

SENATE No. 2231

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Fourteen
—————

SENATE, Friday, June 27, 2014

The committee on Ways and Means, to whom was referred the House Bill promoting economic growth across the Commonwealth (House, No. 4181); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2231.

For the committee,
Stephen M. Brewer

SENATE No. 2231

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

1 SECTION 1. To provide for certain unanticipated obligations of the commonwealth, to
2 provide for alterations of purposes for current appropriations and to meet certain requirements of
3 law, the sums set forth in this section are hereby appropriated from the General Fund, unless
4 specifically designated otherwise in this section, for the several purposes and subject to the
5 conditions specified in this section and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2015. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items. Unexpended
8 balances of appropriations in section 2A shall be made available for expenditure in fiscal years
9 2016 and 2017.

SECTION 2A. EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Information Technology Division.

10 1750-0500 For the development of the online business portal as required by
11 section 69 \$100,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Office of the Secretary.

12 7002-0035 For a reserve to support the commonwealth's defense sector
13 initiatives; provided, that the executive office may allocate funds to
14 the Massachusetts Development and Finance Agency for this

15 purpose; and provided further that \$350,000 shall be expended for
16 education and training programs for workforce training \$700,000

17 7002-1503 For the operations of the John Adams Innovation Institute within the
18 Massachusetts Technology Park Corporation established in section
19 6A of chapter 40J of the General Laws and doing business as the
20 Massachusetts Technology Collaborative; provided, that funds in
21 this item shall be available for expenditure until June 30, 2018\$2,000,000

22 7002-1504 For the Massachusetts Technology Park Corporation established in
23 section 3 of chapter 40J of the General Laws and doing business as
24 the Massachusetts Technology Collaborative, to establish programs
25 that provide advice and training from successful, experienced
26 entrepreneurs for start-up enterprises and that create a talent pipeline
27 to technology startups and innovation companies; provided, that
28 \$1,000,000 shall be expended to establish an entrepreneur and
29 startup mentoring program, in consultation with the Massachusetts
30 Technology Development Corporation established in section 2 of
31 chapter 40G and doing business as MassVentures, to provide
32 assistance, mentoring and advice to startups and innovation
33 companies by connecting early-stage entrepreneurs, technology
34 startups, and small businesses with successful, experienced business
35 enterprises and capital financing; provided further, that \$1,000,000
36 shall be expended to fund paid internships for students seeking
37 careers in technology and innovation industries to work with
38 companies competing actively in those fields; provided further, that
39 in the design and implementation of these programs, the
40 Massachusetts Technology Collaborative shall consult with and
41 review the talent pipeline and mentoring programs that are
42 administered by the Venture Development Center at the University
43 of Massachusetts at Boston established pursuant to chapter 123 of
44 the acts of 2006 in order to model and bring to scale successful talent
45 pipeline programs and practices; provided further, that as a condition
46 of such grants being awarded, the Massachusetts Technology
47 Collaborative shall reach agreement with the grant recipient on
48 performance measures and indicators that shall be used to evaluate
49 the performance of the grant recipient in carrying out the activities
50 described in the recipient's application; provided further, that the
51 Massachusetts Technology Collaborative shall file annual reports for
52 the duration of the programs with the chairs of the senate and house
53 committees on ways and means and the senate and house chairs of
54 the joint committee on economic development and emerging
55 technologies, by January 1; provided further, the paid internship
56 program report shall include the number of placements of students in
57 paid internships during the academic year, an analysis of the impact
58 of the program on the ability of its participants to enter the full-time

59 job market in the technology and innovation industries after
60 graduation and shall be filed annually by June 15; provided further
61 that the entrepreneurship program report shall include an overview
62 of the activities of the programs, the number of participants in the
63 programs, and an analysis of the impact of the programs on the
64 success of the participants' startup business ventures; and provided
65 further, that funds in this item shall be available until June 30, 2018\$2,000,000

66 7002-1506 For the Transformative Development Fund established in section 46
67 of chapter 23G of the General Laws; provided, that not more than
68 \$2,000,000 shall be used to promote collaborative workspaces..... \$10,000,000

69 7002-1507 For the purpose of the Brownfields Redevelopment Fund established
70 in section 29A of chapter 23G of the General Laws.....\$10,000,000

71 7002-1508 For the manufacturing and information technology workforce
72 training program established in section 2LLLL of chapter 29 of the
73 General Laws; provided, that the fund shall be used to establish and
74 support training and education programs that address the workforce
75 shortages of the advanced manufacturing and information
76 technology industries with the goal of training 4,000 workers in 4
77 years to help meet the workforce and talent pipeline needs of
78 employers.....\$10,000,000

79 7002-1509 For the Massachusetts Technology Park Corporation doing business
80 as the Massachusetts Technology Collaborative for a 3-year pilot
81 program in collaboration with the Massachusetts Medical Device
82 Development Center at the University of Massachusetts at Lowell
83 and the Venture Development Center at the University of
84 Massachusetts at Boston, established under chapter 123 of the acts of
85 2006, to offer candidates on nonimmigrant visas the opportunity to
86 remain in the commonwealth to pursue practical training in
87 entrepreneurship.....\$3,000,000

88 7002-1510 For competitive technical assistance grants to be administered by
89 the executive office of housing and economic development, in
90 coordination with the Federal Reserve Bank of Boston, to provide
91 multi-year support to initiatives that advance cross-sector
92 collaboration among the public, private and non-profit sectors;
93 provided, that in order to qualify for funding, a project proposal shall
94 catalyze and accelerate initiatives that create new or stronger
95 working relationships between key institutions, agencies,
96 organizations and businesses within municipalities with: (i) a
97 population of greater than 35,000 and less than 250,000; (ii) a
98 median family income that is below the median of those similarly-

99 sized municipalities; and (iii) a median poverty rate that is above the
100 median for those similarly-sized municipalities; provided further,
101 that the Federal Reserve Bank of Boston shall identify additional
102 program eligibility requirements; and provided further, that the
103 private sector and other institutions shall contribute to this program
104 an amount that is at least equal to the total appropriation for the
105 program..... \$1,500,000

106 7002-1511 For the Massachusetts Technology Park Corporation established in
107 section 3 of chapter 40J of the General Laws and doing business as
108 the Massachusetts Technology Collaborative to identify and promote
109 the growth and development of companies and organizations that are
110 engaged in the development of emerging new technologies
111 associated with health information technology including web-based
112 and personalized care delivery as provided in subsection (f) of
113 section 6D of chapter 40J of the General Laws\$1,000,000

114 7002-1512 For the Big Data Innovation and Workforce Fund established in
115 section 6H of chapter 40J of the General Laws; provided, that
116 \$150,000 shall be expended for the Venture Development Center at
117 the University of Massachusetts at Boston\$2,000,000

Massachusetts Office of Business Development.

118 7007-1202 For the Massachusetts Technology Park Corporation established in
119 section 3 of chapter 40J of the General Laws and doing business as
120 the Massachusetts Technology Collaborative, to develop and
121 implement a plan to promote and establish computer science
122 education in public schools as required by section 68; provided
123 further, that the Massachusetts Technology Collaborative shall seek
124 private funds necessary to match contributions equal to \$1 for every
125 \$1 contributed by the collaborative; provided further, that the
126 Massachusetts technology collaborative shall file an annual report by
127 September 30 for the duration of the program; and provided further,
128 that the report shall be filed with the chairs of the senate and house
129 committees on ways and means and the senate and house chairs of
130 the joint committee on economic development and emerging
131 technologies that includes a 3-year strategic plan and annual goals
132 and progress in achieving those goals.....\$1,500,000

Massachusetts Marketing Partnership.

133 7008-1015 For the Massachusetts office of travel and tourism; provided, that
134 with a focus on increasing visitation and spending from countries,
135 the office shall expend funds for marketing the commonwealth in

136 international markets to travelers; provided further, that no funds
 137 from this item shall supplant the funding appropriated in 7008-0900;
 138 provided further, that the office shall submit an annual report not
 139 later than March 1 on the effectiveness of the international marketing
 140 plan including, but not limited to, the following information: (i) the
 141 projects and amounts expended by location; (ii) the plan to expand to
 142 emerging international markets by location; (iii) barriers to
 143 expanding to emerging international markets by location; and (iv) a
 144 cost-benefit analysis of the marketing plan to the clerks of the senate
 145 and house of representatives and to the senate and house chairs of
 146 the joint committee on tourism, arts and cultural development..... \$5,000,000

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

Department of Career Services.

147 7002-1704 For the Workforce Competitiveness Trust Fund established in
 148 section 2WWW of chapter 29 of the General Laws; provided, that
 149 not less than \$1,000,000 shall be transferred to the department of
 150 higher education to develop, implement and promote stackable
 151 credentials programs at public higher education institutions as
 152 required by section 15G of chapter 15A of the General Laws\$1,000,000

153 7003-0606 For the commonwealth corporation for an employment training
 154 program for unemployed young adults with disabilities; provided,
 155 that funds shall be awarded competitively by the commonwealth
 156 corporation to community-based organizations with recognized
 157 success in creating strong collaborations with employers to consider
 158 young adults with disabilities; provided further, that a community-
 159 based organization that receives funding under this item shall
 160 provide extensive training and internship programming and ongoing
 161 post-placement support for participants and employers\$150,000

EXECUTIVE OFFICE OF EDUCATION.

Office of the Secretary.

162 7009-6406 For competitive grants to cities, towns, regional school districts and
 163 institutions of public higher education for the establishment and
 164 implementation of early college high school programs; provided, that
 165 the programs shall support students who work simultaneously on the
 166 completion of a high school diploma from the partnering school
 167 district while also earning free college credits towards an associate
 168 degree or certificate at the partnering institution of higher education;
 169 provided further, that the programs shall provide full access to
 170 college support services, student activities and tutoring and shall

171 ensure holistic wrap-around support which meets the academic,
172 social and emotional needs of the student; provided further, that in
173 awarding these grants, preference shall be given to innovative joint
174 proposals, developed by partnering school districts, colleges and
175 local and regional nonprofits where appropriate; and provided
176 further, that the grants shall be awarded, to the extent feasible, in a
177 manner that reflects geographic and demographic diversity\$750,000

University of Massachusetts.

