential, such confidentiality shall be determined according to the definition of trade secret in section 42, where the terms and circumstances of the underlying contract shall be considered in such determination;

(2) remedies based on submissions to governmental units;

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

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

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

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

CHAPTER 93L.

BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT.

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

“Assertion of patent infringement”, (i) the sending or delivering of a demand letter to a target; (ii) the threating of a target with litigation and asserting, alleging or claiming that the target has engaged in patent infringement; (iii) the sending or delivering of a demand letter to the
customers of a target; or (iv) a claim or allegation, other than those made in litigation against a
target, that a target has engaged in patent infringement or that a target should obtain a license to a
patent in order to avoid litigation.

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

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

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

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

(ii) prior to sending the demand letter, the person failed to conduct an analysis comparing
the claims in the patent to the target’s products, services and technology, or whether such an
analysis failed to identify specific areas in which the products, services and technology are
covered by the claims in the patent;
(iii) the target requested information described in clause (i) that was not included in the demand letter and the person failed to provide the information within a reasonable period of time;

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

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

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

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

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

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

(b) A court may consider the following factors as evidence that a person has not made an assertion of patent infringement in bad faith: (i) the demand letter contained the information described in clause (i) of subsection (a); (ii) the target requested such information described in clause (i) of subsection (a) that was not included in the demand letter and the person provided the
information within a reasonable period of time; (iii) the person engaged in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy; (iv) the person made a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent; (v) the person is: (A) the inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, is the original assignee; (B) an institution of higher education or a technology transfer organization owned or affiliated with an institution of higher education; or (C) a non-profit research institute or organization which has as one of its primary functions the management of inventions on behalf of an institute of higher education or a non-profit research institute or organization; (vi) the person makes significant investments in: (A) research and development in connection with the patented technology, where development means technical or experimental work to create, test, qualify, modify or validate technologies or processes for commercialization of goods or services; (B) manufacturing; or (C) the delivery or provision of goods or commercial services using the patented technology; and (vii) the person’s business is the licensing of patents as a wholly-owned subsidiary of a person described in clause (vi).

Section 3. (a) A target or a person aggrieved by a violation of this chapter or by a violation of rules adopted under this chapter may bring an action in superior court against a person who has made a bad-faith assertion of patent infringement. The court may award to a plaintiff who prevails in an action brought pursuant to this subsection 1 or more of the following remedies: (i) equitable relief; (ii) damages; (iii) costs and fees, including reasonable attorneys' fees; and (iv) exemplary damages in an amount equal to $50,000 or 3 times the total of damages, costs, and fees, whichever is greater; provided, however, that exemplary damages shall not be
awarded against a person described in subclause (B) or (C) of clause (v) of section 2 or clause (vi) of subsection (b) of said section 2.

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

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

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

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

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

Section 24L. (a) As used in this section, the following words shall have the following meanings:-
“Business entity”, any person or group of persons performing or engaging in any activity, enterprise, profession or occupation for gain, benefit, advantage or livelihood, whether for profit or not for profit, including but not limited to corporations, limited liability companies, limited partnerships or limited liability partnerships.

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

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

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

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

“Noncompetition agreement”, an agreement between an employer and an employee, or otherwise arising out of an existing or anticipated employment relationship, under which the employee or expected employee agrees that he or she will not engage in certain specified
Noncompetition agreements include forfeiture for competition agreements, but do not include: (i) covenants not to solicit or hire employees of the employer; (ii) covenants not to solicit or transact business with customers, clients, or vendors of the employer; (iii) noncompetition agreements made in connection with the sale of a business entity or substantially all of the operating assets of a business entity or partnership, or otherwise disposing of the ownership interest of a business entity or partnership, or division or subsidiary thereof, when the party restricted by the noncompetition agreement is a significant owner of, or member or partner in, the business entity who will receive significant consideration or benefit from the sale or disposal; (iv) noncompetition agreements outside of an employment relationship; (v) forfeiture agreements; (vi) nondisclosure or confidentiality agreements; (vii) invention assignment agreements; (viii) garden leave clauses; (ix) noncompetition agreements made in connection with the cessation of or separation from employment if the employee is expressly given seven business days to rescind acceptance; or (x) agreements by which an employee agrees to not reapply for employment to the same employer after termination of the employee.

