

HOUSE DOCKET, NO.

XXXXX

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HOUSE No. 04110

The Commonwealth of Massachusetts

PRESENTED BY:

NONE

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

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

PETITION OF:

NAME:

DISTRICT/ADDRESS:

HOUSE No. 04110

The committee on Ways and Means, reports, that the Bill relative to infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth (House, No. 4093), ought to pass with an amendment substituting a bill with the same title (House, No. 4110). May 21, 2012. Mr. Dempsey of Haverhill, for the committee.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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

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

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

7 SECTION 2.

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

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

16 SECTION 4.

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

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

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

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

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

55 the installation, operation, maintenance and use of a rail-trail as defined in the definition of
56 Owner or Operator.

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

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

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

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

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

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

72 (5) information on state tax credits;

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

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

76 SECTION 8. Section 3A of said chapter 23A, as so appearing, is hereby amended by inserting
77 after the words “enhanced expansion”, in line 20, the following words:- job creation.

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

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

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

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

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

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

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

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

98 "Job creation project", (i) located or will be located within the commonwealth; (ii) generates
99 substantial sales from outside of the commonwealth; and (iii) generates a net increase of at least
100 50 permanent full-time employees within 2 years before or after project certification, but not
101 before January 1 of the year preceding the year in which the project receives certification and
102 which shall be maintained for a period of not less than 5 years; provided, however, that in the
103 case of a facility that as of the project proposal date is already located in the commonwealth, job
104 creation project shall refer only to a facility at which the controlling business has expanded or
105 proposed to expand the number of permanent full-time employees at such facility and the
106 expansion shall represent: (1) an increase in the number of permanent full-time employees
107 employed by the controlling business within the commonwealth; and (2) not a replacement or
108 relocation of permanent full-time employees employed by the controlling business at any other
109 facility located within the commonwealth; provided, further, that in the case of a facility to be
110 located within the commonwealth after the project proposal date, "job creation project" shall
111 refer only to a facility that is: (a) the first facility of the controlling business to be located within
112 the commonwealth; or (b) a new facility of such business and not a replacement or relocation of
113 an existing facility of such controlling business located within the commonwealth; or an
114 expansion of an existing facility of the controlling business that results in an increase in
115 permanent full-time employees.

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

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

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

133 "Municipal application", an application submitted by a municipality to the EACC pursuant to
134 section 3D or 3E for designation of 1 or more areas as an ETA; provided, however, that: (i) the
135 application is submitted in a timely manner, in such form and with such information as is
136 prescribed by the EACC and supported by independently verifiable information; (ii) the area
137 proposed for designation in the application is located, in whole or in part, within each

138 municipality participating in said application; (iii) each municipality within which said proposed
139 area is located participates in the application for designation; (iv) that said application is properly
140 authorized in advance of submission; (v) in the case of an application submitted by more than 1
141 municipality, all requirements applicable thereto including, without limitation, the requirements
142 associated with proper authorization thereof shall apply equally to each municipality
143 participating in said application.

144 SECTION 18. Said section 3A of said chapter 23A, as so appearing, is hereby further amended
145 by inserting after the words “enhanced expansion project”, in lines 220 and 224, the following
146 words:- job creation project,.

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

150 SECTION 20. Said chapter 23A is hereby further amended by striking out section 3B, as so
151 appearing, and inserting in place thereof the following section:-

152 Section 3B. There shall be an economic assistance coordinating council, established within the
153 Massachusetts office of business development. Said council shall consist of: the director of the
154 office of business development or a designee who shall serve as co-chairperson; the director of
155 housing and community development or a designee who shall serve as co-chairperson; the
156 director of career services, or a designee; the secretary of labor and workforce development or a
157 designee; a representative of MOBD designated by the director; the director of economic
158 assistance in the office of business development or a designee; the president of the
159 Commonwealth Corporation or a designee; and 7 members to be appointed by the governor, 1 of

160 whom shall be from the western region of the commonwealth, 1 of whom shall be from the
161 central region of the commonwealth, 1 of whom shall be from the eastern region of the
162 commonwealth, 1 of whom shall be from the southeastern region of the commonwealth, 1 of
163 whom shall be from Cape Cod or the islands, 1 of whom shall be a representative of a higher
164 educational institution within the commonwealth and 1 of whom shall be from the Merrimack
165 valley, all of whom shall have expertise in issues pertaining to training, business relocation and
166 inner-city and rural development, and all of whom shall be knowledgeable in public policy and
167 international and state economic and industrial trends. Each member appointed by the governor
168 shall serve at the pleasure of the governor. Said council shall adopt bylaws to govern its affairs.

169 SECTION 21. Section 3C of said chapter 23A, as so appearing, is hereby amended by striking
170 out subsection (1) and inserting in place thereof the following subsection:-

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

173 (a) promulgate rules and regulations and prescribe procedures to effectuate the purposes of
174 sections 3A to 3H, inclusive;

175 (b) review applications from municipalities for the designation of areas as economic target areas
176 and to make such designations;

177 (c) certify tax increment finance agreements and special tax assessment areas pursuant to section
178 3E;

179 (d) certify projects for participation in the economic development incentive program and
180 establish regulations for evaluating the proposals of said projects;

181 (e) assist municipalities in obtaining state and federal resources and assistance for economic
182 target areas and for certified projects within economic target areas;

183 (f) provide appropriate coordination with other state programs, agencies, authorities, and public
184 instrumentalities to enable activity within economic target areas to be more effectively promoted
185 by the commonwealth;

186 (g) monitor the implementation and operation of the economic development incentive program;
187 and

188 (h) conduct a continual evaluation of economic target areas and the projects certified for
189 participation in the economic development incentive program.

190 SECTION 22. Section 3D of said chapter 23A, as so appearing, is hereby amended by inserting
191 after subsection (b) the following paragraph:-

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

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

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

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

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

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

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

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

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

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

223 For the purposes of this section the term “municipality’s fiscal year” shall refer to a period of
224 365 days beginning, in the first instance, with the calendar year in which the assessed property is
225 purchased or acquired or the calendar year in which the assessed property is designated as within
226 a special tax assessment area, whichever is last to occur; provided, further, that no such written
227 offer from a municipality shall be considered to be authorized unless and until it is approved by
228 the EACC.

229 SECTION 24. Section 3F of said chapter 23A, as so appearing, is hereby amended by striking
230 out, in lines 2 and 3, inclusive, and lines 40 and 41, inclusive, the words “expansion, enhanced
231 expansion, or manufacturing retention and job growth” and inserting in place thereof the
232 following words:- expansion, enhanced expansion, job creation or manufacturing retention.

233 SECTION 25. Subsection (1) of said section 3F of said chapter 23A, as so appearing, is hereby
234 amended by striking out subparagraph (ii) of paragraph (b) and inserting in place thereof the
235 following subparagraph:-

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

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

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

241 SECTION 26. Subsection (1) of said section 3F of said chapter 23A, as so appearing, is hereby
242 amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

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

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

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

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

253 The certification of a project may be revoked only by the EACC and only upon the petition of
254 the municipality that approved the project proposal, if applicable, if the petition satisfies the
255 authorization requirements for a municipal application, or the petition of the director of
256 economic development and the independent investigation and determination of the EACC that
257 (a) the conduct of the controlling business subsequent to the certification is at material variance
258 with the controlling business's project proposal; or (b) the controlling business made a material
259 misrepresentation in its project proposal or anytime thereafter. Where the actual number of
260 permanent full-time employees employed by the controlling business is less than 70 per cent of
261 the number of such permanent full-time employees projected in the project proposal for a
262 certified expansion project, or where the actual number of permanent full-time employees
263 employed by the controlling business is less than 90 per cent of the number of such permanent
264 full-time employees projected in the project proposal for an enhanced expansion, job creation or

265 manufacturing retention project, then this shall be deemed a material variance for the purposes
266 of a revocation determination.

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

272 For projects certified before January 1, 2012, if the EACC revokes a project's certification
273 because of a (a) material variance, the value of the economic benefit that shall be recaptured or
274 otherwise recouped by the commonwealth and municipality, if applicable, shall be the amount
275 the controlling business would have been allowed to receive after the effective date of
276 revocation, revocation shall take effect on the first day of the tax year in which a material
277 variance occurred as determined by the EACC; or (b) material misrepresentation, the value of the
278 economic benefit that shall be recaptured or otherwise recouped by the commonwealth and the
279 municipality, if applicable, shall be the total amount of economic benefit approved by the
280 commonwealth and municipality, if applicable, for the controlling business.

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

285 Notwithstanding the above, the commissioner of revenue shall, as of the effective date of the
286 revocation, recapture or reduce any tax credits awarded pursuant to the recapture provisions of

287 subsection (g) of section 6 of chapter 62 and section 38N of chapter 63 and recoup any
288 exemptions or other tax benefits allowed by the original certification under this section.
289 Notwithstanding any general or special law to the contrary, upon such revocation, a municipality
290 that has provided tax increment financing under this chapter and section 59 of chapter 40 or a
291 special tax assessment pursuant to this chapter to a certified project may place a lien on the
292 certified project for repayment of the full amount of real property taxes owed pursuant to such
293 revocation. The commissioner of revenue shall issue regulations or other guidance to recapture
294 state tax credits, and recoup any exemptions or other tax benefits allowed by the certification
295 under this section.

296 Annually, on or before the first Wednesday in December, the EACC shall file a report detailing
297 its findings of the review of all certified projects that it evaluated in the prior fiscal year to the
298 commissioner of revenue, to the chairs of the joint committee on revenue and the chairs of the
299 joint committee on economic development and emerging technologies.

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

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

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

307 SECTION 30. Subsection (4) of said section 3F of chapter 23A, as so appearing, is hereby
308 further amended by striking out paragraph (e).

309 SECTION 31. Subsection (5) of said section 3F of chapter 23A, as so appearing, is hereby
310 amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

311 (d) for job creation projects:

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

313 (2) the degree to which the project is expected to create jobs for residents in a gateway

314 municipality;

315 (2) the degree to which the project is expected to create a substantial amount of jobs within 2

316 years.

317 SECTION 32. Said Section 3F of said chapter 23A, as so appearing, is hereby further amended

318 by striking out, in line 171, the word “department” and inserting in place thereof the following

319 word:- commissioner.

320 SECTION 33. Chapter 23A of the General Laws is hereby amended by inserting after section

321 10A, as so appearing, the following new section:-

322 Section 10B. The secretary shall establish a Massachusetts Advanced Manufacturing

323 Collaborative, hereinafter referred to as the collaborative, within the executive office of housing

324 and economic development, which shall be responsible for developing and implementing the

325 commonwealth’s manufacturing agenda to foster and strengthen the conditions necessary for

326 growth and innovation of manufacturing within the commonwealth. The collaborative, at a

327 minimum, shall include: the secretary of housing and economic development, or a designee; the

328 secretary of labor and workforce development, or a designee; a member of the house of

329 representatives, to be appointed by the speaker of the house of representatives; a member of the

330 senate, to be appointed by the senate president; the director of the office of business
331 development; the executive director of the Massachusetts Clean Energy Center; the executive
332 director of the Massachusetts Life Science Center; the executive director of the John Adams
333 Innovation Institute; the director of the Massachusetts Technology Transfer Center; a
334 representative from the Associated Industries of Massachusetts; a representative from a local
335 Chamber of Commerce; and a representative from the Massachusetts Workforce Board
336 Association. The collaborative shall partner with stakeholders in the public and private sector in
337 the development and operation of the state manufacturing plan, identify emerging priorities
338 within the state’s manufacturing sector in order to make recommendations for high impact
339 projects and initiatives, and facilitate the implementation of goals established under the plan,
340 which shall include, but not be limited to: (1) education and workforce development, including
341 workforce training programs and partnerships; (2) technical assistance and innovation in support
342 of manufacturing growth, including access to capital, workforce development, compliance and
343 certification programs, and export assistance; (3) enhancing the competitiveness of
344 manufacturing companies, including examining ways to ease the cost of doing business; and (4)
345 promoting the manufacturing industry, including attracting a talented workforce and expanding
346 opportunities for in-state marketing of the state’s supply chain capabilities.