178 7118-0100 For marine hydrokinetic research at the Massachusetts Maritime
179 Academy; provided, that the Massachusetts Maritime Academy shall
180 expend funds to collaborate with the University of Massachusetts at
181 Dartmouth, Bristol Community College and other appropriate
182 institutions in the area of marine hydrokinetic research; provided
183 further, that not more than \$150,000 shall be expended for the
184 purchase of a tidal generator marine hydrokinetic turbine; provided
185 further, that the Massachusetts Maritime Academy shall permit
186 colleges and universities to conduct research and training involving
187 tidal turbine devices; provided further, that the Massachusetts
188 Maritime Academy shall develop course work offering access to a
189 turbine prototype for students enrolled in majors including, but not
190 limited to, engineering, power plant management and design and
191 physical and biological oceanography; provided further, that funds
192 shall be expended on research internships; provided further, that the
193 Massachusetts Maritime Academy shall facilitate internships or
194 cooperatives that carry academic credit with private sector
195 companies in the area of marine hydrokinetic research; and provided
196 further, that the Massachusetts Maritime Academy shall develop a
197 program to provide access for private sector companies through
198 public and private partnerships to test marine hydrokinetics and
199 related products, including integration with the regional power grid.....\$1,000,000

200 7100-0801 For the Innovation Commercialization Seed Fund established in
201 section 45B of chapter 75 of the General Laws.....\$2,000,000

202 7100-0802 For the University of Massachusetts at Lowell for technical
203 assistance, mentoring, product development and manufacturing
204 referral services for medical device, manufacturing and technology-
205 based startups and to promote partnerships with the Massachusetts
206 advanced manufacturing collaborative's supply chain; provided, that
207 \$150,000 shall be expended for the Innovation Hub New Venture
208 Competition; and provided further, that \$500,000 shall be expended
209 for the Massachusetts Medical Device Development Center at the
210 University of Massachusetts at Lowell.....\$1,500,000

211 SECTION 3. Section 16G of chapter 6A of the General Laws, as appearing in the 2012
212 Official Edition, is hereby amended by adding the following subsection:-

213 (m) Annually, the secretary of housing and economic development shall prepare a
214 strategic report in conjunction with the secretary of energy and environmental affairs for the
215 commonwealth's commercial fishing and shellfish industry. The secretary of housing and
216 economic development shall annually evaluate the status of the commercial fishing industry and
217 it shall be accompanied by recommendations for appropriate actions to be taken to maintain and
218 revitalize the commercial fishing, shellfish and seafood industry.

219 In carrying out this chapter, the secretaries may, and are encouraged to, seek the
220 laboratory, technical, education and research skills and facilities of public institutions of higher
221 education.

222 SECTION 4. Section 35J of chapter 10 of the General Laws is hereby repealed.

223 SECTION 5. Chapter 15A of the General Laws is hereby amended by inserting after
224 section 15F the following section:-

225 Section 15G. (a) The department of higher education shall assess stackable credentials
226 offered at community colleges, state universities and the University of Massachusetts campuses
227 and, in collaboration with the public higher education institutions and regional workforce
228 organizations, shall: (i) identify best practices to be shared and replicated across campuses to
229 provide a clear and accessible path for students seeking to advance their education through
230 workforce training and preparation; (ii) identify and implement stackable programs on campuses
231 where further needs exist; and (iii) disseminate information on stackable education pathway
232 opportunities with regional workforce agencies. For the purposes of this section, "stackable
233 credential" shall mean a credential earned through an education, training or apprenticeship

234 program while attending an institution of higher education which is designed to be part of a
235 pathway for students that, along with other stackable credentials, cumulatively leads to a degree
236 or industry specific skills certification. The department shall pilot this effort in the areas of
237 advanced manufacturing and information technology.

238 (b) Stackable credentials shall be available across the commonwealth and administered
239 through public higher education institutions; provided, however, that public higher education
240 institutions shall: (i) develop programs responsive to industry needs based on current regional
241 labor market data; (ii) implement the programs in a manner that ensures interconnection of
242 competencies offered in specialized training programs; (iii) establish guidelines and standards for
243 earning stackable credentials through workforce development or career and technical education;
244 and (iv) determine transferability of credentials for college credit. The credentials may be based
245 on competency, workforce or apprentice experience or workforce preparation. In developing
246 criteria for credentials, the department shall consult with the regional employment boards, career
247 and technical education entities, community colleges, state universities, the University of
248 Massachusetts, chambers of commerce, the Massachusetts Technology Park Corporation doing
249 business as the Massachusetts Technology Collaborative, the Massachusetts Life Sciences
250 Center and trade associations.

251 SECTION 6. Chapter 21A of the General Laws is hereby amended by adding the
252 following section:-

253 Section 24. (a) There shall be within the division of marine fisheries a coordinated
254 program to market seafood landed in the commonwealth and to take other actions to increase
255 consumer demand and preference for local seafood products, to support the commonwealth's

256 fishing and seafood industry and the residents and communities that benefit from these activities.

257 The objectives of the program may include, but shall not be limited to:

258 (i) increasing the public's knowledge about the health benefits of consuming
259 seafood and the economic importance of the commonwealth's fishing industry to the local
260 economy and communities;

261 (ii) educating the public on fisheries' resources, fisheries' management and
262 commercial fishing to build consumer confidence in the sustainable basis for commercial fishing
263 in the commonwealth;

264 (iii) creating name recognition and increasing consumer demand and preference
265 for the commonwealth's seafood products, including through the use of brand name, logo or
266 other actions to differentiate them from other seafood products;

267 (iv) stabilizing market prices through the promotion of the commonwealth's
268 seafood products in low consumer demand or when the supply of those products is high;

269 (v) developing a variety of promotional and educational tools and strategies to
270 achieve the program's purpose and objectives, including employing market research and social
271 media; and

272 (vi) identifying a range of sources and mechanisms to fund program activities and
273 to increase the scope of program outreach to the public and other stakeholders.

274 (b) The director of marine fisheries shall appoint a permanent steering committee to
275 assist the division in the administration of its seafood marketing program, including in the areas
276 of strategic planning, financial management, prioritization of programmatic initiatives and in
277 pursuing funding for program activities from outside sources such governments,
278 nongovernmental organizations, industry stakeholders and other private parties. The steering

279 committee shall consist of the director of marine fisheries or a designee who shall serve as chair,
280 the commissioner of fish and game or a designee, the commissioner of agricultural resources or a
281 designee, 2 members of the senate, 1 of whom shall be the chair of the joint committee on
282 environment, natural resources and agriculture and 1 of whom shall be appointed by the minority
283 leader, 2 members from the house of representatives, 1 of whom shall be the chair of the joint
284 committee on environment, natural resources and agriculture and 1 of whom shall be appointed
285 by the minority leader, and 12 persons to be appointed by the governor, 1 of whom shall be a
286 representative of wholesale seafood dealers, 1 of whom shall be a representative of the seafood
287 retail business, 1 of whom shall be a representative of the seafood restaurant business, 2 of whom
288 shall be representatives of fishing industry advocacy organizations, 4 of whom shall be
289 representatives from the commercial fishing and harvesting industry, 1 of whom shall be a
290 representative of the lobster industry, 1 of whom shall be a representative of the scallop industry
291 and 1 of whom shall be a representative of the wild caught shellfish industry.

292 SECTION 7. Section 3A of chapter 23A of the General Laws, as appearing in the 2012
293 Official Edition, is hereby amended by striking out the definition of "Certified project" and
294 inserting in place thereof the following definition:-

295 "Certified project", an expansion project, enhanced expansion project, job creation
296 project or manufacturing retention project approved by the economic assistance coordinating
297 council for participation in the economic development incentive program pursuant to section 3F.

298 SECTION 8. Said section 3A of said chapter 23A, as so appearing, is hereby further
299 amended by striking out the definition of "Economic development incentive program" and
300 inserting in place thereof the following 2 definitions:-

301 “Economic benefit”, an award of any tax credit approved under this chapter, any tax
302 increment financing approved under section 3F of this chapter or section 59 of chapter 40 or a
303 special tax assessment approved under said section 3F.

304 “Economic development incentive program” or “EDIP”, a program designed to promote
305 increased business development and expansion to be administered by the EACC.

306 SECTION 10. Said section 3A of said chapter 23A, as so appearing, is hereby further
307 amended by striking out the definition of “Enhanced expansion project” and inserting in place
308 thereof the following definition:-

309 “Enhanced expansion project”, a facility that, in its entirety and as of the project proposal
310 date: (i) is located or shall be located within the commonwealth; (ii) generates substantial sales
311 from outside of the commonwealth; and (iii) generates a net increase of at least 100 full-time
312 employees within 2 years after project certification and which shall be maintained for not less
313 than 5 years; provided, however, that in the case of a facility that as of the project proposal date
314 is already located in the commonwealth, “enhanced expansion project” shall refer only to a
315 facility at which the controlling business has expanded or proposed to expand the number of
316 permanent full-time employees at such facility and the expansion shall: (1) represent an increase
317 in the number of permanent full-time employees employed by the controlling business within the
318 commonwealth; and (2) not be a replacement or relocation of permanent full-time employees
319 employed by the controlling business at any other facility located within the commonwealth;
320 provided further, that in the case of a facility to be located within the commonwealth after the
321 project proposal date, “enhanced expansion project” shall refer only to a facility that is: (a) the
322 first facility of the controlling business to be located within the commonwealth; (b) a new facility
323 of such controlling business and not a replacement or relocation of an existing facility of such

324 controlling business located within the commonwealth; or (c) an expansion of an existing facility
325 of the controlling business that results in an increase in the number of permanent full-time
326 employees.