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

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

(i) If the agreement is entered into in connection with the commencement of employment, it must be in writing and signed by both the employer and employee and expressly state that the
employee has the right to consult with counsel prior to signing. The agreement must be provided to the employee by the earlier of a formal offer of employment or 10 business days before the commencement of the employee’s employment.

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

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

(iv) In no event may the stated restricted period exceed 12 months from the date of cessation of employment, unless the employee has breached his or her fiduciary duty to the employer or the employee has unlawfully taken, physically or electronically, property belonging to the employer, in which case the duration may not exceed 2 years from the date of cessation of employment.
(v) The agreement must be reasonable in geographic reach in relation to the interests protected. A geographic reach that is limited to only the geographic areas in which the employee, during any time within the last 2 years of employment, provided services or had a material presence or influence is presumptively reasonable.

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

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

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

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

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

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

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

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

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

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

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

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

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

“PEO group”, 2 or more professional employer organizations that are majority-owned or commonly controlled by the same entity, parent or controlling person.
“PEO relationship”, a co-employment relationship, in which all the rights, duties and obligations of an employer that arise out of an employment relationship have been allocated between the PEO and the client pursuant to a professional employer agreement; provided, however, that a staffing agency and an employment agency shall not be a PEO; provided further, that in a PEO relationship: (i) the professional employer organization shall be entitled to enforce only such employer rights and is subject to only those obligations allocated in the professional employment agreement or as specifically required pursuant to section 192 to 203, inclusive; (ii) the client shall be entitled to enforce those rights, and obligated to provide and perform those employer obligations, allocated to the client by the written professional employer agreement; (iii) the client shall be entitled to enforce any right and obligated to perform any obligation of an employer not specifically allocated to the PEO or section 192 to 203, inclusive; and (iv) neither the client nor the PEO may delegate duties and responsibilities to the other unless such delegation is provided in the professional employer agreement and the covered employees are informed about this delegation of duties and responsibilities.

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

“Professional employer agreement”, a written contract by and between a client and a professional employer organization that: (i) provides for the PEO relationship of covered employees; (ii) allocates employer rights and obligations between the client and the professional employer organization with respect to the covered employees; and (iii) allocates the responsibilities between the professional employer organization and the client; provided, however, that a professional employer agreement shall not affect, modify or amend any
employee rights under federal, state, local or municipal law or abrogate obligations of the client
or the PEO to covered employees under such laws.

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

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

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

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

“Wages”, shall include all forms of remuneration for employment.
Section 193. (a) Nothing contained in sections 192 to 203, inclusive, or in any professional employer agreement shall affect, modify or amend any collective bargaining agreement or the rights or obligations of any client, PEO or covered employee under chapter 150A, chapter 150E, the federal National Labor Relations Act, the federal Railway Labor Act or any other applicable federal or state law.

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

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

Section 194. (a) Nothing in sections 192 to 203, inclusive, or any professional employer agreement shall affect, modify or amend any federal, state or local licensing, registration or certification requirement applicable to any client or covered employee.
(b) A covered employee who is required to be licensed, registered or certified according to law or regulation shall be deemed solely an employee of the client for purposes of any such license, registration or certification requirement.