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

352 SECTION 35. Chapter 23A of the General Laws is hereby amended by inserting after section 62
353 the following section:-

354 Section 63. (a) There shall be established within the executive office of housing and economic
355 development a MassWorks infrastructure program, hereinafter referred to as the “program”, to
356 issue public infrastructure grants to municipalities and other public instrumentalities for design,
357 construction, building, land acquisition, rehabilitation, repair and other improvements to
358 publicly-owned infrastructure including, but not limited to, sewers, utility extensions, streets,
359 roads, curb-cuts, parking, water treatment systems, telecommunications systems, transit
360 improvements and pedestrian and bicycle ways. The program shall provide for commercial and
361 residential transportation and infrastructure development, improvements and various capital
362 investment projects under the growth districts initiative administered by the executive office of
363 housing and economic development. The grants shall be used to assist municipalities to advance
364 projects that support job creation and expansion, housing development and rehabilitation,
365 community development, and small town transportation projects; provided, however, that
366 projects supporting smart growth as defined by the state’s sustainable development principles
367 shall be preferred. The program may be used to match other public and private funding sources
368 to build or rehabilitate transit oriented housing located within .25 miles of a commuter rail
369 station, subway station, ferry terminal, or bus station, at least 25 per cent of which shall be
370 affordable.

371 (b) Eligible public infrastructure shall be located on public land or on public leasehold, right-of-
372 way or easement. A project that uses grants provided by this section shall be procured by a
373 municipality in accordance with chapter 7, section 39M of chapter 30, chapter 30B and chapter
374 149.

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

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

390 (e) Within the program, at least 10 per cent of the grant funds shall be dedicated annually to
391 assist towns with populations of 7,000 or less in undertaking projects to design, construct,
392 reconstruct, widen, resurface, rehabilitate, and otherwise improve roads and bridges or for the
393 construction of chemical storage facilities, that support economic or community development.
394 Such towns shall be eligible for a grant not to exceed \$1,000,000, and towns shall be eligible to
395 receive 1 grant every 3 fiscal years. Two or more towns eligible under this subsection may file a
396 joint application for a single project serving those towns; provided, however, the total amount
397 distributed to any 1 town shall not exceed the maximum amount allowed under this section.

398 Receipt of a grant which is part of a joint application shall not preclude a town from receiving
399 additional funds under a separate application.

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

404 (g) The secretary of housing and economic development shall report annually to the clerks of the
405 house of representatives and the senate, the chairs of the joint committee on transportation, the
406 chairs of the joint committee on economic development and emerging technologies, the chairs of
407 the senate and house committees on ways and means, and the chairs of the joint committees on
408 state administration and regulatory oversight on the activities and status of the program. The
409 report shall include a list and description of all projects that received grant funds under the
410 program, the amount of the grant awarded to the project, other sources of public funds that
411 supported the project, a detailed analysis of the economic impact of each project including,
412 where applicable, the number of construction and full time equivalent jobs to be created, number
413 of housing units to be created, the private investment in the project, and the expected tax revenue
414 generated from the project.

415 SECTION 36. Said chapter 23A of the General Laws, as so appearing, is hereby amended by
416 inserting after section 63 the following section:-

417 Section 64. (a) There shall be established within the executive office of housing and economic
418 development a Massachusetts creative economy network, hereinafter referred to as the network,
419 which shall be directed by a state creative economy director. The network shall consist of

420 private, public, and non-profit organizations engaged in cross industry collaboration between
421 many interlocking industry sectors that provide creative services including, but not limited to,
422 advertising, architecture, or intellectual property products such as arts, films, electronic media,
423 video games, interactive digital media, multimedia, or design. The creative economy director, in
424 consultation with the creative economy council, established under chapter 354 of the acts of
425 2008, shall establish criteria for participation in the network.

426 (b) The duties of the network, under the leadership of the creative economy director, shall
427 include: quantifying the creative economy sector and measuring its impact on the state economy;
428 creating a mentorship network within the creative economy sector; developing strategies to
429 increase access to traditional market sectors and within state government; developing a
430 certification for Massachusetts creative economy businesses; increasing opportunities to attract
431 private investment to creative economy businesses through venture capital, microlending, and
432 other means; and marketing and branding the creative economy sector.

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

436 (d) The creative economy director shall file an annual report with the clerks of the house and
437 senate; the chairs of the house and senate committee on ways and means; the chairs of the joint
438 committee on economic development and emerging technologies; the chairs of the joint
439 committee on tourism, arts, and cultural development; and the chairs of the joint committee on
440 community development and small business on or before January 1. The report shall include an
441 overview of the activities of the network, and an update on the number of creative economy

442 businesses in Massachusetts and their impact on the state economy, and an accounting of gifts or
443 grants held in trust by the network and the uses of any funds expended by the trust.

444 SECTION 37. Chapter 23G of the General Laws is hereby amended by inserting after section 44
445 the following section:-

446 Section 45. There shall be established within the Agency a Massachusetts Advanced
447 Manufacturing Futures Program, hereafter referred to as the program. The purpose of the
448 program shall be to support Massachusetts companies engaged in manufacturing through
449 programs and shall be administered in a manner that takes into account the needs of
450 manufacturers in all regions of the commonwealth and supports growth in the manufacturing
451 sector statewide. The Agency, in consultation with the secretary of housing and economic
452 development and the manufacturing collaborative established under section 10B of chapter 23A,
453 shall design and implement the program. The program shall be eligible to receive funds as
454 appropriated by the general court, including from the Manufacturing Fund, established pursuant
455 to section 98 of chapter 194 of the acts of 2011, the board, federal grants and programs, and
456 transfers, grants and donations from state agencies, foundations and private parties, to be held in
457 a separate account or accounts segregated from other funds. The program shall promote the
458 development of advanced manufacturing through supporting technical assistance for small and
459 mid-sized manufacturers; fostering collaboration and linkages among larger manufacturing
460 companies and smaller supplier manufacturers; advancing workforce development initiatives
461 through training, certification, and educational programs; encouraging development of
462 innovative products, materials, and production technologies by manufacturers through the
463 transfer of technological innovations and partnerships with research universities, colleges, and

464 laboratories; and promoting regional approaches through sector strategies that allow for various
465 programs, resources and strategies to be aligned and leveraged.

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

469 (i) improving access to technical assistance for small and mid-sized manufacturers,
470 including launching pilot demonstrations of best practices in delivering innovation-based
471 technical assistance;

472 (ii) encouraging the adoption of new technologies and advanced manufacturing capabilities
473 into existing companies to improve manufacturing processes and operations;

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

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

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

485 (vi) supporting and partnering with existing systems within the commonwealth, including the
486 Massachusetts Manufacturing Extension partnership, Massachusetts workforce investment and
487 regional employment boards, vocational schools, community colleges, and higher education
488 institutions.

489 The Agency shall solicit applications through a request for proposals and review such
490 applications according to the criteria so established, provided, however that the applications, at a
491 minimum, shall include: (a) a description of the parties involved in the project, including the
492 professional expertise and qualifications of the principals; (b) a description of the scope of work
493 that shall be undertaken by each party involved in the project; (c) the proposed budget including
494 verification of funding from other sources; (d) a statement of the project objective including
495 specific information on how the project shall enhance the competitiveness of the manufacturer or
496 manufacturing sector and create or preserve jobs; (e) a statement that sets forth the plan of
497 procedure, the facilities and resources available or needed for the project, and the proposed
498 commencement and termination dates of the project; (f) a description of the expected
499 significance of the project including the estimated number of manufacturers or workers served
500 and the estimated number of jobs that could be created, retained, or filled as a result of the
501 project; (g) timely deadlines for the submission of applications and recommendations of grant
502 awards or contracts including provisions for an expedited process of consideration and
503 recommendation in instances when the secretary of housing and economic development certifies
504 the need for timely evaluation and disposition of the application; and (h) any other information
505 that the Agency shall deem necessary.

506 The Agency shall reach agreement with each eligible entity that receives a grant or enters into a
507 contract under this section on performance measures and indicators that shall be used to evaluate

508 the performance of the eligible entity in carrying out the activities described in their application,
509 or any other indicators determined to be necessary to evaluate the performance of the eligible
510 entity. Each eligible entity shall submit an annual report for the duration of the program or
511 partnership funded through the collaborative for its review.

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

515 The Agency, in consultation with the collaborative under said section 10B of said chapter 23A,
516 shall submit an annual report to the clerks of the house of representatives and the senate who
517 shall forward the same to the senate and house committees on ways and means, the joint
518 committee on economic development and emerging technologies and the joint committee on
519 labor and workforce development on or before December 31. The report shall include a current
520 assessment of the progress of each program funded through the manufacturing grant program
521 and the progress of the advanced manufacturing collaborative activity including any
522 recommendations for legislation.

523 SECTION 38. Section 7 of chapter 23H of the General Laws, as so appearing, is hereby
524 amended by inserting the following paragraph:-

525 The board, in consultation with the secretary of labor and workforce development, the secretary
526 of education, the secretary of housing and economic development and the president of the
527 commonwealth corporation, shall undertake an annual review of local and regional labor market
528 information to develop regional plans to coordinate training and education activities to target
529 employer needs and to meet the commonwealth's demand for workers. The board shall convene

530 regional meetings that shall include representatives from each workforce investment area,
531 established by the Workforce Investment Act of 1998, 29 U.S.C. § 2801, et seq and, at a
532 minimum, the presidents of any of the region’s community colleges, the principals of any
533 vocational-technical high schools, the executive director of the appropriate workforce investment
534 boards, the fiscal agents for workforce investment act funding, and labor, education and industry
535 leaders in each of the regions to review labor market information and develop the regional plans.
536 Commonwealth corporation shall aggregate these findings annually and make a report, which
537 shall be filed with the clerks of the house of representatives and senate, no later than June 30.

538 SECTION 39. The General Laws are hereby amended by inserting after chapter 23K the
539 following chapter:-

540 CHAPTER 23L. LOCAL INFRASTRUCTURE DEVELOPMENT PROGRAM

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

543 “Agency”, the Massachusetts Development Finance Agency established pursuant to section 2 of
544 chapter 23G, as amended from time to time.

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

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

552 “Cost”, shall include the cost of: (a) construction, reconstruction, renovation, demolition,
553 maintenance and acquisition of all lands, structures, real or personal property, rights, rights-of-
554 way, utilities, franchises, easements, and interests acquired or to be acquired by the public
555 facilities owner; (b) all labor and materials, machinery and equipment including machinery and
556 equipment needed to expand or enhance services from the municipality, the commonwealth or
557 any other political subdivision thereof to the development zone; (c) financing charges and
558 interest prior to and during construction, and for 1 year after completion of the improvements,
559 interest and reserves for principal and interest, including costs of municipal bond insurance and
560 any other type of credit enhancement or financial guaranty and costs of issuance; (d) extensions,
561 enlargements, additions, and enhancements to improvements; (e) architectural, engineering,
562 financial and legal services; (f) plans, specifications, studies, surveys and estimates of costs and
563 of revenues; (g) administrative expenses necessary or incident to the construction, acquisition,
564 and financing of the improvements; and (h) other expenses as may be necessary or incident to the
565 construction, acquisition, maintenance, and financing of the improvements.