327 SECTION 11. Said section 3A of said chapter 23A, as so appearing, is hereby further
328 amended by striking out the definitions of “Expansion project”, “Expansion project EOA”,
329 “Expansion project ETA” and “Expansion project proposal” and inserting in place
330 thereof the following 2 definitions:-

331 “Expansion project”, a facility that, in its entirety and as of the project proposal date: (i)
332 generates substantial sales from outside of the commonwealth; and (ii) generates a net increase
333 of full-time employees within 2 years after project certification, and which shall be maintained
334 for a period of not less than 5 years; provided, however, that in the case of a facility that as of the
335 project proposal date is already in existence, “expansion project” shall refer only to a facility at
336 which the controlling business has proposed to expand the number of permanent full-time
337 employees at such facility to occur after the project proposal date and the expansion shall: (1)
338 represent an increase in the number of permanent full-time employees employed by the
339 controlling business within the commonwealth; and (2) not be a replacement or relocation of
340 permanent full-time employees employed by the controlling business at any other facility located
341 within the commonwealth; and provided further, that in the case of a facility to be constructed or
342 relocated after the project proposal date, “expansion project” shall refer only to a facility which
343 is: (a) the first facility of the controlling business to be located within the commonwealth; (b) a
344 new facility of such business and not a replacement or relocation of an existing facility of such
345 controlling business located within the commonwealth; or (c) an expansion of an existing facility
346 of the controlling business that results in an increase in permanent full-time employees.

347 “Expansion project proposal”, a proposal submitted by a controlling business to the
348 EACC pursuant to section 3F for designation of a project as a certified expansion project if: (i)
349 the proposal has been submitted in a timely manner, in such form and with such information as is
350 prescribed by the EACC, supported by independently verifiable information and signed under
351 the penalties of perjury by a person authorized to bind the controlling business; (ii) the proposal
352 includes specific targets by year for the subsequent 5-calendar-year period relative to the
353 projected increase in the number of permanent full-time employees of the controlling business to
354 be employed by and at the project from among residents of the commonwealth; provided,
355 however, that in the case of a project that is already in existence as of the project proposal date,
356 such projected increase shall not be less than 25 per cent over the subsequent 5-year period; and
357 (iii) in the case of a project that is a new facility within the meaning of clause (b) of the
358 definition of expansion project, the proposal includes the number of permanent full-time
359 employees employed by the controlling business at other facilities located in the commonwealth.

360 SECTION 12. Said section 3A of chapter 23A, as so appearing, is hereby further
361 amended by inserting after the definition of "Gateway municipality" the following 2 definitions:-

362 "Job creation project", a project or investment by a controlling business that: (i) is located
363 or shall be located within the commonwealth; (ii) generates substantial sales from outside of the
364 commonwealth; (iii) does not involve a significant investment in the construction or expansion
365 of an existing facility or otherwise result in an increase in the value of the real property where
366 new jobs shall be located; and (iv) generates a net increase of at least 100 permanent full-time
367 employees within 2 years after project certification and which shall be maintained for a period of
368 not less than 5 years; provided, however, that in the case of a facility that as of the project
369 proposal date is already located in the commonwealth, “job creation project” shall refer only to a

370 facility at which the controlling business has expanded or proposed to expand the number of
371 permanent full-time employees at such facility and the expansion shall: (1) represent an increase
372 in the number of permanent full-time employees employed by the controlling business within the
373 commonwealth; and (2) not be a replacement or relocation of permanent full-time employees
374 employed by the controlling business at any other facility located within the commonwealth;
375 provided further, that in the case of a facility to be located within the commonwealth after the
376 project proposal date, "job creation project" shall refer only to a facility that is: (a) the first
377 facility of the controlling business to be located within the commonwealth; (b) a new facility of
378 such business and not a replacement or relocation of an existing facility of such controlling
379 business located within the commonwealth; or (c) an expansion of an existing facility of the
380 controlling business that results in an increase in permanent full-time employees.

381 "Job creation project proposal", a proposal submitted by a controlling business to the
382 EACC pursuant to section 3F for designation of a project as an job creation certified project if:
383 (i) the proposal has been submitted in a timely manner, in such form and with such information
384 as is prescribed by the EACC, supported by independently verifiable information and signed
385 under the penalties of perjury by a person authorized to bind the controlling business; (ii) the
386 proposal includes specific targets by year for the subsequent 5 calendar year period relative to
387 the projected increase in the number of permanent full-time employees of the controlling
388 business to be employed by and at the project from among residents of the commonwealth;
389 provided, however, that in the case of a project that is a new facility within the meaning of clause
390 (b) of the definition of job creation project, such proposal includes the number of permanent full-
391 time employees employed by the controlling business at other facilities located in the
392 commonwealth.

393 SECTION 13. Said section 3A of chapter 23A, as so appearing, is hereby further
394 amended by inserting after the definition of "Municipal application" the following definition:-

395 "Municipal project endorsement", the endorsement by the municipalities in which a
396 proposed project shall be located pursuant to clause (ii) of paragraph (1) of subsection (a) of
397 section 3F.

398 SECTION 14. Said section 3A of chapter 23A, as so appearing, is hereby further
399 amended by striking out the definitions of "Project" and "Project proposal" inserting in place
400 thereof the following 2 definitions:-

401 "Project", an expansion project, an enhanced expansion project, a job creation project or
402 a manufacturing retention project.

403 "Project proposal", a proposal submitted by a controlling business to the EACC pursuant
404 to section 3F for designation as a certified expansion project, an enhanced expansion project, a
405 job creation project or a manufacturing retention project.

406 SECTION 15. Said section 3A of chapter 23A, as so appearing, is hereby further
407 amended by adding the following 2 definitions:-

408 "Special tax assessment", a binding agreement between a municipality and a controlling
409 business consistent with the requirements of subsection (g) of section 3F.

410 "Tax increment financing agreement", a binding agreement between a municipality and a
411 controlling business consistent with the requirements of subsection (6) of section 3F of this
412 section and section 59 of chapter 40.

413 SECTION 16. Said chapter 23A is hereby further amended by striking out section 3B, as
414 so appearing, and inserting in place thereof the following section:-

415 Section 3B. There shall be an economic assistance coordinating council established
416 within MOBD. The council shall consist of the director of business development or a designee
417 who shall serve as co-chairperson, the director of housing and community development or a
418 designee who shall serve as co-chairperson, the director of career services or a designee, the
419 secretary of labor and workforce development or a designee, 2 persons from MOBD who shall
420 be designated by the director of business development, the president of the Commonwealth
421 Corporation or a designee and 7 persons to be appointed by the governor, 1 of whom shall be
422 from the western region of the commonwealth, 1 of whom shall be from the central region of the
423 commonwealth, 1 of whom shall be from the eastern region of the commonwealth, 1 of whom
424 shall be from the southeastern region of the commonwealth, 1 of whom shall be from Cape Cod
425 or the Islands, 1 of whom shall be a representative of a higher educational institution within the
426 commonwealth and 1 of whom shall be from the Merrimack Valley. All persons appointed by
427 the governor shall have expertise in issues pertaining to training, business relocation and inner-
428 city and rural development and shall be knowledgeable in public policy and international and
429 state economic and industrial trends. Members appointed by the governor shall serve at the
430 pleasure of the governor. The council shall adopt by-laws to govern its affairs.

431 SECTION 17. Subsection (1) of section 3C of said chapter 23A, as so appearing, is
432 hereby amended by striking out clauses (d) to (h), inclusive, and inserting in place thereof the
433 following 4 clauses:-

434 (d) certify and approve tax increment financing agreements and special tax assessments
435 pursuant to section 3F of this chapter and clause (vii) of section 59 of chapter 40.

436 (e) assist municipalities in obtaining state and federal resources and assistance for
437 certified projects and other job creation and retention opportunities;

438 (f) provide appropriate coordination with other state programs, agencies, authorities and
439 public instrumentalities to enable certified projects and other job creation and retention
440 opportunities to be more effectively promoted by the commonwealth; and

441 (g) monitor the implementation and operation of the economic development incentive
442 program.

443 SECTION 18. Section 3D of said chapter 23A, as so appearing, is hereby amended by
444 striking out, in line 1, the word “The” and inserting in place thereof the following word:- (1)
445 The.

446 SECTION 19. Said section 3D of said chapter 23A, as so appearing, is hereby further
447 amended by adding the following subsection:-

448 (2) The EACC may amend the boundaries of an ETA to address situations in which a
449 commercial or industrial facility that is a prospective certified expansion project candidate is
450 located within the boundaries of 2 or more municipalities with at least 1 of the municipalities in
451 an existing ETA. Under such circumstances, if all of the municipalities involved wish to certify
452 the proposed project, the boundaries of the ETA may deviate from census tract boundaries to
453 include any parcels occupied by the commercial or industrial facility. The EACC may consider
454 such an application for amending the boundaries of an ETA if:

455 (a) inclusion of the facility and underlying parcels in the pre-existing contiguous
456 ETA does not alter the eligibility of the ETA as determined pursuant to subclause (ii) of clause
457 (a) of subsection (1);

458 (b) evidence that the commercial or industrial facility is physically located in 2 or
459 more municipalities can be provided;

460 (c) the amended ETA application is jointly filed by the municipalities in which
461 the facility and parcels are located and the EACC approves the amended ETA application; and

462 (d) the filing municipalities represent in their joint application that a certified
463 project application shall be submitted to the EACC within a reasonable period of time for the
464 project proposing to occupy the facility and parcels.

465 SECTION 20. Section 3E of said chapter 23A, as so appearing, is hereby amended by
466 inserting after the word “designation”, in line 58, the following words:- , if applicable.

467 SECTION 21. Said section 3E of said chapter 23A, as so appearing, is hereby further
468 amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

469 (3) receipt with the municipal application of a binding written offer from the
470 municipality, subject only to acceptance by the EACC through designation of the area proposed
471 therefor, in the municipal application as an EOA, to provide to certified projects within the
472 project EOA and pursuant to section 59 of chapter 40 either tax increment financing or a special
473 tax assessment consistent with subsection (f) or (g) of section 3F.