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

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

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

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

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

(b) Each applicant for registration shall provide the department with the following information: (i) the name or names under which the PEO conducts business or will conduct business; (ii) the address of the principal place of business of the PEO and the address of each office it maintains in the commonwealth; (iii) the taxpayer or employer identification number of the PEO; (iv) a list by jurisdiction of each name under which the PEO has operated in the preceding 5 years, including any alternative names, names of predecessors and, if known, successor business entities; (v) a statement of ownership, which shall include the name and evidence of the business experience of any person that, individually or acting in concert with one or more other persons, owns or controls or will own or control if known or reasonably known at the time of registration, directly or indirectly, not less than 25 per cent of the equity interests of the PEO; (vi) a statement of management, which shall include the name and evidence of the business experience of any person who serves or will serve, if known or reasonably known at the
time of registration, as president, chief executive officer or otherwise has the authority to act as
senior executive officer of the PEO; (vii) A financial statement setting forth the financial
condition of the PEO or PEO group; provided, however, that at the time of application for a new
license, as part of the financial statement, the applicant shall submit an audit of the applicant,
which shall be the most recent audit available and shall not be more than 13 months old;
provided further, that nothing in this clause shall be construed as to require the department to
conduct the audit; provided further, that a PEO or PEO group shall file on an annual basis, at the
time of renewal, a succeeding audit; provided further, that an applicant may apply for an
extension with the department but any such request shall be accompanied by a letter from the
auditors stating the reasons for the delay and the anticipated audit completion date; provided
further, that the financial statement shall be prepared in accordance with generally accepted
accounting principles and the audit shall be conducted by an independent certified public
accountant licensed to practice in the jurisdiction in which such accountant is located and shall
be without qualification as to the going concern status of the PEO; provided further, that a PEO
group or a PEO that is part of an organizational structure in which it is majority owned or
commonly controlled by an entity, parent or controlling person may submit combined or
consolidated audited financial statements to meet the requirements of this section; and provided
further, that a PEO that has not had sufficient operating history to have audited financials based
upon not less than 12 months of operating history shall meet the financial capacity requirements
in subsections (l) and (m) and shall present financial statements reviewed by a certified public
accountant; and (viii) a list of clients including client name, physical address, telephone number
and federal identification number.
(c) A PEO shall complete its initial registration prior to initiating operations within the commonwealth. If a PEO that is not registered in the commonwealth becomes aware that an existing client not based in the commonwealth has employees and operations in the commonwealth, the PEO shall decline to provide PEO services for those employees or notify the department within 5 business days of its knowledge of the fact and file a full business registration within 5 business days if there are more than 15 covered employees. The department may issue an interim operating permit for the period the registration applications are pending if: (i) the PEO is currently registered or licensed by another state; and (ii) the department determines it to be in the best interests of the potential covered employees.

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

(e) PEOs in a PEO group may satisfy the reporting and financial requirements established pursuant to this section on a combined or consolidated basis; provided, however, that each member of the PEO group shall guarantee the financial capacity obligations pursuant to clause (vii) of subsection (b) for each member of the PEO group. In the case of a PEO group that submits a combined or consolidated audited financial statement, including entities that are not PEOs or that are not in the PEO group, the controlling entity of the PEO group under the consolidated or combined statement shall guarantee the obligations of the PEOs in the PEO group.
(f) A PEO that is part of an organizational structure in which it is majority owned or commonly controlled by an entity, parent or controlling person may submit a combined or consolidated audited financial statement provided the controlling entity under the consolidated or combined statement guarantees the obligations of the PEO.

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

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

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

(j) All records, reports and other information obtained from a PEO for the purposes of this section shall, except to the extent necessary for the department’s proper administration of
this chapter, be confidential and shall not be published or open to public inspection except to
government employees in the performance of their public duties or otherwise in accordance with
federal or state law.

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

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

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

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

Each professional employer agreement shall include: (i) the allocation of rights, duties and obligations as described in subsection (a); (ii) the extent that the PEO has assumed responsibility in the professional employer agreement to (A) pay such wages to covered employees, (B) withhold, collect, report and remit payroll-related and unemployment taxes; and (C) make payments for employee benefits for covered employees; and (iii) a statement that the PEO shall have a right to hire and terminate a covered employee as may be necessary to fulfill the PEO’s responsibilities pursuant to sections 192 to 203, inclusive, the professional employer
agreement or as actually delegated by the client; provided, however, that the client shall have a
right to hire, discipline and terminate a covered employee.

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

(d) Upon termination, and in accordance with applicable federal and state law, the PEO
shall provide covered employees with written notice of the termination of the PEO relationship.
The notice may be provided electronically if that is the customary manner in which the client and
the PEO communicate with the covered employee.
(e) Except to the extent otherwise expressly provided by the applicable professional employer agreement: (i) a client shall be solely responsible for the quality, adequacy or safety of the goods or service produced or sold in the client’s business; (ii) a client shall be solely responsible for directing, supervising, training and controlling the work of the covered employees with respect to the business activities of the client and solely responsible for the acts, errors or omissions of the covered employees with regard to such activities; (iii) a client shall be solely responsible for the payment of any wages to covered employees and to make payments for employee benefits for covered employees; (iv) a client shall be solely responsible for safety, risk and hazard control at the worksite and compliance with related state and federal laws; (v) upon termination of the PEO relationship, the client shall be solely responsible for providing employees with information regarding the handling of claims and benefits; (vi) a client shall not be liable for the acts, errors or omissions of a PEO, or of any covered employee of the client and a PEO, when such covered employee is acting under the express direction and control of the PEO; (vii) a PEO shall not be liable for the acts, errors or omissions of a client, or of any covered employee of the client, when such covered employee is acting under the express direction and control of the client; (viii) nothing in this subsection shall serve to limit any contractual liability or obligation specifically provided in the written professional employer agreement; (ix) a covered employee shall not be, solely as the result of being a covered employee of a PEO, an employee of the PEO for purposes of general liability insurance, fidelity bonds, surety bonds, employer’s liability that is not covered by workers’ compensation or liquor liability insurance carried by the PEO unless the covered employees are included by specific reference in the professional employer agreement and applicable prearranged employment contract, insurance contract or bond; (x) nothing in this section shall in any way limit the liabilities and obligations
of any PEO or client to covered employees as required by this chapter; (xi) the client shall be 
solely responsible for notifying the PEO of all covered employees; provided, however, that 
where the client has failed to notify the PEO, the client will be deemed to be the sole employer of 
the employee; and (xii) the client shall retain all records in compliance with state and federal law 
including, but not limited to, section 52C of chapter 149, section 15 of chapter 151 and 29 CFR 
Part 516; provided, however, that if an obligation under this clause is allocated to a PEO under 
the professional service agreement, the PEO shall disclose to a covered employee, upon request, 
the documents retained under this clause as required by state and federal law.