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

569 “Infrastructure assessments”, assessments, betterments, special assessments, charges or fees as
570 described in this chapter and the improvement plan and assessed by the assessing party upon the

571 real estate within the development zone to defray the cost of improvements financed in
572 accordance with this chapter.

573 “Improvement plan”, a plan set forth in the petition for the establishment of a development zone
574 setting forth the proposed improvements, services and programs, revitalization strategy,
575 replacement and maintenance plan, the cost estimates for said improvements, and the
576 replacement and maintenance program, the identity of the public facilities owner or owners and
577 the administrator of the plan, the boundaries of the development zone, the analysis of any costs
578 of financing said improvements, the identification of the assessing party, the method and
579 structure of the infrastructure assessments, the selection of any or all of the assessing powers
580 listed in section 4 that shall be utilized by the assessing party within the development zone, the
581 description of the infrastructure development project within the development zone, the proposed
582 use of any bonds or notes to finance such project by the agency, the participation of the agency,
583 if any, in a district improvement financing program as described in section 7, and if so, a
584 description of any assessing powers to be utilized, and the estimates of the costs and expenses to
585 be levied and assessed on the real estate in the development zone.

586 “Improvements”, the acquiring, laying, constructing, improving and operating of capital
587 improvements to be owned by a public facilities owner, including, but not limited to, storm
588 drainage systems, dams, sewage treatment plants, sewers, water and well systems, roads, bridges,
589 culverts, tunnels, streets, sidewalks, lighting, traffic lights, signage and traffic control systems,
590 parking, including garages, public safety and public works buildings, parks, landscaping of
591 public facilities, cultural and performing arts facilities, recreational facilities, marine facilities
592 such as piers, wharfs, bulkheads and sea walls, transportation stations and related facilities,
593 shuttle transportation equipment, fiber and telecommunication systems, facilities to produce and

594 distribute electricity, including alternate energy sources such as co-generation and solar
595 installations, the investigation and remediation associated with the cleanup of actual or perceived
596 environmental contamination within the development zone in accordance with applicable
597 governmental regulations and provided that no such investigation or remediation shall impair the
598 rights of the public facilities owner or any other person to contribution or reimbursement from
599 any potentially responsible party for the costs thereof, and other improvements; provided that
600 improvements shall not include any improvements located in, or serving gated communities, so
601 called, not including age restricted developments operated by non-profit organizations, that
602 prohibit access to the general public and any type of improvement that is specifically prohibited
603 in the United States internal revenue code from using tax-exempt financing.

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

607 “Massachusetts opportunity rebuilding and expansion infrastructure program”, or “MORE
608 infrastructure”, a program designed to finance infrastructure improvements benefiting existing
609 and new residential, commercial and industrial properties and the citizens and businesses of the
610 commonwealth.

611 “Municipal governing body”, in a city, the city council with the approval of the mayor, and in a
612 city having a Plan D or E form of charter, the city council with the approval of the city manager,
613 the town council in a town with a town council form of government, or otherwise the board of
614 selectmen in a town with a town meeting form of government.

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

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

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

623 “Project”, an infrastructure development project.

624 “Public facilities owner”, means the municipality, the commonwealth or any other political
625 subdivision , agency or public authority of the commonwealth, identified in the improvement
626 plan as the owner of the improvements described in an improvement plan or an amended
627 improvement plan.

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

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

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

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

645 (3) the name of the development zone;

646 (4) a map of the proposed development zone, showing its boundaries, and any current public
647 improvements as are already in existence which may be added to or modified by any
648 improvements;

649 (5) the estimated timetable for construction of the improvements and the maximum cost of
650 completing said improvements;

651 (6) the improvement plan for the development zone; and

652 (7) the procedure by which the municipality shall be reimbursed for any costs incurred by it in
653 establishing the development zone, and for any administrative costs to be incurred in the
654 administration and collection of any infrastructure assessments imposed within the development
655 zone.

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

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

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

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

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

687 (d) Upon the approval of the petition by majority vote of the municipal governing body in
688 accordance with subsection (c), notice of such approval shall be promptly filed with the records
689 of the clerk of the municipality, the agency, and the secretary of the commonwealth. Upon such
690 filing, the development zone shall be deemed established and the improvement plan deemed
691 approved.

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

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

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

709 (3) to construct, improve, extend, equip, enlarge, repair, maintain, and operate and administer the
710 improvements for the benefit of the development zone within, or without the development zone;
711 to acquire existing improvements or construct new improvements, including those located under
712 or over any roads, public ways or parking areas, and to enter upon and dig up any private land
713 within the development zone for the purpose of constructing said improvements and of repairing
714 the same;

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

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

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

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

731 (8) to exercise the powers and privileges of, and to be subject to the limitations upon,
732 municipalities provided in sections 38 to 42K, inclusive, of chapter 40, chapter 80 and chapter
733 83, in so far as such provisions may be applicable and are consistent with the provisions of this
734 chapter; provided, however, that any requirement in said chapters for a vote by the governing
735 body of a town or city or for a vote by the voters of a town or city, shall be satisfied by a vote or
736 resolution duly adopted by the board of directors, board of selectmen, city council or town
737 council as the case may be;

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

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

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

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

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

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

755 Section 4. (a) Consistent with the improvement plan, the assessing party may fix, revise, charge,
756 collect and abate infrastructure assessments, for the cost, maintenance, operation ,and
757 administration of the improvements imposed on the real estate, leaseholds or other interests
758 therein, located in the development zone. All real estate within a development zone owned by the
759 commonwealth or any political subdivision, political instrumentality, agency or public authority
760 thereof shall be exempt from such charges unless such charges are specifically accepted by the
761 commonwealth or such political subdivision, political instrumentality, agency or public
762 authority. In providing for the payment of the cost of the improvements or for the use of the
763 improvements, the assessing party may avail itself of the provisions of the General Laws relative
764 to the assessment, apportionment, division, fixing, reassessment, revision, abatement and

765 collection of infrastructure assessments by cities and towns, or the establishment of liens
766 therefore and interest thereon, and the procedures set forth in sections 5 and 5A of chapter 254 for
767 the foreclosure of liens arising under section 6 of chapter 183A, as it shall deem necessary and
768 appropriate for purposes of the assessment and collection of infrastructure assessments. The
769 assessing party shall file copies of the improvement plan and any amendments thereof, and all
770 schedules of assessments with the appropriate registry of deeds and the municipality's assessors'
771 records so that notice thereof shall be reported on a municipal lien certificate for any real estate
772 parcel located in a development zone. Notwithstanding any general or special law to the
773 contrary, the assessing party may pay the entire cost of any improvements, including the
774 acquisition thereof, during construction or after completion, or the debt service of notes or bonds
775 used to fund such costs, from infrastructure assessments, and may establish said infrastructure
776 assessments prior to, during, or within 1 year after completion of construction or acquisition of
777 any improvements. The assessing party may establish a schedule for the payment of
778 infrastructure assessments not to exceed 35 years. The assessing party may determine the
779 circumstances under which the infrastructure assessments may be increased, if at all, as a
780 consequence of delinquency or default by the owner of a parcel within the development zone. To
781 provide for the collection and enforcement of its infrastructure assessments, the assessing party is
782 hereby granted all the powers and privileges with respect thereto held by the municipality on the
783 effective date of this chapter or as otherwise provided in this chapter, to be exercised
784 concurrently with the municipality.

785 The infrastructure assessments of general application authorized by this chapter may only be
786 increased for administrative expenses in excess of the infrastructure assessments described in the
787 improvement plan, and shall be in accordance with the procedures to be established by the

788 assessing party for assuring that interested persons are afforded notice and an opportunity to
789 present data, views and arguments. The assessing party shall hold at least 1 public hearing on its
790 schedule of infrastructure assessments or any revision thereof prior to adoption by the assessing
791 party, notice of which shall be delivered to the municipality and be published in a newspaper of
792 general circulation in the municipality at least 14 days in advance of the hearing. No later than
793 the date of such publication, the assessing party shall make available to the public and deliver to
794 the municipality the proposed schedule of infrastructure assessments.

795 The infrastructure assessments established by the assessing party shall not be subject to
796 supervision or regulation by any department, division, commission, board, bureau, or agency of
797 the commonwealth or any of its political subdivisions, including without limitation, the
798 municipality, if it is not the assessing party, nor shall the assessing party be subject to the
799 provisions of sections 20A and 21C of chapter 59.

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

806 The infrastructure assessments established by the assessing party in accordance with this chapter
807 shall be fixed and adjusted in respect of the aggregate thereof so as to provide revenues at least
808 sufficient to: (i) to pay the administrative expenses of the assessing party; (ii) to pay the principal
809 of, premium, if any, and interest on bonds, notes or other evidences of indebtedness of the

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

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

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

832 following methods that result in fairly allocating the costs of the improvements to the real estate
833 in the development zone:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1121 SECTION 40. Section 2WWW of chapter 29 of the General Laws, as appearing in the 2010
1122 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof
1123 the following subsection:-

1124 (d) There shall be credited to the fund any revenue from appropriations or other monies
1125 authorized by the general court and specifically designated to be credited to the fund, including
1126 funds transferred from the Gaming Economic Development Fund established under section
1127 2DDDD of chapter 29, and any gifts, grants, private contributions, investment income earned on
1128 the fund's assets and all other sources. Money remaining in the fund at the end of a fiscal year
1129 shall not revert to the General Fund.

1130 SECTION 41. Said section 2WWW of said chapter 29, as so appearing, is hereby amended by
1131 inserting the following subsection:-

1132 (h ½) A portion of the grant fund shall be used to address the gap between the skills held by
1133 workers and the skills needed by employers for jobs that require more than a high school
1134 diploma but less than a 4-year degree. Grants awarded under this program shall focus on building
1135 relationships and partnerships among geographic clusters of high schools, vocational-technical
1136 schools, community colleges, state universities, institutions of higher education, local employers,
1137 industry partners, local workforce investment boards, and workforce development entities, in
1138 order to create multiple and seamless pathways to employment through enhanced coordination of
1139 existing institutions and resources. Each cluster shall designate 1 entity or organization as the
1140 lead partner for each cluster and approved procurements shall be jointly applied for by, at a
1141 minimum, a public educational institution including a community college, at least one regional
1142 workforce investment board, and at least one regional employer in a high growth sector. Grants

1143 made under this program shall include consideration of, but not be limited to: defining and
1144 establishing the process for students to transition from adult basic education programs to college-
1145 based programs; programs accessible to working, unemployed or underemployed adults; support
1146 of education and workforce development initiatives that collaborate with the efforts or initiatives
1147 of public educational institutions, including development of stackable certificates and
1148 credentials, non-semester-based modular programs and accelerated associate degree programs,
1149 provided however that the grants issued from this fund shall serve to supplement, and not
1150 supplant, ongoing initiatives at community colleges; providing sector-based training including
1151 developmental education and certification programs; providing student support services; using
1152 competency-based placement assessments; leveraging regional resources, including shared
1153 equipment and funding; partnering with 2 or more training organizations in a region; and
1154 partnering with 2 or more employers in a region. This portion of the grant fund may also be used
1155 to develop regional centers of excellence, which shall be aligned to the commonwealth's
1156 economic development strategies to meet the needs of employers in high growth sectors
1157 including, but not limited to, health care, life sciences, information technology and advanced
1158 manufacturing. Each center of excellence shall be located at a community college, state
1159 university, vocational or technical high school or collaboration between these entities.