474 SECTION 22. Clause (d) of paragraph (4) of said section 3E of said chapter 23A, as so
475 appearing, is hereby amended by striking out the second paragraph and inserting in place thereof
476 the following paragraph:-

477 An EOA shall retain its designation for at least 5 years and not more than 20 years from
478 the date it is so designated, as determined by the EACC, unless such designation is revoked prior
479 to the expiration of the specified period; provided, however, that the EACC shall not specify a
480 duration in excess of that requested in the municipal application. Only the EACC may revoke the
481 designation of an EOA and only upon the following grounds: (a) upon the petition of the
482 municipality which requested the designation which petition satisfies the authorization

483 requirements for a municipal application and which petition shall be granted as a matter of
484 course; or (b) if the EACC determines, based on its own investigation, that plans and
485 commitments incorporated with the municipal application for such designation are materially at
486 variance with the conduct of the municipality subsequent to the designation and such variance is
487 found to frustrate the public purpose which such designation was intended to advance. Any such
488 revocation of an EOA designation shall only be applied prospectively to deny certification to any
489 projects located or to be located in such EOA and not certified prior to such revocation and shall
490 not apply to, nor revoke any benefits due to or which may become due to, any certified project
491 already in existence in the EOA including, but not limited to, any benefits included in any plans
492 and commitments incorporated with the municipal application for such designation; provided,
493 however, that in no event shall a certified project receive any benefits arising from its status as a
494 certified project for a period of longer than that specified by the EACC in its certification
495 designation, including any renewals thereof, or 20 years, whichever period is of shorter duration.
496 No designation of an area as an EOA shall be renewed or extended except pursuant to paragraphs
497 (1) to (4), inclusive.

498 SECTION 23. Said section 3E of said chapter 23A, as so appearing, is hereby further
499 amended by adding the following paragraph:-

500 (6) Upon application from a city or town, the EACC may from time to time designate any
501 area of a city or town as an area presenting exceptional opportunities for increased economic
502 development. In making such designation, the EACC shall consider whether there is a strong
503 likelihood that any of the following will occur within the area in question within a specific and
504 reasonably proximate period of time:

505 (i) a significant influx or growth in business activity;

506 (ii) the creation of a significant number of new jobs and not merely a replacement
507 or relocation of current jobs within the commonwealth; or

508 (iii) a private project or investment that will contribute significantly to the
509 resiliency of the local economy.

510 SECTION 24. Said chapter 23A is hereby further amended by striking out section 3F, as
511 so appearing, and inserting in place thereof the following section:-

512 Section 3F. (a)(1) The EACC may from time to time designate a project as a certified
513 expansion project, a certified enhanced expansion project, a certified job creation project or a
514 certified manufacturing retention project and take all actions necessary or appropriate thereto,
515 upon:

516 (i) receipt of a project proposal therefor requesting such designation from the
517 controlling business;

518 (ii) receipt of a municipal project endorsement which shall include the following
519 findings based on the information submitted with the project proposal and such additional
520 investigation as the municipality shall make:

521 (A) the project proposal complies with the definition of a project proposal
522 set forth in section 3A;

523 (B) in the case of an expansion project proposal, the expansion project is
524 consistent with and can reasonably be expected to benefit from the municipality's plans relative
525 to the project EOA, if applicable;

526 (C) together with all other projects previously certified and located in the
527 same municipality, will not overburden the municipality's supporting resources including, but
528 not limited to, those set forth in clause (f) of paragraph (2) of section 3E;

529 (D) the project proposal includes a workable plan, with precise goals and
530 objectives, by which the controlling business proposes to realize the increased employment
531 objectives for the project and the business' plan to employ aggressive affirmative action goals,
532 objectives and identification and recruitment techniques and, in the case of an expansion project,
533 the plan for increased employment from among residents of the expansion project ETA, if
534 applicable;

535 (E) the project proposal contains documentation regarding an agreement,
536 if any, between the controlling business and area banking institutions by which the controlling
537 business agrees to establish accounts in those banks and those banks agree to commit a specified
538 percentage of the funds deposited in the accounts for loans made to businesses located within the
539 expansion project area pursuant to the small business capital access program established pursuant
540 to section 57 of chapter 23A;

541 (F) the project as described in the proposal, together with the municipal
542 resources committed to the project, will, if certified, have a reasonable chance of increasing or
543 retaining employment opportunities as advanced in the proposal; and

544 (G) in the case of an expansion project, any municipality in which the
545 expansion project is located or shall be located has offered to enter into a tax increment financing
546 agreement meeting the requirements of subsection (f) or (g) or to provide a special tax
547 assessment meeting the requirements of said subsection (g);

548 (iii) receipt with the municipal project endorsement of a request by the
549 municipality for a designation of the project as a certified project for a specified number of years
550 which shall be not less than 5 years nor more than 20 years; and

551 (iv) the following findings are made by the EACC, based on the project proposal,
552 documents submitted therewith, the municipal project endorsement, and such additional
553 investigation as the EACC shall make and incorporate in its minutes, that:

554 (A) the project proposal complies with the definition of a project proposal
555 set forth in section 3A, with all other applicable statutory requirements and with such other
556 criteria that EACC may prescribe; and

557 (B) the project as described in the proposal, and as further described in the
558 written determination of the municipality made pursuant to clause (ii) will, if certified, have a
559 reasonable chance of increasing or retaining employment opportunities for residents of the ETA
560 or municipality, as applicable; and

561 (2) Notwithstanding sections 3 to 3H, inclusive, no certified expansion project shall be
562 required to be located within an ETA or an EOA; provided, however, that an expansion project
563 proposal shall be accompanied by a municipal project endorsement that meets the requirements
564 of clause (ii) of subsection (a).

565 (b) A certified project shall retain its certification for the period specified by the EACC in
566 its certification decision; provided, however, that such specified period shall be not less than 5
567 years from the date of certification nor more than: (i) 20 years from such date; or (ii) the number
568 of years requested by the municipality approving the project proposal, whichever is lesser, unless
569 such certification is revoked prior to the expiration of the specified period. The certification of a
570 project shall be revoked only by the EACC and only upon: (1) the petition of the municipality
571 that approved the project proposal, if applicable, if the petition satisfies the authorization
572 requirements for a municipal application or the petition of the director of economic development;
573 and (2) the independent investigation and determination of the EACC that representations made

574 by the controlling business in its project proposal are materially at variance with the conduct of
575 the controlling business subsequent to the certification and such variance is found to frustrate the
576 public purpose that such certification was intended to advance; provided, however, that for an
577 expansion project where the actual number of permanent full-time employees employed by the
578 controlling business at the project is less than 50 per cent of the number of such permanent full-
579 time employees projected in the project proposal, this shall be deemed a material variance for the
580 purpose of a revocation determination. Upon such a revocation, all tax credits available to the
581 controlling business as a result of project certification shall be revoked and forfeited for the year
582 in which revocation occurred and all subsequent years, and the commonwealth, and the
583 municipality, in the case of a certified expansion project, shall have causes of action against the
584 controlling business for the value of any economic benefit received by the controlling business
585 prior or subsequent to such revocation.

586 Revocation shall take effect on the first day of the tax year in which the material variance
587 occurred, as determined by the EACC.

588 The revocation of a project certification shall not revoke any benefits due to the project
589 that relate to years prior to the year in which the revocation determination has been made unless
590 the controlling business has not proceeded with the certified project or unless EACC determines
591 that the controlling business made a material misrepresentation in its project proposal, or failed
592 to act in good faith to create and maintain the jobs described in its project proposal. In any such
593 case, both the commonwealth and the municipality shall have causes of action against the
594 controlling business for the value of any economic benefits received subsequent to the date on
595 which the material misrepresentation was made. The commissioner of revenue may, consistent
596 with this paragraph, disallow or recapture any credits, exemptions or other tax benefits allowed

597 by the original certification under this section. The department of revenue shall issue regulations
598 to recapture the value of any credits, exemptions or other tax benefits allowed by the certification
599 under this section.

600 Annually, not later than the first Wednesday in December, the EACC shall file a report
601 detailing its findings of the review of all certified projects that it evaluated in the prior fiscal year
602 to the commissioner of revenue, to the senate and house chairs of the joint committee on revenue
603 and the senate and house chairs of the joint committee on economic development and emerging
604 technologies.

605 (c) The EACC shall evaluate and either grant or deny a project proposal within 90 days
606 after its project proposal date and failure to do so by the EACC shall result in approval of the
607 project for a term of 5 years. Approval of a project under this section shall not constitute an
608 approval by the EACC of any tax incentives provided for under chapters 62 and 63.

609 (d) The EACC may award to a certified project tax credits available under subsection (g)
610 of section 6 of chapter 62 and section 38N of chapter 63. The amount and duration of any such
611 credits awarded shall be based on the following factors:

612 (i) for expansion projects:

613 (A) the degree to which the project is expected to generate net new
614 economic activity within the commonwealth by generating substantial sales from outside of the
615 commonwealth, or otherwise;

616 (B) the degree to which the project is expected to increase employment
617 opportunities for residents of the project ETA, if applicable, and of the commonwealth; and

618 (C) the economic need of the project ETA as measured by the income and
619 employment levels of the ETA, if applicable;

620 (ii) for enhanced expansion projects:

621 (A) the degree to which the project is expected to generate net economic
622 activity within the commonwealth by generating substantial sales from outside of the
623 commonwealth, or otherwise; and

624 (B) the degree to which the project is expected to increase employment
625 opportunities for residents of the commonwealth;

626 (iii) for manufacturing retention projects:

627 (A) the degree to which the project is expected to generate economic
628 activity within the commonwealth by generating substantial sales from outside of the
629 commonwealth, or otherwise; and

630 (B) the degree to which the project is expected to retain or increase
631 manufacturing employment opportunities for residents in the project gateway municipality and
632 the commonwealth.

633 (iv) for job creation projects:

634 (A) the degree to which the project is expected to generate net economic
635 activity within the commonwealth by generating substantial sales from outside of the
636 commonwealth, or otherwise;

637 (B) the degree to which the project is expected to increase employment
638 opportunities for residents of the commonwealth; and

639 (C) the degree to which the project qualifies for certification as an
640 expansion project, an enhanced expansion project or a manufacturing retention project, with the
641 expectation that the EACC will certify a proposed project as a job creation project only if the
642 proposed project does not otherwise qualify for certification.