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

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

Section 199. (a) Workers’ compensation shall be provided to covered employees at each 
client company either by the PEO or by the client company of the covered employee pursuant to 
chapter 152 and regulations promulgated pursuant to said chapter 152.
(b) PEOs and clients shall comply with employer notice requirements pursuant to sections 21 and 22 of said chapter 152.

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

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

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

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

Section 200. (a) For purposes of chapter 151A, covered employees of a PEO shall be considered the employees of the client and the PEO shall be responsible for the payment of contributions, penalties and interest on wages paid by the PEO to its covered employees during the term of the applicable professional employer agreement.
(b) The PEO shall report and pay all required contributions to the unemployment compensation fund using the state employer account number and the experience rate of the client company pursuant to said chapter 151A and the regulations promulgated pursuant to said chapter 151A.

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

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

(b) Disciplinary action may be taken by the department for violation of sections 192 to 203, inclusive, including for: (i) the conviction of a PEO or a controlling person of a PEO of a crime that relates to the operation of a PEO or the ability of the licensee or a controlling person
of a licensee to operate a PEO; (ii) knowingly making a material misrepresentation to the department or other governmental agency; or (iii) a willful violation of sections 192 to 203, inclusive, or any related order or regulation.

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

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

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

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

Section 203. Wages shall be paid in accordance with section 148 of this chapter and any minimum wage and overtime requirements as provided for in chapter 151. A PEO who fails to pay wages, to the extent the PEO has assumed responsibility in the professional employer
agreement or subsequent written agreement and as required under this chapter, shall be subject to
penalties under this chapter.

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

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

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

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

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

SECTION 26. Section 12 of chapter 172 of the General Laws, as appearing in the 2016
Official Edition, is hereby amended by inserting after the words “residents therein”, in line 4, the
following words: - ; provided, however, upon application in writing by a bank engaged in a
global custody business, the commissioner may waive or modify this requirement and may take
into consideration factors including, but not limited to, the impact on the safety and soundness of
the bank, or the current or prospective board composition and their expertise, experience and
qualifications.

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

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

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

(a) the reinsurer waives its right to hearing;

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

(c) the commissioner finds that an emergency requires immediate action and a court of
competent jurisdiction has not stayed the commissioner’s action.
(ii) While a reinsurer’s accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension shall qualify for credit except to the extent that the reinsurer’s obligations under the contract are secured in accordance with subsection (2). If a reinsurer’s accreditation or certification is revoked, no credit for reinsurance shall be granted after the effective date of the revocation except to the extent that the reinsurer’s obligations under the contract are secured in accordance with subparagraph (v) of paragraph (E) or subsection (2).