1160 A project grant program shall be designed by Commonwealth Corporation, in consultation with a
1161 middle skills subcommittee of the advisory committee, which shall include, at a minimum, a
1162 representative from the business community to be appointed by the secretary of labor and
1163 workforce development; the director of the Center for Labor Market Studies at Northeastern
1164 University or a designee; a representative of adult basic education or non-traditional college
1165 students in the commonwealth to be appointed by the secretary of education; the Massachusetts

1166 Workforce Board Association; and the Massachusetts AFL-CIO, as well as any representatives
1167 of the other mandatory advisory committee constituencies under paragraph (b).

1168 SECTION 42. Said section 2WWW of said chapter 29, as so appearing, is hereby amended by
1169 striking out subsection (k) and inserting in place thereof the following subsection:-

1170 (k) The director of workforce development and the advisory committee established under
1171 paragraph (b) shall examine and make an ongoing assessment of the effectiveness of the grant
1172 fund, considering any similar educational or workforce development grant programs funded by
1173 the commonwealth. The director and committee shall encourage coordination of existing
1174 workforce development initiatives and strategies of employers and employer associations, local
1175 workforce investment boards, labor organizations, community-based organizations, including
1176 adult basic education providers; institutions of higher education, vocational education
1177 institutions, one-stop career centers, local workforce development entities, and nonprofit
1178 education, training or other service providers, and, when applicable, shall inform grant applicants
1179 of the availability and eligibility for other workforce training funds. The establishment of the
1180 Workforce Competitiveness Trust Fund shall not be determined to replace, displace or serve as a
1181 substitute for any other workforce training fund, including community college workforce
1182 development programs or the Workforce Training Fund established in section 2RR, and award of
1183 any grant funds from the Workforce Competitiveness Trust Fund shall not make an applicant
1184 ineligible for any other funds.

1185 SECTION 43. Said section 2WWW of said chapter 29, as so appearing, is hereby amended by
1186 inserting the following subsection:-

1187 (l) Each grant recipient shall submit an annual report for the duration of the program or
1188 partnership funded through a grant to the committee for its review. Before grants are awarded,
1189 commonwealth corporation shall reach agreement with each eligible entity that receives a grant
1190 on performance measures and indicators that will be used to evaluate the performance of the
1191 eligible entity in carrying out the activities described in their application.

1192 SECTION 44. Chapter 40 of the General Laws is hereby amended by striking out section 59, as
1193 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

1194 Section 59. Notwithstanding any general or special law to the contrary, any city or town by vote
1195 of its town meeting, town council, or city council with the approval of the mayor where required
1196 by law, on its own behalf or in conjunction with 1 or more cities or towns, and pursuant to
1197 regulations issued by the economic assistance coordinating council established under section 3B
1198 of chapter 23A, may adopt and prosecute a tax increment financing agreement hereinafter
1199 referred to as TIF agreement, and do any and all things necessary thereto; provided, however,
1200 that the TIF agreement:

1201 (i) includes a description of the parcels to be included in the agreement; provided, however, that
1202 each area so designated is wholly within an economic target area or an area presenting
1203 exceptional opportunities for increased economic development, as defined in section 3D of
1204 chapter 23A, and in regulations adopted by the economic assistance coordinating council;
1205 provided, further, that in the case of a TIF area that includes parcels located in 1 or more city or
1206 towns, the areas included in the TIF agreement shall be contiguous areas of such cities or towns;

1207 (ii) describes in detail all construction and construction-related activity, public and private,
1208 contemplated for such TIF agreement as of the date of adoption of the TIF agreement; provided,

1209 however, that in the case of public construction as aforesaid, the TIF agreement shall include a
1210 detailed projection of the costs thereof and a betterment schedule for the defrayal of such costs;
1211 provided, further, that the TIF agreement shall provide that no costs of such public constructions
1212 shall be recovered through betterments or special assessments imposed on any party which has
1213 not executed an agreement in accordance with the provisions of clause (v); and provided, further,
1214 that in the case of private construction as aforesaid, the TIF agreement shall include the types of
1215 industrial and commercial developments which are projected to occur within such TIF area, with
1216 documentary evidence of the level of commitment therefore, including but not limited to,
1217 architectural plans and specifications as required by said regulations;

1218 (iii) authorizes tax increment exemptions from property taxes, under clause Fifty-first of section
1219 5 of chapter 59, for a specified term not to exceed 20 years, for any parcel of real property which
1220 is located in the TIF zone and for which an agreement has been executed with the owner of the
1221 real property under clause (v); provided, however, that the TIF agreement shall specify the level
1222 of the exemptions expressed as exemption percentages, not to exceed 100 per cent to be used in
1223 calculating the exemptions for the parcel, and for personal property situated on that parcel, as
1224 provided under said clause Fifty-first of said section 5 of said chapter 59; provided, further, that
1225 the exemption for each parcel of real property shall be calculated using an adjustment factor for
1226 each fiscal year of the specified term equal to the product of the inflation factors for each fiscal
1227 year since the parcel first became eligible for an exemption under this clause; provided, further
1228 that the inflation factor for each fiscal year shall be a ratio:

1229 (a) the numerator of which shall be the total assessed value of all parcels of commercial and
1230 industrial real estate that are assessed at full and fair cash value for the current fiscal year minus
1231 the new growth adjustment for the current fiscal year attributable to the commercial and

1232 industrial real estate as determined by the commissioner of revenue under subsection (f) of
1233 section 21C of chapter 59; and

1234 (b) the denominator of which shall be the total assessed value for the preceding fiscal year of all
1235 the parcels included in the numerator; provided, however, that the ratio shall not be less than 1;

1236 (iv) establishes a maximum percentage of the costs of any public construction, referenced in
1237 clause (ii) and initiated subsequent to the adoption of the TIF agreement, that can be recovered
1238 through betterments or special assessments against any parcel of real property eligible for tax
1239 increment exemptions from property taxes pursuant to clause (iii) during the period of such
1240 parcel's eligibility for exemption from annual property taxes pursuant to clause fifty-first of
1241 section 5 of chapter 59, notwithstanding the provisions of chapter 80 or any other general or
1242 special law authorizing the imposition of betterments or special assessments;

1243 (v) includes executed agreements between such city or town and each owner of a parcel of real
1244 property which is located in such TIF area; provided, however, that each such agreement shall
1245 include: (1) all material representations of the parties which served as the basis for the
1246 descriptions contained in the TIF agreement in accordance with the provisions of clause (ii); (2)
1247 a detailed recitation of the tax increment exemptions and the maximum percentage of the cost of
1248 public improvements that can be recovered through betterments or special assessments regarding
1249 such parcel of real property pursuant to clauses (iii) and (iv); (3) a detailed recitation of all other
1250 benefits and responsibilities inuring to and assumed by the parties to such agreement; and (4) a
1251 provision that such agreement shall be binding upon subsequent owners of such parcel of real
1252 property;

1253 (vi) delegates to 1 board, agency or officer of the city or town the authority to execute the
1254 agreement in accordance with the provisions of clause (v);

1255 (vii) is certified as an approved TIF agreement by the economic assistance coordinating council
1256 pursuant to section 3D of chapter 23A and regulations adopted by said council; provided,
1257 however, that the economic assistance coordinating council shall certify in its vote that the
1258 agreement is consistent with the requirements of this section and section 3D and will further the
1259 public purpose of encouraging increased industrial and commercial activity in the
1260 commonwealth;

1261 (viii) includes the right for the city or town to revoke its designation of the TIF agreement
1262 pursuant to section 3F of chapter 23A; provided, such revocation shall not affect agreements
1263 relative to property tax exemptions and limitations on betterments and special assessments
1264 pursuant to said clause (v) which were executed prior thereto; and

1265 (viii) requires of an owner of a parcel pursuant to clause (v) to submit to the city or town clerk
1266 and the economic assistance coordinating council a report detailing the status of the construction
1267 laid out in the agreement, the current value of the property, and the number of jobs created to
1268 date as a result of the agreement; provided, however, that a report shall be filed every 2 years for
1269 the term of the tax increment exemption allowed under clause Fifty-first of section 5 of chapter
1270 59; and provided further, that a final report shall be filed in the final year of the exemption.

1271 The board, agency or officer of the city or town authorized pursuant to clause (vi) to execute
1272 agreements shall forward to the board of assessors a copy of each approved TIF agreement,
1273 together with a list of the parcels included therein.

1274 SECTION 45. Chapter 40J of the General Laws, as appearing in the 2010 Official Edition, is
1275 hereby amended by inserting after section 4F the following section:-

1276 Section 4G. (a) The general court finds that scientific and technology research and development
1277 conducted at higher education institutions and non-profit research institutions in the
1278 commonwealth is vital to identifying and developing new knowledge that leads to innovations
1279 that drive the commonwealth's economy, promote economic development and job growth
1280 opportunities throughout the diverse regions of the commonwealth, improve the quality of life
1281 for those living in the commonwealth and throughout the world, and help strengthen the
1282 commonwealth's global competitiveness.

1283 (b) In order to assist in fostering additional scientific and technology research and development
1284 in the state, there is hereby established a fund to be known as the Scientific and Technology
1285 Research and Development Matching Grant Fund, hereinafter referred to as the matching grant
1286 fund, to which shall be credited the proceeds of bonds or notes of the commonwealth issued for
1287 the purpose, and any appropriations designated by the general court to be credited thereto. The
1288 matching grant fund shall be administered by the corporation. The corporation shall hold the
1289 matching grant fund in an account or accounts separate from other funds of the corporation. The
1290 purpose of the matching grant fund is to provide matching funds for capital expenditures to be
1291 made in connection with projects which are sponsored by the University of Massachusetts,
1292 research universities, or non-profit research institutions in the commonwealth for scientific or
1293 technology research and development and funded in part by the federal government or other
1294 public or private funds including, but not limited to, venture capital; provided, that any grant
1295 awarded in accordance with this section shall leverage at least \$3 for each dollar granted from
1296 sources other than an agency as defined by section 39 of chapter 6; provided further, funds

1297 expended specifically for this matching fund from the higher education bond bill, established by
1298 section 258 of the acts of 2008, shall not count towards the \$3 of financing that is required for
1299 the matching fund; provided further, that prior to awarding any grant under this section the
1300 corporation shall determine that the grant will advance the finding in paragraph (a); provided
1301 further, that priority shall be given to large-scale, long-term research and development activities
1302 that have the greatest potential to support scientific and technological innovation and stimulate
1303 economic and employment opportunities in the commonwealth; and provided, further that at
1304 least 50 per cent of the grant funds under this section shall be reserved for award, subject to
1305 qualification, to the University of Massachusetts. The University of Massachusetts may, if it
1306 deems necessary to help ensure efficient and effective research and development efforts, enter
1307 into collaborative agreements with other higher education institutions in the commonwealth to
1308 undertake parts of any research and development project for which grant funding under this
1309 section is sought.

1310 (c) To support effective planning and implementation of the matching grant fund, the corporation
1311 shall develop program guidelines or regulations in consultation with the University of
1312 Massachusetts and such other institutions or persons as deemed appropriate by the corporation.
1313 The corporation shall annually file a report with the joint committee on higher education and the
1314 house and senate committees on ways and means detailing the grants awarded under this section.