643 (e) The EACC may limit any incentive or credit available to a project pursuant to
644 subsection (g) of section 6 of chapter 62 and section 38N of chapter 63 to a specific dollar
645 amount or time duration or in any other manner deemed appropriate by EACC, including limits
646 or restrictions on the right of the controlling business to carry unused credits forward to future
647 tax years.

648 (f) If a municipal project endorsement includes an offer by a municipality to provide the
649 certified project with tax increment financing, said binding written offer shall contain a tax
650 increment financing agreement adopted in accordance with section 59 of chapter 40. The EACC
651 may approve such tax increment financing plan pursuant to regulations adopted by the EACC.
652 Any such approval shall include a finding, reflected in the EACC's minutes, that the tax
653 increment financing plan complies with said section 59 of chapter 40 and will further the public
654 purpose of encouraging increased industrial and commercial activity in the commonwealth.

655 (g)(1) If a municipal project endorsement includes an offer by the municipality to provide
656 the certified project with a special tax assessment, the municipal project endorsement shall
657 include a binding written offer setting forth the following assessment schedule for each parcel of
658 real property in and on which is located and which is otherwise a part of a certified project:

659 (i) in the first year, an assessment of 0 per cent of the actual assessed valuation of
660 the parcel; provided, however, that such assessment shall be granted for the year designated in
661 the binding written offer;

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

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

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

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

670 (2) For the purposes of this subsection, the “municipality’s fiscal year” shall refer to a
671 period of 365 days beginning, in the first instance, with the calendar year in which the assessed
672 property is purchased or acquired by the controlling business or the calendar year in which the
673 assessed property becomes part of a certified project, whichever last occurs; provided, however,
674 that no such written offer from a municipality shall be considered to be binding as aforesaid until
675 it is authorized.

676 (3) Notwithstanding any provision of this section to the contrary, a municipality may
677 offer a special tax assessment to a controlling business without a certified project if: (i) the
678 municipality makes a formal determination that the controlling business is making an investment
679 that will contribute to economic revitalization of the municipality and will significantly increase
680 employment opportunities for residents of the municipality; (ii) the municipality applies to the
681 EACC for approval of the special tax assessment; and (iii) the EACC makes a formal finding,
682 based on information presented by the municipality and incorporated into its minutes, that the
683 special tax assessment is reasonably necessary to enable the controlling business’s investment
684 and will further the public purpose of encouraging increased industrial and commercial activity
685 in the commonwealth.

686 SECTION 25. Said chapter 23A is hereby further amended by striking out section 13J, as
687 so appearing, and inserting in place thereof the following section:-

688 Section 13J. (a) The following offices shall be within the office of travel and tourism: the
689 Massachusetts film office, which shall be the official and lead agency to facilitate motion picture
690 production and development in the commonwealth, and the Massachusetts sports partnership,
691 which shall be the official and lead agency to facilitate and attract major sports events and
692 championships in the commonwealth.

693 (b) The Massachusetts sports partnership shall meet on a quarterly basis and shall
694 annually, not later than March 1, report the results of its findings and activities for the preceding
695 year and its recommendations to the clerks of the senate and house of representatives and to the
696 senate and house chairs of the joint committee on tourism, arts and cultural development.

697 SECTION 26. Said chapter 23A is hereby further amended by inserting after section 13S
698 the following section:-

699 Section 13T. (a) There shall be a Massachusetts Tourism Trust Fund which shall be
700 administered by the Massachusetts marketing partnership established in section 13A and held by
701 the partnership separate and apart from its other funds. The fund shall be credited in the
702 following phased-in scale:

703 (i) for fiscal year 2016, 1.25 cents of the 5.7 per cent of the room occupancy
704 excise imposed by section 3 of chapter 64G and section 22 of chapter 546 of the acts of 1969;

705 (ii) for fiscal year 2017, 1.5 cents of the 5.7 per cent of the room occupancy
706 excise imposed by said section 3 of said chapter 64G and said section 22 of said chapter 546;

707 (iii) for fiscal year 2018, 1.75 cents of the 5.7 per cent of the room occupancy
708 excise imposed by said section 3 of said chapter 64G and said section 22 of said chapter 546; and

709 (iv) for fiscal year 2019, 2 cents of the 5.7 per cent of the room occupancy excise
710 imposed by said section 3 of said chapter 64G and said section 22 of said chapter 546.

711 (b) In addition, the fund shall be credited all revenue as designated under the Gaming
712 Licensing Fund required under clause (6) of subsection (a) of section 93 of chapter 194 of the
713 acts of 2011 and the Gaming Revenue Fund as required by subclause (b) of clause (2) of section
714 59 of chapter 23K.

715 (c) All available monies in the fund that are unexpended at the end of each fiscal year
716 shall not revert to the General Fund and shall be available for expenditure by the fund in the
717 subsequent fiscal year.

718 (d) Monies in the fund shall be applied as follows:

719 (i) 80 per cent to the Massachusetts marketing partnership; and

720 (ii) 20 per cent to regional tourism councils.

721 (e) The partnership shall submit a report annually not later than December 31 on the cost-
722 effectiveness of the fund to the clerks of the senate and house of representatives and the joint
723 committee on tourism, arts and cultural development. The report shall include: (i) expenditures
724 made by the partnership from monies out of the fund to promote tourism; (ii) expenditures made
725 by the partnership on administrative costs in administering the fund; (iii) expenditures made by
726 the regional tourism councils to promote tourism; and (iv) expenditures made by the regional
727 tourism councils on administrative costs.

728 SECTION 27. Section 63 of said chapter 23A is hereby amended by striking out
729 subsections (a) and (b), as most recently amended by section 4 of chapter 129 of the acts of 2013,
730 and inserting in place thereof the following 2 subsections:-

731 (a) There shall be in the executive office of housing and economic development a
732 MassWorks infrastructure program: (i) to issue public infrastructure grants to municipalities and
733 other public instrumentalities for design, construction, building, land acquisition, rehabilitation,

734 repair and other improvements to publicly-owned infrastructure including, but not limited to,
735 sewers, utility extensions, streets, roads, curb-cuts, parking, water treatment systems,
736 telecommunications systems, transit improvements and pedestrian and bicycle ways; (ii) for
737 commercial and residential transportation and infrastructure development, improvements and
738 various capital investment projects under the growth districts initiative administered by the
739 executive office of housing and economic development; (iii) to assist municipalities to advance
740 projects that support job creation and expansion, housing development and rehabilitation,
741 community development projects, and small town transportation projects authorized under
742 subsection (e); provided, however, that projects supporting smart growth as defined by the
743 commonwealth's sustainable development principles shall be preferred; and (iv) to match other
744 public and private funding sources to build or rehabilitate transit-oriented housing located within
745 .5 miles of a commuter rail station, subway station, ferry terminal or bus station, at least 25 per
746 cent of which shall be affordable.

747 (b) Eligible public infrastructure projects authorized by clause (i) of subsection (a) shall
748 be located on public land or on public leasehold, right-of-way or easement. A project that uses
749 grants to municipalities for public infrastructure provided by this section shall be procured by a
750 municipality in accordance with chapter 7, section 39M of chapter 30, chapter 30B and chapter
751 149.

752 SECTION 28. Said chapter 23A is hereby further amended by adding the following
753 section:-

754 Section 65. (a) The secretary of housing and economic development shall establish a
755 financial services advisory council in the executive office of housing and economic
756 development, which shall have the sole purpose of advising the governor or the governor's

757 designee on policies, strategies and initiatives designed to preserve and advance the
758 competitiveness and leadership of the commonwealth's financial services industry, including the
759 banking, investment management and insurance sectors.

760 (b) The council shall be composed of 15 members including: the secretary of housing and
761 economic development, who shall serve as chair; the house and senate chairs of the joint
762 committee on economic development and emerging technologies; the house and senate chairs of
763 the joint committee on financial services; the commissioner of higher education; the executive
764 director of the Massachusetts international trade office established in section 13K; and 8
765 representatives of the business community who shall be appointed by the secretary of housing
766 and economic development, including representatives of business with at least 2 members from
767 each of the following sectors: banking, investment management and insurance sectors; at 1
768 business representative shall be from a company whose headquarters is located in Suffolk,
769 Middlesex, Essex, Norfolk or Worcester county; at least 1 business representative shall be from a
770 company whose headquarters is located in Hampshire, Hampden, Franklin or Berkshire county;
771 and at least 1 business representative shall be from a company whose headquarters is located in
772 Bristol, Plymouth, Nantucket, Dukes or Barnstable county. The secretary, in making such
773 appointments, shall consider the size of the business representative's company, including its
774 employee base within the commonwealth and the amount of assets under management or
775 premiums in force. Business representatives shall be appointed for 2-year terms and may be
776 reappointed without limitation on the number of terms.

777 (c) The council shall convene at least 3 meetings per calendar year to exchange ideas and
778 develop strategies for business and government to work together to strengthen the financial

779 services industry in areas such as public policy, workforce development, international trade and
780 direct foreign investment and industry promotion.

781 SECTION 29. Section 1 of chapter 23G of the General Laws, as appearing in the 2012
782 Official Edition, is hereby amended by inserting after the definition of “Economic development
783 project” the following definition:-

784 “Equity investments”, (i) investments that result in the agency holding a controlling
785 ownership interest in any company; (ii) a membership interest that constitutes controlling voting
786 rights in a company; (iii) a controlling interest in real estate or other assets; (iv) a transaction
787 which in substance falls into any of these categories even though it may be structured as some
788 other form of business transaction; and (v) an equity security; provided, however, that “equity
789 investments” shall not include any of the foregoing if the interest is taken as security for a loan.