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

(ii) A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the commissioner within 30 days after: (1) ceding to any single assuming insurer, or group of affiliated assuming insurers, more than 20 per cent of the ceding insurer’s gross written premium in the prior calendar year, or (2) it has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed 20 per cent of the ceding insurer’s gross written premium in the prior calendar year.
year. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

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

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

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

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

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

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

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

(d) Long-term care insurance policies; or

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

(ii) A regulation adopted pursuant to clauses (i) and (ii) of paragraph (B) shall apply to any reinsurance contract containing:
(a) policies issued on or after January 1, 2015, or

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

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

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

(a) is certified in the commonwealth;

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

(v) The authority to adopt regulations pursuant to paragraph (B) shall not limit the commissioner’s authority to adopt regulations pursuant to paragraph (A).
SECTION 29. Section 168 of chapter 175 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

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

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

SECTION 30. Said section 168 of said chapter 175 of the General Laws, as so appearing, is hereby further amended by striking out, in line 161, the words “collected pursuant to clause (3) of subsection (d).
SECTION 31. Section 206 of said chapter 175, as so appearing, is hereby amended by inserting after the definition of “Control” the following definition:-

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

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

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

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

SECTION 34. Said section 206C of said chapter 175, as so appearing, is hereby further amended by adding the following subsection:-
The commissioner may act as the group-wide supervisor for any internationally active insurance group in accordance with this subsection; provided however, the commissioner may otherwise acknowledge another regulatory official as the group-wide supervisor if the internationally active insurance group:

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

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

or

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

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

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

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

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

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

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

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

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

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

However, in the event of a material change in the internationally active insurance group that results in: (i) the internationally active insurance group’s insurers domiciled in the

commonwealth holding the largest share of the group’s premiums, assets or liabilities; or (ii) the commonwealth being the domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group, the commissioner shall make a
determination or acknowledgment as to the appropriate group-wide supervisor for such an

internationally active insurance group pursuant to paragraph (2).

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

(5) If the commissioner is the group-wide supervisor for an internationally active insurance group, the commissioner may engage in any of the following group-wide supervision activities:
(i) assess the enterprise risks within the internationally active insurance group to ensure that the material financial condition and liquidity risks to the members of the internationally active insurance group that are engaged in the business of insurance are identified by management and reasonable and effective mitigation measures are in place;

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

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

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

(v) enter into agreements with or obtain documentation providing the basis for or otherwise clarifying the commissioner’s role as group-wide supervisor, including provisions for resolving disputes with other regulatory officials from: any insurer registered under subsection (a), any member of the internationally active insurance group and any other state, federal and
international regulatory agencies for members of the internationally active insurance group. Said
agreements or documentation shall not serve as evidence that an insurer or person within an
insurance holding company system not domiciled or incorporated in the commonwealth is doing
business in the commonwealth or is otherwise subject to jurisdiction in this state in any
proceeding; and

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

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

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

(8) A registered insurer subject to this subsection shall be liable for and shall pay the
reasonable expenses of the commissioner’s participation in the administration of this subsection,
including the engagement of attorneys, actuaries and any other professionals and all reasonable
travel expenses.

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

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

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

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

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

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

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

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

SECTION 39. Chapter 176E of the General Laws is hereby amended by inserting after section 8B the following section:-
Section 8C. Notwithstanding any general or special law to the contrary, chapter 176W shall apply to a dental service corporation governed by this chapter.

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

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

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

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

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

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

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

SECTION 44. Section 21 of said chapter 176O, as so appearing, is hereby amended by striking out subsection (a).
SECTION 45. Subsection (b) of said section 21 of said chapter 176O, as so appearing, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

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

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

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

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

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

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

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

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

SECTION 47. Chapter 176P of the General Laws is hereby amended by inserting after section 38A the following section:-
Section 38B. Notwithstanding any general or special law to the contrary, chapter 176W shall apply to a limited society governed by this chapter.

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

CHAPTER 176W.

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

“Commissioner”, the commissioner of insurance.

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

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

“Division”, the division of insurance.

“Insurance group”, those insurers and affiliates included within an insurance holding company system as defined in section 206 of chapter 175; health maintenance organizations and affiliates included within a health maintenance organization holding company system, as defined in section 1 of chapter 176G; workers compensation self-insurance groups and their affiliates organized pursuant to sections 25E to 25U, inclusive, of chapter 152; fraternal benefit societies
and their affiliates organized pursuant to chapter 176; non-profit hospital service corporations
and their affiliates organized pursuant to chapter 176A; medical service corporations and their
affiliates organized pursuant to chapter 176B; dental service corporations and their affiliates
organized pursuant to chapter 176E; optometric service corporations and their affiliates
organized pursuant to chapter 176F; insured legal services plans and their affiliates organized
pursuant to chapter 176H; and limited societies and their affiliates organized pursuant to chapter
176P.

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

“NAIC”, the National Association of Insurance Commissioners.