1315 SECTION 46. Section 2 of chapter 40Q of the General Laws, as so appearing, is hereby
1316 amended by striking out, in lines 11 to 14, inclusive, the words “(2) the development district has
1317 been certified as an approved development district by the economic assistance coordinating
1318 council established in section 3B of chapter 23A and pursuant to regulations adopted by said
1319 council.”

1320 SECTION 47. Section 2 of said chapter 40Q, as so appearing, is hereby further amended by
1321 striking out, in lines 26 and 27, the words ", with the same certification requirements of
1322 subsection (a)".

1323 SECTION 48. Section 2 of chapter 43D of the General Laws, as so appearing, is hereby
1324 amended by striking the definition of "priority development site" and inserting in place thereof
1325 the following definition:-

1326 "Priority development site", a privately or publicly owned property that is: (1) eligible
1327 under applicable zoning provisions, including special permits or other discretionary permits, for
1328 the development or redevelopment of a building at least 50,000 square feet of gross floor area in
1329 new or existing buildings or structures; and (2) designated as an appropriate priority
1330 development site by the board. Several parcels or projects may be included within a single
1331 priority development site. Wherever possible, priority development sites should be located
1332 adjacent to areas of existing development or in underutilized buildings or facilities or close to
1333 appropriate transit services.

1334 SECTION 49. Subsection (g) of section 6 of chapter 62 of the General Laws, as so appearing, is
1335 hereby amended by striking out paragraph (1) and inserting in place thereof the following
1336 paragraph:-

1337 (1) A credit shall be allowed against the tax liability imposed by this chapter, to the extent
1338 authorized by the economic assistance coordinating council established in section 3B of chapter
1339 23A, up to an amount equal to 50 per cent of such liability in any taxable year; provided,
1340 however, that the 50 per cent limitation shall not apply where the credit is refundable under
1341 paragraph (5): (i) for certified expansion projects and certified enhanced expansion projects, as

1342 defined in sections 3A and 3F of said chapter 23A, an amount up to 10 per cent; (ii) for certified
1343 manufacturing retention projects, as defined in said sections 3A and 3F of said chapter 23A, an
1344 amount up to 40 per cent of the cost of property that would qualify for the credit allowed by
1345 section 31A of chapter 63 if the property were purchased by a manufacturing corporation or a
1346 business corporation engaged primarily in research and development and used exclusively in a
1347 certified project, as defined in said sections 3A and 3F of said chapter 23A; and (iii) for certified
1348 job creation projects, as defined in said sections 3A and 3F of said chapter 23A, an amount up to
1349 \$5,000 per job created; provided, however, that the total award per project shall be no more than
1350 \$1,000,000; provided, however, that the economic assistance coordinating council may award a
1351 greater credit in an amount not to exceed \$10,000 per job created under the project if the jobs
1352 created are located in a gateway municipality, as defined by section 3A of chapter 23A; and
1353 provided, however, that a credit under this clause (iii) shall be allowed for the year subsequent to
1354 that in which the jobs are created. A lessee may be eligible for a credit pursuant to this
1355 subsection for real property leased pursuant to an operating lease. Notwithstanding any contrary
1356 provisions in section 3F of chapter 23A, if such property is disposed of or ceases to be in
1357 qualified use within the meaning of section 31A or ceases to be used exclusively in a certified
1358 project before the end of the certified project's certification period, or if a project's certification is
1359 revoked, the recapture provisions of subsection (e) of section 31A shall apply. In the case of
1360 revocation of projects certified before January 1, 2012, the revocation shall take effect on the
1361 first day of the tax year in which a material variance or material misrepresentation occurred as
1362 determined by the economic assistance coordinating council. If such property is disposed of
1363 after the certified project's certification period but before the end of such property's useful life,
1364 the recapture provisions of subsection (e) of section 31A shall apply. The expiration of a certified

1365 project's certification shall not require the application of the recapture provisions of subsection
1366 (e) of section 31A.

1367 Notwithstanding any contrary provisions in subsection (e) of section 31A, for projects certified
1368 after January 1, 2012, if the economic assistance coordinating council revokes a project's
1369 certification, the total amount of credits taken under this section shall be recaptured and added
1370 back as additional tax in the taxable year in which the EACC makes the determination to revoke.

1371 SECTION 50. Said section 6 of said chapter 62, as so appearing, is hereby further amended by
1372 striking out, in line 179, the second sentence of the second paragraph of subsection (g).

1373 SECTION 51. The third paragraph of paragraph (1) of subsection (g) of said section 6 of said
1374 chapter 62, as so appearing, is hereby amended by striking out the fourth sentence and inserting
1375 in place thereof the following sentence:-

1376 To the extent applicable, paragraph (3) of section 3F of said chapter 23A shall apply to tax
1377 benefits awarded under this section.

1378 SECTION 52. Subsection (g) of said section 6 of said chapter 62, as so appearing, is hereby
1379 further amended by striking out paragraph (5) and inserting in place thereof the following
1380 paragraph:-

1381 (5) If a credit allowed under clauses (ii) and (iii) of paragraph (1) for certified manufacturing
1382 retention projects and certified job creation projects exceeds the tax otherwise due under this
1383 chapter, 100 per cent of the balance of such credit may, at the option of the taxpayer and to the
1384 extent authorized pursuant to the economic assistance coordinating council, be refundable to the
1385 taxpayer for the taxable year in which qualified property giving rise to that credit is placed in

1386 service by a manufacturing retention project or for the taxable year subsequent to the year in
1387 which the required jobs are added by the job creation project. If such credit balance is refunded
1388 to the taxpayer, the credit carryover provisions of paragraph (2) shall not apply.

1389 SECTION 53. Paragraph (1) of subsection (j) of said section 6 of said chapter 62, as so
1390 appearing, is hereby amended by striking out, in line 273, the figure “2013” and inserting in
1391 place thereof the following figure:- 2015.

1392 SECTION 54. Said paragraph (1) of said subsection (j) of said section 6 of said chapter 62, as so
1393 appearing, is hereby further amended by striking out, in line 278, the figure “2014” and inserting
1394 in place thereof the following figure:- 2016.

1395 SECTION 55. Paragraph (b) of section 6J of said chapter 62, as so appearing, is hereby amended
1396 by striking out, in line 39, the figure “\$50,000,000” and inserting in place thereof the following
1397 figure:- \$60,000,000.

1398 SECTION 56. Chapter 62 of the General Laws, as appearing in the 2010 Official Edition, is
1399 hereby amended by inserting after section 6L the following section:-

1400 Section 6M. (a) The purpose of this section shall be to enable local residents and stakeholders to
1401 work with and through community development corporations to partner with nonprofit, public
1402 and private entities to improve economic opportunities for low and moderate income households
1403 and other residents in urban, rural and suburban communities across the commonwealth.

1404 (b) For purposes of this section, the following terms shall, unless the context clearly requires
1405 otherwise, have the following meanings:-

1406

1407 “Community development corporation”, a corporation certified as a community development
1408 corporation by the department consistent with chapter 40H.

1409 “Community investment plan”, an organizational business plan developed by a certified
1410 community development corporation that details its goals, outcomes, strategies, programs and
1411 activities for a 3 to 5 year period and its financial plans for supporting its strategy. The plan shall
1412 be designed to engage local residents and businesses to work together to undertake community
1413 development programs, projects and activities which develop and improve urban, rural or
1414 suburban communities in sustainable ways that create and expand economic opportunities for
1415 low and moderate income households. The specific format and content of a community
1416 investment plan may be adapted to the particular organization and community, but shall include
1417 the following elements:

1418 (i)A description of the community to be served by the organization, including the neighborhoods,
1419 towns, or cities to be served as well as any particular constituencies that the organization is
1420 dedicated to serving;

1421 (ii)A description of how community residents and stakeholders were engaged in the development
1422 of the plan and their role in monitoring and implementing the organization’s activities during the
1423 time period of the plan;

1424 (iii)The goals sought to be achieved during the time period of the plan, including how low and
1425 moderate income households or low and moderate income communities will benefit and how the
1426 entire community will benefit;

1427 (iv)The activities to be pursued to achieve those goals;

1428 (v)The manner in which success shall be measured and evaluated;

1429 (vi)A description of the collaborative efforts that shall support implementation of the plan,

1430 including collaborative efforts with nonprofit, for-profit or public entities;

1431 (vii)A description of how the different activities within the plan fit together and how the entire

1432 plan fits into a larger strategy or vision for the community;

1433 (viii)The financial strategy to be deployed to support these activities; and

1434 (ix)Other information regarding the history and track record of the organization as determined by

1435 the department.

1436 “Community investment tax credit”, the tax credit described in subsection (d).

1437 “Community investment tax credit allocation”, an award provided by the department through a

1438 competitive process that enables the recipient of the allocation to solicit and receive qualified

1439 investments from taxpayers and to provide those taxpayers with a community investment tax

1440 credit.

1441 “Community partner”, a community development corporation or a community support

1442 organization selected by the department through a competitive process to receive a community

1443 investment tax credit allocation.

1444 “Community partnership fund”, a fund administered by a nonprofit organization selected by the

1445 department to receive qualified investments from taxpayers for the purpose of allocating such

1446 investments to community partners.

1447 “Community support organization”, any nonprofit organization which is not a community
1448 development corporation but has a focus on and track record of providing capacity building
1449 services to community development corporations.

1450 “Department”, the department of housing and community development.

1451 “Gateway municipality”, a gateway municipality as defined in section 3A of chapter 23A.

1452 “Low and moderate income community”, an economic target area as defined in section 3A of
1453 chapter 23A, an enhanced economic enterprise community or empowerment zone as designated
1454 by the United States Department of Housing and Urban Development, or 1 or more contiguous
1455 census tracts as designated by a city or town, in which either: (1) a majority of the households
1456 are low and moderate income households as defined herein; or (2) the unemployment rate is at
1457 least 25 per cent higher than the annual statewide average unemployment rate at a time when the
1458 statewide unemployment rate is less than or equal to 5 per cent or the unemployment rate is at
1459 least 10 per cent higher than the annual statewide average unemployment rate at a time when the
1460 statewide unemployment rate is greater than 5 per cent.

1461 “Low and moderate income households”, households which have incomes that do not exceed 80
1462 per cent of the median income for the area, with adjustments made for smaller and larger
1463 families, as such median shall be determined from time to time by the Secretary of Housing and
1464 Urban Development pursuant to 42 U.S.C. 1437(a)(B)(2) or any successor legislation and the
1465 regulations promulgated thereunder.

1466 “Qualified investment”, a cash contribution made to a specific community partner to support the
1467 implementation of its community investment plan or to a community partnership fund, as defined
1468 by this section.

1469 “Taxpayer”, any person, firm, or other entity subject to the personal income tax under the
1470 provisions of this chapter or any corporation subject to an excise under the provisions of chapter
1471 63.

1472 (c) The department shall promulgate regulations concerning the process by which community
1473 development corporations apply to become a community partner and receive qualified
1474 investments, provided that:

1475 (1) The department shall design a competitive process to review applications by community
1476 development corporations and community support organizations. Community support
1477 organizations may qualify, provided that no more than 2 such organizations may, at any given
1478 time, be awarded community investment tax credits.