790 SECTION 30. Said section 1 of said chapter 23G, as so appearing, is hereby further
791 amended by inserting after the definition of “Financing document” the following definition:-

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

793 SECTION 31. Said section 1 of said chapter 23G, as so appearing, is hereby further
794 amended by inserting after the definition of “Sponsor” the following definition:-

795 “Transformative development”, redevelopment on a scale and character capable of
796 catalyzing significant follow-on private investment, leading over time to transformation of an
797 entire downtown or urban neighborhood and consistent with local plans; provided, that
798 “transformative development” may involve major investment in new construction, rehabilitation
799 and adaptive reuse or multiple smaller investments on a sustained basis.

800 SECTION 32. Said chapter 23G is hereby further amended by adding the following
801 section:-

802 Section 46. (a) There shall be established and set up on the books of the commonwealth
803 a Transformative Development Fund within the Massachusetts Development Finance Agency.
804 In carrying out its duties under this section, the agency may utilize the fund as provided in this
805 section to make equity investments and provide technical assistance to revitalize and support
806 residential, commercial, industrial and institutional development, or any combination thereof,
807 and to provide financial assistance to promote collaborative workspaces in gateway
808 municipalities. The fund shall be administered and managed by a fund director who shall be
809 appointed by the executive director of the agency. The agency may adopt guidelines necessary to
810 implement the program. The fund may coordinate with other agencies and instrumentalities of
811 the commonwealth to effectuate this section.

812 (b) The liabilities and obligations of the fund shall not extend beyond the monies which
813 are deposited in the fund and shall not constitute a debt or pledge of the faith and credit of the
814 commonwealth or any political subdivision of the commonwealth.

815 (c) Monies in or received for the fund may be deposited with and invested by any
816 institution designated by the treasurer of the agency at the sole discretion of the treasurer and
817 paid as the fund director shall direct. Any return on investment received by the fund as a result of
818 the deposits and the agency's equity investments shall be deposited and held for the use and
819 benefit of the fund. The treasurer may make payments from the deposit accounts for use under
820 this section. The agency may be reimbursed annually from the fund for all reasonable and
821 necessary direct costs and expenses incurred with its administration, management and operation
822 of the fund, including reasonable staff time, out-of-pocket expenses and administrative costs.

823 (d) The fund may apply for and accept subventions, grants, loans, advances and
824 contributions from any source of money, property, labor or other things of value to be held, used
825 and applied in furtherance of this section.

826 (e) The agency shall use the fund to make equity investments in property that the agency
827 has determined has the potential to constitute transformative development in a gateway
828 municipality. With respect to any property acquired by the fund, the agency may pledge its
829 ownership interest, physical assets held by the ownership entity or any portion of the anticipated
830 gross revenue resulting from the equity investments of the fund to secure loans related to
831 development of the property. The agency may not cross-collateralize the fund's investments in
832 the property.

833 (f) The fund director shall allocate a portion of the original capitalization of the fund, not
834 to exceed 20 per cent, to provide technical assistance to revitalize and support development in
835 gateway municipalities by utilizing any of the following methods of providing technical
836 assistance: (i) grants to support the hiring of professional staff or professional services by a
837 gateway municipality or any instrumentality of the gateway municipality; (ii) reimbursement for
838 professional staff employed by the agency and embedded in a gateway municipality; (iii) grants
839 to pay for third-party professional services managed by the agency; and (iv) any other variation
840 on the provision of technical assistance consistent with this section.

841 (g) At its discretion, the agency may allocate the fund's technical assistance through a
842 competitive process using criteria that include, without limitation, the existence of a long-term
843 economic development strategy, commitment to effective use of the agency's technical
844 assistance by the municipality and other local partners and the potential for transformative
845 development in the gateway municipality.

846 (h) The fund director shall allocate a portion of the original capitalization of the fund to
847 support the development in gateway municipalities of collaborative workspaces to spur
848 innovative and creative business growth and economic activity and assist with the redevelopment
849 of underutilized buildings. The program shall: (i) promote the creation of collaborative
850 workspaces by providing financial assistance for capital investments in underutilized buildings;
851 (ii) foster collaboration and linkages among innovative and creative enterprises by providing
852 central locations for such businesses or individuals to work in an environment designed to
853 promote sharing of resources, experience and expertise; (iii) support partnerships among
854 municipalities, property owners and businesses to establish collaborative workspaces; and (iv)
855 require a collaborative workspace to provide shared space which promotes the interaction,
856 socialization and coordination among tenants through the clustering of multiple businesses or
857 individuals within the collaborative workspace. The agency shall, through grants, contracts or
858 loans, administer the program for the purpose of facilitating a collaborative and co-working
859 space to address a regional market demand for affordable work environments that support
860 communication, information sharing and networking opportunities.

861 (i) Loans or grants made under this program may be made to property owners or
862 collaborative workspace operators for building improvements which shall be utilized by the
863 collaborative workspace participants provided that the use of the fund results in corresponding
864 private investment that matches or exceeds the grants from the fund. In the case of a grant, any
865 participating property owner or collaborative workspace operator shall at least match the
866 investment of the fund. In the case of a loan, the agency shall reasonably anticipate that its loan
867 will leverage additional private investment in the property.

868 (j) The agency shall solicit applications for financial assistance that promote
869 collaborative workspaces through a request for proposals. The agency shall establish criteria for
870 the submission of applications; provided, however, that the applications shall include, but need
871 not be limited to: (i) a description of the parties involved in the project, including the
872 professional expertise and qualifications of the principals; (ii) a description of the scope of work
873 that shall be undertaken by each party involved in the project; (iii) the proposed budget,
874 including verification of funding from other sources; (iv) a statement of the project objective,
875 including specific information on how the project shall promote the use of the space as
876 collaborative and shared space; (v) a statement that sets forth the implementation plan, the
877 facilities and resources available or needed for the project and the proposed commencement and
878 termination dates of the project; (vi) a description of the expected significance of the project,
879 including a description of the market demand for the type of workspace proposed in the region
880 that the space shall be located and the number of businesses or individuals that shall be served as
881 a result of the project; and (vii) any other information that the agency shall consider necessary.
882 The agency shall also establish guidelines for the review and approval of applications that
883 include preferences for proposals that: (A) redevelop at least 10,000 square feet in existing
884 properties located in the downtown area of a gateway municipality; (ii) dedicate at least 25 per
885 cent of accessible space to collaborative use; and (iii) support a cluster of at least 15 separate
886 occupants.

887 (k) The agency shall enter into an agreement with each collaborative workspace operator
888 that receives a grant or loan or enters into a contract under this section regarding: (i) performance
889 measures and indicators that shall be used to evaluate the performance of the collaborative
890 workspace operator in carrying out the activities described in the application; and (ii) any other

891 indicators determined to be necessary to evaluate the performance of the eligible entity. Each
892 collaborative workspace operator shall submit an annual report for the agency's review for the
893 duration of the collaborative workspace operation. The agency shall enter into an agreement with
894 each property owner that receives a grant or loan or enters into a contract under this section
895 regarding the use of funds and the time frame for the use of funds.

896 (l) The agency shall identify and maintain a list of redevelopment projects within
897 gateway municipalities with the greatest potential to provide substantial local economic growth,
898 job creation, neighborhood revitalization or abandoned and underutilized property reuse. In its
899 investigation, the agency shall prioritize redevelopment projects that may commence promptly
900 after identification. The agency shall outline the economic opportunities at the project sites,
901 describe marketable site uses and describe the benefits of investing in the redevelopment project.
902 The agency shall also describe current impediments facing each identified redevelopment project
903 and outline particular policies and programs in place that provide technical assistance, financing
904 options, permitting aid or any other incentives to pursue redevelopment options.

905 (m) The agency shall, in coordination with the executive office of housing and economic
906 development, submit an annual report to the clerks of the senate and house of representatives
907 who shall forward the report to the house and senate committees on ways and means, the joint
908 committee on economic development and emerging technologies and the joint committee on
909 labor and workforce development by December 31. The report shall include a current assessment
910 of the progress of each project funded through the collaborative workspace program and the
911 progress of the participants in the program.

912 SECTION 33. Section 59 of chapter 23K of the General Laws, as appearing in the 2012
913 Official Edition, is hereby amended by striking out, in lines 21 and 22, the words "Fund to fund

914 tourist promotion agencies under clause (c) of section 35J of chapter 10” and inserting in place
915 thereof the following words:- Trust Fund to fund tourist promotion agencies under subsection (b)
916 of section 13T of chapter 23A.

917 SECTION 34. Chapter 29 of the General Laws is hereby amended by inserting after
918 section 2K K K K K the following 2 sections:-

919 Section 2L L L L L. (a) There shall be established and set up on the books of the
920 commonwealth an Advanced Manufacturing and Information Technology Training Trust Fund.
921 The fund shall be credited with any revenue from appropriations or other monies authorized by
922 the general court and specifically designated to be credited to the fund and any gifts, grants,
923 private contributions, investment income earned on the assets of the fund and all other sources.
924 Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.
925 Money in the fund shall be used to establish and support training and education programs that
926 address the workforce shortages of the advanced manufacturing and information technology
927 industries. The fund shall be administered by the commonwealth corporation, in consultation
928 with the executive office of housing and economic development, the executive office of labor
929 and workforce development, the department of higher education and the Massachusetts
930 Technology Park Corporation doing business as the Massachusetts Technology Collaborative.
931 The commonwealth corporation shall make expenditures from the fund without further
932 appropriation; provided, however, that not more than 10 per cent of the amount held in the fund
933 in any 1 year shall be used by the commonwealth corporation for the combined cost of program
934 administration, technical assistance to grantees and program evaluation.