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

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

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

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

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

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

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

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

Section 4. (a) The insurer or insurance group shall have discretion over the responses to
the CGAD inquiries, provided the CGAD shall contain the material information necessary to
permit the commissioner to gain an understanding of the insurer's or group's corporate
governance structure, policies and practices. The commissioner may request additional
information that he or she deems material and necessary to provide the commissioner with a
clear understanding of the corporate governance policies, the reporting or information system or
controls implementing those policies.
(b) Notwithstanding subsection (a) of this section, the CGAD shall be prepared consistent with the NAIC Corporate Governance Annual Disclosure Model Regulation, subject to the requirements of this chapter. Documentation and supporting information shall be maintained and made available upon examination or upon request of the commissioner.

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

(b) Neither the commissioner nor any person who received documents, materials or other CGAD-related information, through examination or otherwise, while acting under the authority of the commissioner, or with whom such documents, materials or other information are shared pursuant to this chapter shall be permitted or required to testify in any private civil action concerning any confidential documents, materials or information subject to subsection (a).
In order to assist in the performance of the commissioner’s regulatory duties, the commissioner may:

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

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

(d) The sharing of information and documents by the commissioner pursuant to this chapter shall not constitute a delegation of regulatory authority or rulemaking, and the commissioner is solely responsible for the administration, execution and enforcement of the provisions of this chapter.
(e) No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade-secret materials or other CGAD-related information shall occur as a result of disclosure of such CGAD-related information or documents to the commissioner under this section or as a result of sharing as authorized in this chapter.

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

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

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

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

(e) A written agreement with the NAIC or a third-party consultant governing sharing and use of information provided pursuant to this chapter shall contain the following provisions and expressly require the written consent of the insurer prior to making public information provided under this chapter:
(i) specific procedures and protocols for maintaining the confidentiality and security of CGAD-related information shared with the NAIC or a third-party consultant pursuant to this chapter;

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

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

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

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

(vi) a requirement that the NAIC or a third-party consultant consent to intervention by an insurer in any judicial or administrative action in which the NAIC or a third-party consultant may be required to disclose confidential information about the insurer shared with the NAIC or a third-party consultant pursuant to this chapter.
Section 7. Any insurer failing, without just cause, to timely file the CGAD as required pursuant to this chapter shall, after notice and hearing, be subject to a penalty of $500 for each day of delay, to be recovered by the commissioner. The maximum penalty under this section shall be $10,000. The commissioner may reduce the penalty if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer.

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

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

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

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

“Instrumentality created by the United States or any state”, a federal, state, municipal government, quasi-governmental entity or a nonprofit agency or corporation incorporated under the laws of the commonwealth that has a tax exempt status granted under the provisions of
section 501(c)(3) of the federal Internal Revenue Code, which exclusively makes or issues commitments for mortgage loans on residential property to be financed with public funds, or Negotiates, places, assists in the placement of, finds, or offers to negotiate, place, assist in the placement of or find mortgage loans on residential property to be financed with public funds only under a contract with a federal, state, or municipal government, any instrumentality thereof or any quasi-governmental entity as determined by the commissioner. The making of a mortgage loan shall include being named as the lender or mortgagee on the note, mortgage or other loan documents.

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

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

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

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

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

(d) the organization shall not provide residential mortgage loans that do not fully amortize over the term of the loans;
(e) the organization shall not compensate employees based on the number or size of mortgage loans originated by the employee or otherwise incentivize any employees to act other than in the best interests of the borrower;

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

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

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

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

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

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

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

SECTION 54. Notwithstanding any general or special law to the contrary, the Massachusetts Technology Park Corporation, established in section 3 of chapter 40J of the General Laws and doing business as the Massachusetts Technology Collaborative, shall conduct a study on the autonomous vehicles industry and issue recommendations on how to advance the state’s competitiveness in the emerging industry. The study shall include, but not be limited to: cybersecurity, data privacy, data analytics, artificial intelligence, the internet of things,
navigational software, robotics, advanced manufacturing and other emerging technologies related to autonomous vehicles. The study shall examine ways to accommodate research and development in a safe and productive manner. The Massachusetts Technology Collaborative may conduct this study in collaboration with relevant stakeholders, including but not limited to, the insurance industry, municipalities, institutions of higher education, automobile manufacturers, technology companies, policymakers and other entities deemed necessary and relevant. The recommendations shall provide ways for the state to improve on its strengths and weaknesses through policies, strategies and initiatives to create new or stronger working relationships between key institutions, agencies, organizations and businesses. The study and recommendations shall be submitted to the joint committee on economic development and emerging technologies and the joint committee on transportation not later than December 31, 2019.