1479 (2) The selection process shall favor community development corporations with the highest
1480 quality community investment plans and strong track records and shall strive to ensure that all
1481 regions of the commonwealth are able to fairly compete for allocations, including gateway
1482 municipalities, rural areas and suburban areas. At least 30 per cent of the community partners
1483 shall be located in or serving gateway municipalities and at least 20 per cent of the community
1484 partners shall be located in or serving rural areas, as defined by the department, unless the
1485 department finds that there are not a sufficient number of qualified applications from those areas.

1486 (3) The department shall implement at least one such allocation process each year. Each tax
1487 credit allocation shall be valid for a period of up to 3 years, contingent upon the community
1488 partner satisfactorily meeting the reporting requirements of the department. Community partners
1489 who have not fully utilized their community investment tax credit allocations within 3 years may
1490 apply to the department for a 1 year extension. Community investment tax credit allocations may

1491 be revoked after 2 years from the date of the award by the department if (i) the community
1492 partner has been unable to secure donation commitments for at least 50 per cent of total
1493 allocation by that time, (ii) if the community partner is found to be in noncompliance with this
1494 statute or the department's regulations promulgated hereunder, (iii) if the community partner is
1495 determined by the department to be making inadequate progress on its community investment
1496 plan, or (iv) for other good cause as determined by the department.

1497 (4) No community partner shall receive a community investment tax credit allocation of less than
1498 \$50,000 or more than \$150,000 in any 1 fiscal year. No community partner may receive a
1499 subsequent allocation unless it has utilized at least 95 per cent of the 3 year total of any prior
1500 allocation.

1501 (5) A community partner may receive qualified investments directly from 1 or more taxpayers or
1502 it may transfer some or all of its community investment tax credit allocation to a community
1503 partnership fund and receive qualified investments from that fund.

1504 (6) Before receiving a qualified investment from a taxpayer or from a community partnership
1505 fund, the community partner shall first receive certification from the department that it has been
1506 awarded a community investment tax credit allocation.

1507 (7) The department may authorize up to 2 nonprofit organizations to operate community
1508 investment partnership funds. In selecting 1 or 2 nonprofit organizations to serve in this function
1509 the department shall seek organizations which demonstrate that they have the capacity to solicit,
1510 administer and re-grant qualified investments and can advance the purposes of this statute.

1511 (8) The department, in consultation with the commissioner shall prescribe regulations necessary
1512 to carry out this subsection. Such regulations shall include requirements for annual reports from

1513 community partners and community partnership funds regarding outcomes achieved during the
1514 prior year.

1515 (d) There is hereby established a Massachusetts community investment tax credit.

1516 (e) The commissioner, in consultation with the department, shall authorize annually an amount
1517 not to exceed \$2,000,000 in 2013, \$4,000,000 in 2014, and \$6,000,000 in 2015 and each year
1518 thereafter for the community investment tax credit.

1519 (f) The total of all tax credits available to a taxpayer pursuant to this section shall not exceed
1520 \$1,000,000 in any 1 tax year and no tax credit shall be allowed to any taxpayer for participating
1521 in a qualified community investment activity of less than \$1,000.

1522 (g) A taxpayer that makes a qualified investment shall be allowed a credit, to be computed as
1523 hereinafter provided, against taxes owed to the commonwealth under chapter 62 or chapter 63 or
1524 other applicable law. The credit shall be equal to 50 per cent of the total qualified investments
1525 made by the taxpayer, subject to the cap described in paragraph (2) of this subsection. The
1526 department shall issue a certification to the taxpayer after the taxpayer makes a qualified
1527 investment. Such certification shall be acceptable as proof that the expenditures related to such
1528 investment qualify as qualified investment for purposes of the credit allowed under this section.

1529 (h) The credit allowable under this section shall be allowed for the taxable year in which a
1530 qualified investment is made. A taxpayer allowed a credit under this section for a taxable year
1531 may carry over and apply against such taxpayer's tax liability in any of the succeeding 5 taxable
1532 years, the portion, as reduced from year to year, of those credits which exceed the tax for the
1533 taxable year.

1534 (i) Community investment tax credits allowed to a partnership or a limited liability company
1535 taxed as a partnership shall be passed through to the persons designated as partners, members or
1536 owners, respectively, pro rata or pursuant to an executed agreement among the persons
1537 designated as partners, members or owners documenting an alternative distribution method
1538 without regard to their sharing of other tax or economic attributes of the entity.

1539 (j) Taxpayers eligible for the community investment tax credit may, with prior notice to and in
1540 accordance with regulations adopted by the commissioner, transfer the credits, in whole or in
1541 part, to any taxpayer, and the transferee shall be entitled to apply the credits against the tax with
1542 the same effect as if the transferee had made the qualified investment itself. The transferee shall
1543 use the credit in the year it is transferred. If the credit allowable for any taxable year exceeds the
1544 transferee's tax liability for that tax year, the transferee may carry forward and apply in any
1545 subsequent taxable year, the portion, as reduced from year to year, of those credits which exceed
1546 the tax for the taxable year; provided, however, the carryover period shall not exceed 5 taxable
1547 years after the close of the taxable year during which the qualified investment was made as
1548 provided for in this section.

1549 (k) The commissioner, in consultation with the department, shall prescribe regulations necessary
1550 to carry out the tax credit established in subsection (d).

1551 SECTION 57. Subsection (a) of section 38N of chapter 63 of the General Laws, as so appearing,
1552 is hereby amended by striking out the first paragraph and inserting in place thereof the following
1553 paragraph:-

1554 (a) A corporation subject to tax under this chapter that participates in a certified project, as
1555 defined in sections 3A and 3F of chapter 23A, may take a credit against the excise imposed by

1556 this chapter to the extent authorized by the economic assistance coordinating council, established
1557 by section 3B of said chapter 23A, in an amount not to exceed 50 per cent of such liability in a
1558 taxable year; provided, however, that the 50 per cent limitation shall not apply if the credit is
1559 refundable under subsection (b): (i) for certified expansion projects and certified enhanced
1560 expansion projects, as defined in said sections 3A and 3F of said chapter 23A, an amount up to
1561 10 per cent; (ii) for certified manufacturing retention projects, as defined in said sections 3A and
1562 3F of said chapter 23A, an amount up to 40 per cent of the cost of any property that would
1563 qualify for the credit allowed by section 31A if the property were purchased by a manufacturing
1564 corporation or a business corporation engaged primarily in research and development and is used
1565 exclusively in a certified project, as defined in said sections 3A and 3F of said chapter 23A; and,
1566 (iii) for certified job creation projects, as defined in said sections 3A and 3F of said chapter 23A,
1567 an amount up to \$5,000 per job created; provided, however, that the total award per project shall
1568 be no more than \$1,000,000; provided, however, that the economic assistance coordinating
1569 council may award a greater credit in an amount not to exceed \$10,000 per job created under the
1570 project if the jobs created are located in a gateway municipality, as defined by section 3A of
1571 chapter 23A; and provided, however, that a credit under this clause (iii) shall be allowed for the
1572 year subsequent to that in which the jobs are created A lessee may be eligible for a credit under
1573 this subsection for real property leased under an operating lease.

1574 SECTION 58. The second paragraph of subsection (a) of section 38N of said chapter 63, as so
1575 appearing, is hereby further amended by striking out the second sentence.

1576 SECTION 59. Subsection (a) of said section 38N of said chapter 63, as so appearing, is hereby
1577 further amended by striking out the third paragraph and inserting in place thereof the following
1578 paragraphs:-

1579 The credit allowed under this section may be taken by an eligible corporation; provided,
1580 however, that the credit allowed by section 31A or section 31H shall not be taken by such
1581 corporation. For purposes of this paragraph, the corporation need not be a manufacturing
1582 corporation or a business corporation engaged primarily in research and development.
1583 Notwithstanding any contrary provisions in section 3F of chapter 23A, if such property is
1584 disposed of or ceases to be in qualified use within the meaning of section 31A or ceases to be
1585 used exclusively in a certified project before the end of the certified project's certification period,
1586 or if a certified project's certification is revoked, the recapture provisions of subsection (e) of
1587 section 31A shall apply. In the case of revocation of projects certified before January 1, 2012, the
1588 revocation shall take effect on the first day of the tax year in which a material variance or
1589 material misrepresentation occurred as determined by the economic assistance coordinating
1590 council. If such property is disposed of after the certified project's certification period but
1591 before the end of such property's useful life, the recapture provisions of subsection (e) of section
1592 31A shall apply. The expiration of a certified project's certification shall not require the
1593 application of the recapture provisions of subsection (e) of section 31A.

1594 Notwithstanding any contrary provisions in subsection (e) of chapter 31A, for projects certified
1595 after January 1, 2012, if the economic assistance coordinating council revokes a project's
1596 certification, the total amount of credits taken under this section shall be recaptured and added
1597 back as additional tax in the taxable year in which the economic assistance coordinating council
1598 makes the determination to revoke.

1599 SECTION 60. The fourth paragraph of subsection (a) of said section 38N of said chapter 63, as
1600 so appearing, is hereby further amended by striking out the fourth sentence and inserting in place
1601 thereof the following sentence:-

1602 To the extent applicable, paragraph (3) of section 3F of said chapter 23A shall apply to tax
1603 benefits awarded under this section.

1604 SECTION 61. Said section 38N of said chapter 63, as so appearing, is hereby further amended
1605 by striking out subsection (b) and inserting in place thereof the following subsection:-

1606 (b) If a credit allowed under clauses (ii) and (iii) of subsection (a) for certified manufacturing
1607 retention projects and certified job creation projects exceeds the tax otherwise due under this
1608 chapter, 100 per cent of the balance of such credit may, at the option of the taxpayer and to the
1609 extent authorized pursuant to the economic assistance coordinating council, be refundable to the
1610 taxpayer for the taxable year in which qualified property giving rise to that credit is placed in
1611 service by a manufacturing retention project or for the taxable year subsequent to the year in
1612 which the required jobs are added by a job creation project. If such credit balance is refunded to
1613 the taxpayer, the credit carryover provisions of subsection (d) shall not apply. The amount of
1614 credit eligible to be refunded shall be determined without regard to the limitations in subsections
1615 (a) and (c).

1616 SECTION 62. Section 38O of said chapter 63, as so appearing, is hereby further amended by
1617 striking out, in lines 4 to 6, inclusive, the words “economic opportunity area as determined by
1618 the economic assistance coordinating council established by section three B of chapter twenty-
1619 three A” and inserting in place thereof the following words: - economic target area as defined by
1620 section 3D of chapter 23A.

1621 SECTION 63. Paragraph (a) of section 38Q of said chapter 63, as so appearing, is hereby
1622 amended by striking out, in line 3, the figure “2013” and inserting in place thereof the following
1623 figure:- 2015.

1624 SECTION 64. Said paragraph (a) of said section 38Q of said chapter 63, as so appearing, is
1625 hereby further amended by striking out, in line 8, the figure “2014” and inserting in place thereof
1626 the following figure:- 2016.