935 (b) Monies in the fund shall be expended on programs that have at least 2 of the
936 following purposes with a focus on aligning expenditures with industry needs:

937 (i) to identify, support or establish collaborative regional partnerships including, but not
938 limited to, employers, workforce development and education organizations and economic
939 development officials in every region of the commonwealth where manufacturers have a
940 presence or where the information technology industry and related information technology
941 occupations demonstrate demand;

942 (ii) to address critical workforce shortages in advanced manufacturing or information
943 technology;

944 (iii) to improve employment in the manufacturing or information technology industries
945 for low-income individuals, women and minorities;

946 (iv) to provide training, educational or career ladder services for currently employed or
947 unemployed manufacturing and information technology workers who are seeking new positions
948 or responsibilities within the manufacturing or information technology industry;

949 (v) to develop strong career awareness and advising programs to educate children in
950 kindergarten to grade 12, inclusive, postsecondary students, disconnected youth, underemployed
951 workers and unemployed adults;

952 (vi) to increase support for internship and apprentice training;

953 (vii) to boost industry-relevant instructor capacity for high school and postsecondary
954 programs;

955 (viii) to direct support for succession planning, worker retention and up-skilling strategies
956 for older and incumbent workers;

957 (ix) to facilitate the purchase of manufacturing-related equipment by vocational technical
958 high schools; and

959 (x) to establish research and demonstration projects for training entry-level employees in
960 the work environment for upward mobility through the use of high intensity training
961 methodologies to determine the most likely successful training models to provide upward
962 mobility.

963 (c) The commonwealth corporation shall establish a competitive grant process for funds
964 to be expended on programs under subsection (a). Eligible applicants shall include employers
965 and employer associations, local workforce investment boards, labor organizations, joint labor-
966 management partnerships, community-based organizations, institutions of higher education,
967 kindergarten to grade 12, inclusive, and vocational education institutions, private for-profit and
968 nonprofit organizations providing education and workforce training, 1-stop career centers, local
969 workforce development entities and any partnership or collaboration between or among eligible
970 applicants. Expenditures from the fund for these purposes shall complement and not replace
971 existing local, state, private or federal funding for training and educational programs.

972 (d) A grant proposal submitted under subsection (b) shall include, but not be limited to:
973 (i) a plan that defines specific goals for advanced manufacturing or information technology
974 workforce training and educational improvements; (ii) the evidence-based programs the
975 applicant shall use to meet the goals; (iii) a budget necessary to implement the plan, including a
976 detailed description of any funding or in-kind contributions the applicant shall provide in support
977 of the proposal; (v) any other private funding or private sector participation the applicant
978 anticipates in support of the proposal; and (v) the proposed number of individuals who would be
979 enrolled, complete training and be placed into employment in the targeted industries.

980 (e) The commonwealth corporation shall, in consultation with the executive office of
981 housing and economic development, the executive office of labor and workforce development,

982 the department of higher education and the Massachusetts Technology Collaborative, develop
983 guidelines for an annual review of the progress made by each grantee. Each grantee shall
984 participate in any evaluation or accountability process implemented or authorized by the
985 commonwealth corporation. The commonwealth corporation shall file an annual report for the
986 duration of the programs with the chairs of the house and senate committees on ways and means
987 and the senate and house chairs of the joint committee on labor and workforce development and
988 the joint committee on economic development and emerging technologies by January 1;
989 provided, however, that the report shall include an overview of the activities of the programs, the
990 number of participants in the programs and the employment outcomes in the programs.

991 (f) The commonwealth corporation shall, in consultation with the executive office of
992 education, evaluate and report on the status of vocational technical schools including, but not
993 limited to, a recommendation on whether the current training programs are adequately focused
994 on the high-growth sectors of the Massachusetts economy or occupations with the best job
995 prospects for those entering the workforce and the funding needs, including capital
996 improvements, investments and instructional equipment needed, to focus vocational education
997 programs towards high-growth industries.

998 Section 2MMMM. There shall be established and set up on the books of the
999 commonwealth a Massachusetts Seafood Marketing Program Fund which shall be administered
1000 by the division of marine fisheries. Notwithstanding any general or special law to the contrary,
1001 the following monies shall be credited to the fund: (i) a portion of the monies collected from the
1002 sale of commercial harvester and dealer permits issued by the division pursuant to chapter 130 in
1003 an amount to be determined by the director of marine fisheries not to exceed \$250,000 per fiscal
1004 year; (ii) any appropriations, grants, gifts or other monies authorized by the general court or

1005 other parties and specifically designated to be credited to the fund; and (iii) any income derived
1006 from the investment of amounts credited to the fund. All amounts credited to the fund shall be
1007 used without further appropriation for the purpose of developing and administering the seafood
1008 marketing program established in section 23 of chapter 21A; provided, however, that program
1009 expenditures shall be made in consultation with the department of fish and game and the division
1010 and shall be consistent with any program priorities identified by the steering committee
1011 established pursuant to said section 23 of said chapter 21A. No expenditure from the fund shall
1012 cause the fund to be in deficiency at the close of a fiscal year. Monies deposited in the fund that
1013 are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be
1014 available for expenditure in the subsequent year. The fund shall be exempt from the indirect and
1015 fringe benefits that would otherwise be assessed pursuant to chapter 29.

1016 SECTION 35. Section 6D of chapter 40J of the General Laws, as appearing in the 2012
1017 Official Edition, is hereby amended by adding the following subsection:-

1018 (f) The institute shall identify companies and organizations that are engaged in the
1019 development of emerging new technologies associated with health information technology,
1020 including web-based and personalized care delivery. The institute shall promote the growth and
1021 development of such companies and organizations by supporting the formation of regional health
1022 information technology clusters, coordinating the promotion and dissemination of information
1023 regarding such companies and organizations, identifying and addressing obstacles to the growth
1024 of such companies and organizations and helping to identify alternative funding sources for such
1025 companies and organizations for the implementation of their business and marketing plans.

1026 SECTION 36. Said chapter 40J is hereby further amended by inserting after section
1027 6E1/2 the following section:-

1028 Section 6H. There shall be established and set up on the books of the corporation a Big
1029 Data Innovation and Workforce Fund. There shall be credited to the fund the proceeds of any
1030 bonds or notes of the commonwealth issued for the purpose of the fund and any appropriations
1031 designated by the general court. The corporation shall hold the fund in an account separate from
1032 other funds, including other funds established under this chapter. Amounts credited to the fund
1033 shall be available for expenditure by the corporation without further appropriation for all
1034 activities consistent with this section and which support the purposes specified in this section as
1035 the corporation may determine are appropriate including, without limitation, grants, contracts
1036 and loans. Amounts credited to the fund shall be expended or applied only with the approval of
1037 the executive director of the corporation upon consultation with the director of the John Adams
1038 Innovation Institute. Amounts credited to the fund shall be used to promote the use of big data,
1039 open data and analytics by including, but not limited to: (i) bringing together academia, industry,
1040 public sector and private sector organizations to make recommendations regarding how to
1041 educate and prepare a workforce for careers in big data including, but not limited to, through
1042 continuing education programs, advanced degree programs and community college and science,
1043 technology, engineering and math, or STEM, courses to close the skills gap; (ii) providing access
1044 to tools and technology to enable academia and industry to analyze open data sets to help
1045 identify and solve problems in transportation, public health, energy and other areas of public
1046 policy concern and to support economic development; (iii) providing challenge grants that enable
1047 departments, agencies and instrumentalities of the commonwealth that utilize big data to solve
1048 public policy concerns and to support economic development; and (iv) supporting the
1049 development of big data at the Venture Development Center at the University of Massachusetts

1050 at Boston. The corporation shall support efforts to develop policies and guidelines to safeguard
1051 personally identifiable information.

1052 SECTION 37. Section 6 of chapter 62 of the General Laws is hereby amended by
1053 striking out, in line 843, as appearing in the 2012 Official Edition, the figure “\$5,000,000” and
1054 inserting in place thereof the following figure:- \$10,000,000.

1055 SECTION 38. Said section 6 of said chapter 62 is hereby further amended by striking
1056 out the figure “\$10,000,000”, inserted by section 37, and inserting in place thereof the following
1057 figure:- \$5,000,000.

1058 SECTION 39. Said section 6 of said chapter 62 is hereby further amended by striking
1059 out, in line 848, as appearing in the 2012 Official Edition, the figure “\$5,000,000” and inserting
1060 in place thereof the following figure:- \$10,000,000.

1061 SECTION 40. Said section 6 of said chapter 62 is hereby further amended by striking
1062 out the figure “\$10,000,000”, inserted by section 39, and inserting in place thereof the following
1063 figure:- \$5,000,000.

1064 SECTION 41. Section 38BB of chapter 63, as appearing in the 2012 Official Edition, is
1065 hereby amended by striking out, in line 43, the figure “\$5,000,000” and inserting in place thereof
1066 the following figure:- \$10,000,000.

1067 SECTION 42. Said section 38BB of said chapter 63 is hereby further amended by
1068 striking out the figure “\$10,000,000”, inserted by section 41, and inserting in place thereof the
1069 following figure:- \$5,000,000.

1070 SECTION 43. Said section 38BB of said chapter 63, as appearing in the 2012 Official
1071 Edition, is hereby further amended by striking out, in line 48, the figure “\$5,000,000” and
1072 inserting in place thereof the following figure:- \$10,000,000.

1073 SECTION 44. Said section 38BB of said chapter 63 is hereby further amended by
1074 striking out the figure “\$10,000,000”, inserted by section 43, and inserting in place thereof the
1075 following figure:- \$5,000,000.

1076 SECTION 45. Section 42B of said chapter 63, as appearing in the 2012 Official Edition,
1077 is hereby amended by adding the following subsection:-

1078 (d) For the purposes of this section, a limited partnership that is not a business
1079 corporation but that would otherwise qualify as a research and development corporation under
1080 this section may be considered a research and development corporation when all partners are
1081 corporations solely for purposes of claiming the exemptions available to research and
1082 development corporations under chapters 64H and 64I.