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

(b) Notwithstanding any general or special law to the contrary, for the days of August 11, 2018 and August 12, 2018, a vendor shall not add to the sales price or collect from a nonbusiness purchaser an excise upon sales at retail of tangible personal property, as defined by section 1 of
chapter 64H of the General Laws. The commissioner of revenue shall not require a vendor to
collect and pay excise upon sales at retail of tangible personal property purchased on August 11,
2018 and August 12, 2018. An excise erroneously or improperly collected during the days of
August 11, 2018 and August 12, 2018 shall be remitted to the department of revenue. This
section shall not apply to the sale of telecommunications services, tobacco products subject to
the excise imposed by chapter 64C of the General Laws, marijuana or marijuana products subject
to the excise tax imposed by chapter 64H of the General Laws, gas, steam, electricity, motor
vehicles, motorboats, meals or a single item the price of which is in excess of $2,500.

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

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

(e) The commissioner of revenue shall issue instructions or forms, or promulgate rules or
regulations, necessary for the implementation of this section.
(f) Eligible sales at retail of tangible personal property under subsections (a) or (b) shall be restricted to those transactions occurring on August 11, 2018 and August 12, 2018. Transfer of possession of or payment in full for the property shall occur on 1 of those days, and prior sales or layaway sales shall be ineligible.

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

SECTION 57. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall conduct a study to determine the feasibility of increasing the width of state highway route 2 between the town of Concord and the city of Gardner. The study shall evaluate the cost of adding a lane in either direction, including the cost of relocating crossings and exits and rebuilding existing bridges. The study shall also take into account the existing traffic flow and congestion and the extent to which an additional lane would improve traffic flow and congestion. The department shall submit a report with the results of the study to the clerks of the house of representatives and the senate and the joint committee on transportation not later than December 31, 2019.
SECTION 58. (a) Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation, may lease, for a term not to exceed 35 years, inclusive of any options for renewal or extension of such lease, all or a portion of the land, tidelands and piers, together with the buildings, structures and appurtenances thereon, known as the New Bedford State Pier and the Fall River State Pier located in the cities of New Bedford and Fall River, respectively, to the Massachusetts Development Finance Agency established in chapter 23G of the Massachusetts General Laws, or any affiliated or subsidiary entity controlled by the Massachusetts Development Finance Agency.

(b) The lessee may sublease all or portions of the piers and buildings and facilities located thereon to one or more public or private entities for commercial, industrial and other uses that the lessee determines shall serve a public purpose, including without limitation the public purpose of generating revenue for the upkeep, maintenance and improvement of the New Bedford State Pier and the Fall River State Pier; provided however, neither the New Bedford State Pier nor the Fall River State Pier shall be used to support facilities for offshore energy exploration or development; provided further that no person or entity or group of affiliated persons or entities shall be permitted the exclusive use of either the New Bedford State Pier or the Fall River State Pier; provided further, that the unexpended balance in item 6720-1350, as authorized pursuant to chapter 286 of the acts of 2014, shall be made available for the purposes of and subject to the conditions stated in the original authorizations and any amendments to such authorization; and provided further, that the lessee may sublease up to 20 per cent of the square footage on the west side of New Bedford State Pier, adjacent to MacArthur Drive, for one or more accessory uses, as defined in 310 C.M.R. 9.12(3).
SECTION 59. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $928,595,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth Economic Development Act of 2018”, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2053. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

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

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

SECTION 62. There shall be a special commission, governed by section 2A of chapter 4
of the General Laws, to investigate, analyze and study any barriers and hindrances to last mile
broadband connections. The special commission shall consist of the following 13 members: 6
members to be appointed by the governor, 1 of whom shall be from western Massachusetts, 1 of
whom shall be from central Massachusetts, 1 of whom shall be from Cape Cod and the Islands; 1
of whom shall be the director of a community development corporation located in Barnstable
county, 1 of whom shall be the director of a community development corporation located in
Berkshire county, and 1 of whom shall be the director of a community development corporation
located elsewhere in the commonwealth; the secretary of energy and environmental affairs, or a
designee; the secretary of housing and economic development, or a designee; 1 member of the house of representatives appointed by the speaker; 1 member of the house of representatives appointed by the minority leader; 1 member of the senate appointed by the senate president; 1 member of the senate appointed by the minority leader; and the director of the Massachusetts Broadband Institute.