1627 SECTION 65. Paragraph (b) of section 38R of said chapter 63, as so appearing, is hereby
1628 amended by striking out, in line 37, the figure “\$50,000,000” and inserting in place thereof the
1629 following figure:- \$60,000,000

1630 SECTION 66. Section 57A of chapter 121B of the General Laws is hereby repealed.

1631 SECTION 67. Section 14C of chapter 167 of the General Laws, as appearing in the 2010 Official
1632 Edition, is hereby amended by striking out the third and fourth paragraphs and inserting in place
1633 thereof the following paragraphs:-

1634 The small business loan review boards shall meet on a regular basis or, as demand for their
1635 services requires, to review small business loan denials that applicants believe were
1636 unreasonably denied. Upon commencement of a review of a small business loan denial submitted
1637 by an applicant, the small business loan review board shall be required to report the results of
1638 their findings to the applicant within 30 days of submission or request of the review; provided
1639 however, that the board may, at its discretion, extend the review period to within 60 days of a
1640 submission or request. Upon making a determination for reason of denial, the small business loan
1641 review boards shall be required to provide information on their findings to the applicant and
1642 commissioner of banks and shall provide information to the applicant on alternative sources of
1643 financing, including information on any small business financing programs or other relevant
1644 programs offered by the commonwealth.

1645 In addition, the small business loan review boards shall conduct annual studies and issue annual
1646 reports on the availability of credit to small businesses within their regions and report back to the
1647 commissioner of banks on their findings. The reports shall be published and made available to
1648 the public through the website of the office of consumer affairs and business regulation or the
1649 small business website established under section 3 of Chapter 23A.

1650 Notwithstanding the provisions of this act, the commissioner may promulgate rules and
1651 regulations governing the establishment, operation and procedures of said small business loan
1652 review boards. In addition, the commissioner shall be required to market and promote the small
1653 business loan review boards as a resource for small businesses located in the commonwealth.

1654 SECTION 68. Item 6033-9013 of section 2 of chapter 246 of the acts of 2002 is hereby amended
1655 by adding the following words:- ; provided, that after April 1, 2012 this item shall be used for the
1656 MassWorks infrastructure program, as established by section 63 of chapter 23A of the General
1657 Laws; provided further, that any uncommitted balance as of April 1, 2012 from the
1658 aforementioned item shall be transferred to the executive office of housing and economic
1659 development; provided further, that any unexpended balance as of September 1, 2012 from the
1660 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
1661 shall be transferred to item 7002-8005 within the executive office of housing and economic
1662 development; and provided further, that before October 1, 2012 the executive office of housing
1663 and economic development shall submit a report on the amount of authorization expended from
1664 this item before April 1, 2012; provided further, that said report shall detail awards expected to
1665 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and
1666 provided further that said report shall be delivered to the house and senate committees on ways

1667 and means and the house and senate committees on bonding, capital expenditures and state
1668 assets.

1669 SECTION 69. Item 6033-0428 of section 2B of chapter 291 of the acts of 2004 is hereby
1670 amended by adding the following words:- ; provided, that after April 1, 2012 this item shall be
1671 used for the MassWorks infrastructure program, as established by section 63 of chapter 23A of
1672 the General Laws; provided further, that any uncommitted balance as of April 1, 2012 from the
1673 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
1674 shall be transferred to item 7002-8010 within the executive office of housing and economic
1675 development; provided further, that any unexpended balance as of September 1, 2012 from the
1676 aforementioned item shall be transferred to the executive office of housing and economic
1677 development; and provided further, that before October 1, 2012 the executive office of housing
1678 and economic development shall submit a report on the amount of authorization expended from
1679 this item before April 1, 2012; provided further, that said report shall detail awards expected to
1680 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and
1681 provided further that said report shall be delivered to the house and senate committees on ways
1682 and means and the house and senate committees on bonding, capital expenditures and state
1683 assets.

1684 SECTION 70. Item 6033-0499 of said section 2B of said chapter 291 is hereby amended by
1685 adding the following words:- ; provided, that after April 1, 2012 this item shall be used for the
1686 MassWorks infrastructure program, as established by section 63 of chapter 23A of the General
1687 Laws; provided further, that any uncommitted balance as of April 1, 2012 from the
1688 aforementioned or its successor item established as a result of chapter 25 of the acts of 2009 shall
1689 be transferred to item 7002-8015 within the executive office of housing and economic

1690 development; provided further, that any unexpended balance as of September 1, 2012 from the
1691 aforementioned item shall be transferred to the executive office of housing and economic
1692 development; and provided further, that before October 1, 2012 the executive office of housing
1693 and economic development shall submit a report on the amount of authorization expended from
1694 this item before April 1, 2012; provided further, that said report shall detail awards expected to
1695 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and
1696 provided further that said report shall be delivered to the house and senate committees on ways
1697 and means and the house and senate committees on bonding, capital expenditures and state
1698 assets.

1699 SECTION 71. Item 6001-0421 of section 2I of said chapter 291 is hereby amended by adding
1700 the following words:- ; provided, that after April 1, 2012 this item shall be used for the
1701 MassWorks infrastructure program, as established by section 63 of chapter 23A of the General
1702 Laws; provided further, that any uncommitted balance as of April 1, 2012 from the
1703 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
1704 shall be transferred to the item 7002-8020 within executive office of housing and economic
1705 development; provided further, that any unexpended balance as of September 1, 2012 from the
1706 aforementioned item shall be transferred to the executive office of housing and economic
1707 development; and provided further, that before October 1, 2012 the executive office of housing
1708 and economic development shall submit a report on the amount of authorization expended from
1709 this item before April 1, 2012; provided further, that said report shall detail awards expected to
1710 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and
1711 provided further that said report shall be delivered to the house and senate committees on ways

1712 and means and the house and senate committees on bonding, capital expenditures and state
1713 assets.

1714 SECTION 72. Item 1100-8000 of section 2B of chapter 123 of the Acts of 2006 is hereby
1715 amended by adding the following words:- ; provided, that after April 1, 2012 this item shall be
1716 used for the MassWorks infrastructure program, as established by section 63 of chapter 23A of
1717 the General Laws; provided further, that any uncommitted balance as of April 1, 2012 from the
1718 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
1719 shall be transferred to the executive office of housing and economic development; provided
1720 further, that any unexpended balance as of September 1, 2012 from the aforementioned item
1721 shall be transferred to item 7005-8025 within the executive office of housing and economic
1722 development; and provided further, that before October 1, 2012 the executive office of housing
1723 and economic development shall submit a report on the amount of authorization expended from
1724 this item before April 1, 2012; provided further, that said report shall detail awards expected to
1725 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and
1726 provided further that said report shall be delivered to the house and senate committee on ways
1727 and means and the house and senate committees on bonding, capital expenditures and state
1728 assets.

1729 SECTION 73. Section 5 of chapter 293 of the acts of 2006 is hereby amended by inserting after
1730 the words "transportation facilities", as appearing in the definition "Public infrastructure
1731 improvements", the following words:- parking garages,.

1732 SECTION 74. Subsection (d) of section 7 of chapter 293 of the acts of 2006, as amended by
1733 section 7 of chapter 129 of the acts of 2008, is hereby further amended by striking out the figure

1734 "\$250,000,000" and inserting in place thereof the following words:- \$400,000,000, excluding
1735 bonds issued to refinance bonds previously issued under section 6.

1736 SECTION 75. The second sentence of subsection (e) of section 7 of chapter 293 of the acts of
1737 2006, as inserted by section 7 of chapter 129 of the acts of 2008, is hereby amended by striking
1738 out the figure "2" and inserting in place thereof the following figure:- 4

1739 SECTION 76. Chapter 293 of the acts of 2006, as amended by chapter 129 of the acts of 2008, is
1740 hereby further amended by inserting after section 12A the following new section:-

1741 Section 12B. Notwithstanding any other provision of this act, new revenue and new state tax
1742 revenues may, respectively, and to the extent and in the manner approved by the secretary with
1743 consideration of economic conditions and the characteristics of the project, include revenue and
1744 state tax revenue attributable to construction-related activity and purchases in connection with an
1745 economic development project, and all calculations of any matter under the act, including,
1746 without limitation, calculation of infrastructure assessments and shortfalls, shall reflect such
1747 inclusion in the manner approved by the secretary. The commissioner shall certify the amount of
1748 new state tax revenues attributable to such construction-related activity and purchases in the
1749 manner and at the times specified in the secretary's certification of the economic development
1750 project.

1751 SECTION 77. Item 6033-0887 of section 2B of chapter 86 of the acts of 2008 is hereby amended
1752 by adding the following words:- ; provided, that after April 1, 2012 this item shall be used for the
1753 MassWorks infrastructure program, as established by section 63 of chapter 23A of the General
1754 Laws; provided further, that any uncommitted balance as of April 1, 2012 from the
1755 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009

1756 shall be transferred to the item 7002-8030 within executive office of housing and economic
1757 development; provided further, that any unexpended balance as of September 1, 2012 from the
1758 aforementioned item shall be transferred to the executive office of housing and economic
1759 development; and provided further, that before October 1, 2012 the executive office of housing
1760 and economic development shall submit a report on the amount of authorization expended from
1761 this item before April 1, 2012; provided further, that said report shall detail awards expected to
1762 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and
1763 provided further that said report shall be delivered to the house and senate committees on ways
1764 and means and the house and senate committees on bonding, capital expenditures and state
1765 assets.

1766 SECTION 78. Item 7004-0035 of section 2 of chapter 119 of the acts of 2008 is hereby
1767 amended by adding the following words:- ; provided, that after April 1, 2012 this item shall be
1768 used for the MassWorks infrastructure program, as established by section 63 of chapter 23A of
1769 the General Laws; provided further, that any uncommitted balance as of April 1, 2012 from the
1770 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
1771 shall be transferred to the item 7005-8035 within executive office of housing and economic
1772 development; provided further, that any unexpended balance as of September 1, 2012 from the
1773 aforementioned item shall be transferred to the executive office of housing and economic
1774 development; and provided further, that before October 1, 2012 the executive office of housing
1775 and economic development shall submit a report on the amount of authorization expended from
1776 this item before April 1, 2012; provided further, that said report shall detail awards expected to
1777 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and
1778 provided further that said report shall be delivered to the house and senate committees on ways

1779 and means and the house and senate committees on bonding, capital expenditures and state
1780 assets.

1781 SECTION 79. Item 7100-1000 of section 2 of chapter 258 of the acts of 2008 is hereby
1782 amended by inserting after the words “in the city of Worcester;” the following words: - provided
1783 further that not less than \$25,000,000 shall be expended in collaboration and coordination with
1784 funds granted pursuant to the provisions of section 4G of chapter 40J of the General Laws,
1785 provided that funds expended for this purpose shall leverage at least \$3 for each dollar granted
1786 and that funds expended for this purpose shall not qualify as meeting the requirements for
1787 leveraged dollars required under said section 4G;

1788 SECTION 80. Item 6035-0877 of section 2B of chapter 303 of the acts of 2008, as amended by
1789 section 33 of chapter 26 of the acts of 2009, is hereby amended by adding the following words:- ;
1790 provided, that after April 1, 2012 this item shall be used for the MassWorks infrastructure
1791 program, as established by section 63 of chapter 23A of the General Laws; provided further, that
1792 any uncommitted balance as of April 1, 2012 from the aforementioned item shall be transferred
1793 to the executive office of housing and economic development; provided further, that any
1794 unexpended balance as of September 1, 2012 from the aforementioned item or its successor item
1795 established as a result of chapter 25 of the acts of 2009 shall be transferred to item 7002-8045
1796 within the executive office of housing and economic development; and provided further, that
1797 before October 1, 2012 the executive office of housing and economic development shall submit a
1798 report on the amount of authorization expended from this item before April 1, 2012; provided
1799 further, that said report shall detail awards expected to utilize this authorization after April, 1,
1800 2012 and the schedule plan for completing awards; and provided further that said report shall be

1801 delivered to the house and senate committees on ways and means and the house and senate
1802 committees on bonding, capital expenditures and state assets.

1803 SECTION 81. Item 6035-0887 of section 2B of chapter 303 of the acts of 2008, as amended by
1804 section 34 of chapter 26 of the acts of 2009, is hereby amended by adding the following words:- ;
1805 provided, that after April 1, 2012 this item shall be used for the MassWorks infrastructure
1806 program, as established by section 63 of chapter 23A of the General Laws; provided further, that
1807 any uncommitted balance as of April 1, 2012 from the aforementioned item or its successor item
1808 established as a result of chapter 25 of the acts of 2009 shall be transferred to the item 7002-8040
1809 within executive office of housing and economic development; provided further, that any
1810 unexpended balance as of September 1, 2012 from the aforementioned item shall be transferred
1811 to the executive office of housing and economic development; and provided further, that before
1812 October 1, 2012 the executive office of housing and economic development shall submit a report
1813 on the amount of authorization expended from this item before April 1, 2012; provided further,
1814 that said report shall detail awards expected to utilize this authorization after April, 1, 2012 and
1815 the schedule plan for completing awards; and provided further that said report shall be delivered
1816 to the house and senate committees on ways and means and the house and senate committees on
1817 bonding, capital expenditures and state assets.

1818 SECTION 82. Item 6001-0803 of section 2C of chapter 303 of the acts of 2008 is hereby
1819 amended by adding the following words:- ; provided, that after April 1, 2012 this item shall be
1820 used for the MassWorks infrastructure program, as established by section 63 of chapter 23A of
1821 the General Laws; provided further, that any uncommitted balance as of April 1, 2012 from the
1822 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
1823 shall be transferred to item 7002-8050 within the executive office of housing and economic

1824 development; provided further, that any unexpended balance as of September 1, 2012 from the
1825 aforementioned item shall be transferred to the executive office of housing and economic
1826 development; and provided further, that before October 1, 2012 the executive office of housing
1827 and economic development shall submit a report on the amount of authorization expended from
1828 this item before April 1, 2012; provided further, that said report shall detail awards expected to
1829 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and
1830 provided further that said report shall be delivered to the house and senate committees on ways
1831 and means and the house and senate committees on bonding, capital expenditures and state
1832 assets.

1833 SECTION 83. Item 6001-0817 of said section 2C of said chapter 303 is hereby amended by
1834 adding the following words:- ; provided, that after April 1, 2012 this item shall be used for the
1835 MassWorks infrastructure program, as established by section 63 of chapter 23A of the General
1836 Laws; provided further, that any uncommitted balance as of April 1, 2012 from the
1837 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
1838 shall be transferred to the item 7002-8055 within executive office of housing and economic
1839 development; provided further, that any unexpended balance as of September 1, 2012 from the
1840 aforementioned item shall be transferred to the executive office of housing and economic
1841 development; and provided further, that before October 1, 2012 the executive office of housing
1842 and economic development shall submit a report on the amount of authorization expended from
1843 this item before April 1, 2012; provided further, that said report shall detail awards expected to
1844 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and
1845 provided further that said report shall be delivered to the house and senate committees on ways

1846 and means and the house and senate committees on bonding, capital expenditures and state
1847 assets.

1848 SECTION 84. Item 1100-8020 of section 2C of chapter 304 of the acts of 2008, is hereby
1849 amended by adding the following words:- ; provided, that after April 1, 2012 this item shall be
1850 used for the MassWorks infrastructure program, as established by section 63 of chapter 23A of
1851 the General Laws; provided further, that any uncommitted balance as of April 1, 2012 from the
1852 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
1853 shall be transferred to item 7002-8060 within the executive office of housing and economic
1854 development; provided further, that any unexpended balance as of September 1, 2012 from the
1855 aforementioned item shall be transferred to the executive office of housing and economic
1856 development; and provided further, that before October 1, 2012 the executive office of housing
1857 and economic development shall submit a report on the amount of authorization expended from
1858 this item before April 1, 2012; provided further, that said report shall detail awards expected to
1859 utilize this authorization after April, 1, 2012 and the schedule plan for completing awards; and
1860 provided further that said report shall be delivered to the house and senate committees on ways
1861 and means and the house and senate committees on bonding, capital expenditures and state
1862 assets.

1863 SECTION 85. Item 6001-0816 of section 2B of chapter 240 of the acts of 2010, as amended by
1864 section 1 of chapter 412 of the acts of 2010 is hereby amended by adding the following words:- ;
1865 provided, that after April 1, 2012 this item shall be used for the MassWorks infrastructure
1866 program, as established by section 63 of chapter 23A of the General Laws; provided further, that
1867 any uncommitted balance as of April 1, 2012 from the aforementioned item or its successor item
1868 established as a result of chapter 25 of the acts of 2009 shall be transferred to item 7002-8060

1869 within the executive office of housing and economic development; provided further, that any
1870 unexpended balance as of September 1, 2012 from the aforementioned item shall be transferred
1871 to the executive office of housing and economic development; and provided further, that before
1872 October 1, 2012 the executive office of housing and economic development shall submit a report
1873 on the amount of authorization expended from this item before April 1, 2012; provided further,
1874 that said report shall detail awards expected to utilize this authorization after April, 1, 2012 and
1875 the schedule plan for completing awards; and provided further that said report shall be delivered
1876 to the house and senate committees on ways and means and the house and senate committee son
1877 bonding, capital expenditures and state assets.

1878 SECTION 86. Section 171 of chapter 240 of the acts of 2010 is hereby amended by striking out
1879 the words “\$25,000,000 and not more than \$50,000,000 in banks or financial institutions” and
1880 inserting in place thereof the following words:- \$50,000,000 and not more than \$100,000,000 in
1881 banks, financial institutions, or other investment funds

1882 SECTION 87. Section 173 of chapter 240 of the acts of 2010 is hereby amended by striking the
1883 definition of “tolling period” and inserting its place the following definition:-

1884 “Tolling period”, the period beginning August 15, 2008, and continuing through August 15,
1885 2012.

1886 SECTION 88. Paragraph (1) of subsection (b) of said section 173 of said chapter 240 of the acts
1887 of 2010 is hereby amended by striking the figure “2” and inserting its place the following figure:-
1888 4.

1889 SECTION 89. Chapter 68 of the acts of 2011 is hereby amended by striking section 171 and
1890 inserting in place thereof the following section:-

1891 Section 171. (a) Notwithstanding any general or special law to the contrary, after complying with
1892 clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the
1893 consolidated net surplus in the budgetary funds for fiscal year 2012 by transferring said funds as
1894 follows: (a) \$10,000,000 shall be transferred to the Massachusetts Life Sciences Investment Fund
1895 established by section 6 of chapter 23I of the General Laws; (b) \$10,000,000 shall be transferred
1896 to the Workforce Competitiveness Trust Fund, established in section 2 WWW of chapter 29; and
1897 (c) any amount remaining after the transfers pursuant to clauses (a) and (b) shall be transferred to
1898 the Commonwealth Stabilization Fund established pursuant to section 2H of chapter 29 of the
1899 General Laws.

1900 (b) All transfer pursuant to this section shall be made from the undesignated fund balances in the
1901 budgetary funds proportionally from the undesignated fund balances; provided, however, that no
1902 such transfer shall cause a deficit in any of the funds.

1903 SECTION 90. To meet expenditures necessary in carrying out section 2, the state treasurer shall,
1904 upon the request of the governor, issue and sell bonds of the commonwealth in an amount to be
1905 specified by the governor from time to time but not exceeding, in the aggregate, \$25,000,000. All
1906 bonds issued by the commonwealth as aforesaid shall be designated on their face, the
1907 Massachusetts Technology Park Corporation Scientific and Technology Research and
1908 Development Matching Grant Fund Act of 2011, and shall be issued for a maximum term of
1909 years, not exceeding 30 years as the governor may recommend to the general court under section
1910 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later
1911 than June 30, 2048. All interest and payments on account of principal on these obligations shall
1912 be payable from the General Fund. Bonds and interest on bonds issued under this section shall,
1913 notwithstanding any other provision of this act, be general obligations of the commonwealth.

1914 SECTION 91. Before undertaking any construction activity described in paragraph (a) of section
1915 38N of chapter 190 of the acts of 1982 in connection with a capital facility project, the
1916 Massachusetts convention center authority shall file a feasibility study with the clerks of the
1917 senate and house of representatives and the senate and house committees on ways and means, in
1918 compliance with said section 38N for any capital facility projects described in the report
1919 undertaken by the authority on lands owned by the authority or acquired by it under clause (f) of
1920 section 35 of said chapter 190 with amounts provided under clause (iv) of subsection (c) of
1921 section 10 of chapter 152 of the acts of 1997, as amended.

1922 SECTION 92. The Commonwealth Corporation shall study and report on workforce
1923 development, education and skills training in the commonwealth with the objective of
1924 establishing baseline data for middle-skill training completion and credential attainment rates for
1925 all students at public and private colleges and universities, vocational, technical, apprenticeship
1926 and community-based training programs, including adults and those enrolled in workforce
1927 training leading to industry-recognized certification. The Commonwealth Corporation shall
1928 coordinate its reporting with existing efforts of the department of elementary and secondary
1929 education, the department of higher education, including any applicable work of the vision
1930 project, the department of labor and workforce development, the state workforce investment
1931 board and the Massachusetts community colleges executive office. The report shall include, but
1932 not be limited to, an examination of the feasibility and impact of all relevant workforce
1933 development strategies and programs including, but not limited to, ways to leverage and shape
1934 education and training to maximize responsiveness to industry needs and streamline or
1935 restructure educational and training opportunities to enable faster and increased rates of skill,
1936 credential, and educational attainment.

1937 The Commonwealth Corporation shall file said report of its findings with the house and senate
1938 committees on ways and means, the joint committee on community development and small
1939 business, the joint committee on education, the joint committee on economic development and
1940 emerging technologies, and the joint committee on labor and workforce development no later
1941 than December 31, 2012.

1942 SECTION 93. Notwithstanding any general or special law to the contrary, the University of
1943 Massachusetts Building Authority shall be allowed to enter into long-term leases for the
1944 purposes of alleviating educational space overcrowding at university campuses and for the
1945 purpose of stimulating economic development in gateway municipalities, as defined by section
1946 3A of chapter 23A of the General Laws, across the Commonwealth. The University of
1947 Massachusetts Building Authority shall report annually to the house and senate committees on
1948 ways and means a list of any square footage leased pursuant to this section, the educational
1949 programs offered in said square footage, and the economic development projects leveraged by
1950 the individual leases in each gateway municipality.

1951 SECTION 94. Notwithstanding the last paragraph of section 2H of chapter 29 of the General
1952 Laws, \$4,000,000 received from proceeds of one-time settlements or judgments that would
1953 otherwise be transferred to the Commonwealth Stabilization Fund shall instead be deposited in
1954 the Smart Growth Housing Trust Fund established in section 35AA of chapter 10 of the General
1955 Laws.

1956 SECTION 95. The commissioner of revenue, in consultation with the department of housing and
1957 community development, shall review the effectiveness of the community investment tax credit
1958 as it relates to the purposes set forth in section 6M of chapter 62 of the General Laws and shall

1959 file a report, together with any recommendations for legislative changes to the tax credit, to the
1960 joint committee on revenue, the joint committee on economic development and emerging
1961 technologies and the house and senate ways and means committees no later than January 1, 2019
1962 and every 6 years thereafter, as necessary.

1963 SECTION 96. Section 56 shall take effect on January 1, 2013.