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

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

(b) The commission shall be chaired by the house and senate chairs of the joint
committee on children, families and persons with disabilities. The commission shall consist of,
but shall not be limited to, the following members or their designees: the secretary of
administration and finance; secretary of education; the secretary of labor and workforce
development; the undersecretary of housing and economic development, the commissioner of
transitional assistance; the president of the senate; the speaker of the house of representatives; the
senate and house chairs of the joint committee on housing; the senate and house chairs of the
joint committee on labor and workforce development; and 1 representative of each of the
following organizations: Abt Associates; Cambridge housing authority; Central Massachusetts
Housing Alliance; Citizens’ Housing and Planning Association, Inc.; Compass Collaborative;
CONNECT; Economic Mobility Pathways, Inc.; Father Bill’s & MainSpring; Franklin County
Regional Housing and Redevelopment Authority; Homes for Families, Inc.; Housing Assistance
Corporation; Local Initiatives Support Corporation; Massachusetts Chapter of the National
Association of Housing and Redevelopment Organizations; Massachusetts Association for
Community Action; Massachusetts Coalition for the Homeless; Massachusetts Law Reform
Institute, Inc.; Massachusetts Union of Public Housing Tenants, Inc.; Metro Housing Boston;
MIDAS Collaborative, Inc.; Regional Housing Network of Massachusetts, Inc.; United Way of
Massachusetts Bay, Inc.; United Way of Merrimack Valley, Inc.; the University of
Massachusetts center for social policy; Way Finders; and People Acting in Community
Endeavors, Inc.
(c) The commission shall file a report of its findings and recommendations, together with drafts of legislation necessary to carry out the recommendations, with the clerks of the house of representatives and senate, the house and senate and chairs of the joint committee on housing and the house and senate committees on ways and means not later than December 31, 2019.

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

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

SECTION 65. (a) There shall be an industrial mill building revitalization task force to stimulate the re-development, rehabilitation and revitalization of industrial mill buildings and
surrounding areas in the commonwealth. The task force shall: (i) review current laws and regulations beneficial the revitalization of mill buildings and surrounding areas, including, but not limited to, federal and state tax incentives and renewable energy production; (ii) create a list of existing mill buildings, their locations, whether they are active or inactive and current uses, if applicable, in the commonwealth; (iii) investigate potential new uses for mill buildings based on market conditions that increase economic development; (iv) identify strategies to improve mill building energy efficiency and prevent further structural and environmental degradation; (v) explore innovative permitting processes, zoning regulations and building codes to encourage redevelopment; and (vi) consider any other action in furtherance of its purpose.

(b) The task force shall consist of the secretary of housing and economic development, or a designee, who shall serve as chair; the secretary of energy and environmental affairs, or a designee; the chairs of the joint committee on economic development and emerging technologies, or their designees; the director of Massachusetts Development Finance Agency, or a designee; 2 members of the house of representatives who represent communities with mill buildings, designated by the speaker of the house of representatives; 2 members of the senate who represent communities with mill buildings, designated by the senate president; the director of the Massachusetts clean energy center, or a designee; 2 residents of the commonwealth who own mill buildings, 1 active and 1 inactive, designated by the chair; 1 representative of a Massachusetts utility company, designated by the chair; 1 representative from an economic development organization, designated by the chair; 3 representatives of Massachusetts planning organizations, 1 of whom shall be from the western region of the state, 1 of whom shall be from the central region of the state and 1 of whom shall be from the eastern region of the state, designated by the chair.
(c) The task force shall submit its report and recommendations, together with drafts of legislation to carry its recommendations into effect, to the chairs of the joint committee on economic development and emerging technologies and the clerks of the house of representatives and the senate not later than August 1, 2019.

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

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

SECTION 67. The rotary on state highway route 28 in the town of Bourne at the entrance to Joint Base Cape Cod shall be designated and known as “Heroes Circle” in honor of the service of the men and women of the Armed Forces of the United States of America. The Massachusetts Department of Transportation shall erect and maintain suitable markers near the rotary bearing the designation in compliance with the standards of the department.
SECTION 68. Each professional employment organization as defined by section 192 of chapter 149 of the General Laws operating within the commonwealth as of the effective date of this act shall complete its initial registration not more than 180 days after the effective date of this act. Initial registration shall be valid for 1 year after the date of issuance.

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

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

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

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

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

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