1083 SECTION 46. Chapter 75 of the General Laws is hereby amended by inserting after
1084 section 45A the following section:-

1085 Section 45B. (a) There shall be established and set up on the books of the commonwealth
1086 an Innovation Commercialization Seed Fund into which shall be credited any appropriations
1087 designated by the general court to be credited to the fund and any monies generated for the fund
1088 through corporations or nonprofit entities. The fund shall be administered by the Massachusetts
1089 Technology Transfer Center established in section 45 which shall make expenditures from the
1090 fund without further appropriation to provide for an initial investment through a competitive
1091 grant program to researchers and students at the University of Massachusetts and other public
1092 and private designated research universities located in the commonwealth who have invented or
1093 developed concepts, goods or services that have commercial potential but have not reached the
1094 point of commercialization as determined by the center. The center shall determine guidelines
1095 for soliciting proposals. Not less than 50 per cent of the funds under this section shall be

1096 reserved for award over the term of each authorization or appropriation, subject to qualification,
1097 to the University of Massachusetts. Initial investment grants shall be not be over \$50,000 and
1098 may be renewed not more than 2 times if necessary as determined by the center. Priority shall be
1099 given to concepts, goods or services that create jobs and concepts, goods or services in the
1100 commonwealth submitted from researchers that employ and work with students in the research
1101 and development of the concept, goods or services. Investments shall be focused on developing
1102 technologies that benefit industry sectors of strategic importance to the commonwealth, such as
1103 advanced manufacturing, advanced materials, clean energy, communications, cyber security,
1104 defense, information technology, life sciences and marine science. The fund shall be used to
1105 advance the goals of job growth creation, innovation and economic development which may
1106 include, but shall not be limited to, the construction of prototypes, testing, market research and
1107 other steps necessary to bring the invention or concept to market in the commonwealth. The fund
1108 shall be available to student-driven invention or concepts as long as the students are advised by a
1109 member of the faculty at the University of Massachusetts or other research university located in
1110 the commonwealth.

1111 (b) The center shall annually file a report with the joint committee on higher education
1112 and the senate and house committees on ways and means detailing the grants awarded under this
1113 section not later than March 1.

1114 SECTION 47. The General Laws are hereby amended by inserting after chapter 93K the
1115 following chapter:-

1116 Chapter 93L.

1117 UNIFORM TRADE SECRETS ACT

1118 Section 1. This chapter shall be known and may be cited as the Uniform Trade Secrets
1119 Act.

1120 Section 2. As used in this chapter the following words shall have the following meanings
1121 unless the context clearly requires otherwise:

1122 "Improper means", includes, without limitation, theft, bribery, misrepresentation or
1123 breach or inducement of a breach of a confidential relationship or other duty to limit acquisition,
1124 disclosure or use of information.

1125 "Misappropriation", (i) the acquisition of a trade secret of another by a person who knows
1126 or who has reason to know that the trade secret was acquired by improper means; or

1127 (ii) disclosure or use of a trade secret of another without that person's express or implied
1128 consent by a person who:

1129 (A) used improper means to acquire knowledge of the trade secret;

1130 (B) knew or had reason to know at the time of the disclosure or use that
1131 knowledge of the trade secret was derived from or through a person who had utilized improper
1132 means to acquire it, acquired under circumstances giving rise to a duty to limit its acquisition,
1133 disclosure or use or derived from or through a person who owed a duty to the person seeking
1134 relief to limit its acquisition, disclosure or use; or

1135 (C) before a material change of position, knew or had reason to know that it was a
1136 trade secret and that knowledge of it had been acquired by accident or mistake.

1137 "Person", a natural person, corporation, business trust, estate, trust, partnership,
1138 association, joint venture, government, governmental subdivision or agency or any other legal or
1139 commercial entity.

1140 "Trade secret", specified or specifiable information, whether or not fixed in tangible form
1141 or embodied in any tangible thing including, but not limited to, a formula, pattern, compilation,
1142 program, device, method, technique, process, business strategy or scientific, technical, financial
1143 or customer data that: (i) at the time of the alleged misappropriation, derived actual or potential
1144 economic value from not being generally known to, and not being readily ascertainable by
1145 proper means by, others who may obtain economic value from its acquisition, disclosure or use;
1146 and (ii) has at all times been the subject of efforts that are reasonable under the circumstances to
1147 give notice that it shall not be, and to ensure that it is not, acquired, disclosed or used without the
1148 consent of the person asserting ownership of the trade secret or the person's predecessor in
1149 interest.

1150 Section 3. (a) Actual or threatened misappropriation may be enjoined upon equity
1151 principles, including a showing that specific information qualifying as a trade secret has been or
1152 is threatened to be misappropriated. No injunction shall issue with respect to a trade secret
1153 unless the trade secret is specified with sufficient particularity so as to reasonably enable the
1154 respondent to prepare a reasonable defense under the circumstances. Upon application to the
1155 court, an injunction shall be terminated when the trade secret has ceased to exist, but the
1156 injunction may be continued for an additional reasonable period of time in order to eliminate
1157 commercial advantage that otherwise would be derived from misappropriation.

1158 (b) In exceptional circumstances, an injunction may condition future use upon payment
1159 of a reasonable royalty for not longer than the period of time for which use may have been
1160 prohibited. Exceptional circumstances shall include, but not be limited to, a material and
1161 prejudicial change of position prior to acquiring knowledge or reason to know of
1162 misappropriation that renders a prohibitive injunction inequitable.

1163 (c) In appropriate circumstances, affirmative acts to protect a trade secret may be
1164 compelled by court order.

1165 Section 4. (a) Except to the extent that a material and prejudicial change of position prior
1166 to acquiring knowledge or reason to know of misappropriation renders a monetary recovery
1167 inequitable, a complainant may recover damages for misappropriation of specific information
1168 qualifying as a trade secret. Damages may include both the actual loss caused by
1169 misappropriation and the unjust enrichment caused by misappropriation that is not taken into
1170 account in computing actual loss. In lieu of damages measured by any other methods, the
1171 damages caused by misappropriation may be measured by the imposition of liability for a
1172 reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret.

1173 (b) If willful and malicious misappropriation exists, the court may award exemplary
1174 damages in an amount not exceeding twice any award made under subsection (a).

1175 Section 5. The court may award reasonable attorneys' fees to the prevailing party if: (i) a
1176 claim of misappropriation is made or defended in bad faith; (ii) a motion to enter or terminate an
1177 injunction is made or resisted in bad faith; or (iii) willful and malicious misappropriation exists.
1178 In considering an award of attorneys' fees, the court may take into account the claimant's
1179 specification of trade secrets and the proof that the alleged trade secrets were misappropriated.

1180 Section 6. (a) In an action under this chapter, a court shall preserve the secrecy of an
1181 alleged trade secret by reasonable means, which may include granting protective orders in
1182 connection with discovery proceedings, holding in camera hearings, sealing the records of the
1183 action and ordering any person involved in the litigation not to disclose an alleged trade secret
1184 without prior court approval.

1185 (b) In an action under this chapter, averments of trade secrets and misappropriation of
1186 trade secrets shall be stated with particularity.

1187 Section 7. An action for misappropriation shall be brought within 3 years after the
1188 misappropriation is discovered or by the exercise of reasonable diligence should have been
1189 discovered. For the purposes of this section, a continuing misappropriation shall constitute a
1190 single claim.

1191 Section 8. (a) Except as provided in subsection (b), this chapter shall supersede any
1192 conflicting laws of the commonwealth providing civil remedies for the misappropriation of a
1193 trade secret.

1194 (b) This chapter shall not affect:

1195 (i) contractual remedies; provided, however, that, to the extent contractual
1196 remedies are based on or justified by confidentiality of information, confidentiality shall be
1197 determined according to the definition of trade secret in section 2;

1198 (ii) remedies based on submissions to governmental units;

1199 (iii) other civil remedies to the extent that they are not based upon
1200 misappropriation of a trade secret; or

1201 (iv) criminal remedies, whether or not based upon misappropriation of a trade
1202 secret.

1203 Section 9. This chapter shall be applied and construed to effectuate its general purpose to
1204 make uniform the law with respect to the subject of this chapter among states enacting it.

1205 SECTION 48. Section 12 of chapter 138 of the General Laws is hereby amended by
1206 striking out, in lines 63 to 65, inclusive, as appearing in the 2012 Official Edition, the words “,
1207 notwithstanding any limitation on the number of licenses the city or town is authorized to grant

1208 in section 17,” and inserting in place thereof the following words:- pursuant to the municipal
1209 plan as required by section 17.

1210 SECTION 49. Said section 12 of said chapter 138 is hereby further amended by striking
1211 out, in lines 89 and 90, as so appearing, the words “and irrespective of any limitation of number
1212 of licenses contained in section seventeen”.

1213 SECTION 50. The sixth paragraph of said section 12 of said chapter 138, as so
1214 appearing, is hereby amended by striking out the second sentence.

1215 SECTION 51. Said section 12 of said chapter 138 is hereby further amended by striking
1216 out, in line 147, as so appearing, the words “notwithstanding section 17”.

1217 SECTION 52. Said chapter 138 is hereby further amended by inserting after section 13
1218 the following section:-

1219 Section 13A. (a) As used in this section, the following words shall have the following
1220 meanings unless the context clearly requires otherwise:

1221 "Airline club", an establishment that is not open to the general public and which is
1222 operated by or for an airline at the airport to provide exclusive or special accommodations to
1223 members and their guests in accordance with airline policy.

1224 "Airport", the General Edward Lawrence Logan International Airport.

1225 "Passenger terminals", the passenger terminals and designated airline clubs within the
1226 airport.

1227 "Restricted airport licenses", licenses for: (i) the sale of all alcoholic beverages to be
1228 drunk on the premises within the passenger terminals; and (ii) the sale of wines and malt
1229 beverages to be drunk on the premises within the passenger terminals.

1230 (b) The licensing board for the city of Boston may grant restricted airport licenses to
1231 common victuallers duly licensed under chapter 140 and operating within the passenger
1232 terminals subject to the approval of the alcoholic beverages control commission. Once issued to
1233 a licensee within the passenger terminals, the licensing board shall not approve the transfer of a
1234 restricted airport license to a location outside of the passenger terminals. A restricted airport
1235 license shall be nontransferable to any other person, corporation or organization operating
1236 outside the passenger terminals and shall be clearly marked "nontransferable outside the
1237 passenger terminals at the airport" on its face. A restricted airport license, if revoked or no
1238 longer in use, shall be returned physically, with all of the legal rights and privileges pertaining
1239 thereto, to the licensing board which may then grant that license to a new applicant operating
1240 within the passenger terminals, consistent with this section.

1241 SECTION 53. The first paragraph of section 14 of said chapter 138, as so appearing, is
1242 hereby amended by striking out the first sentence and inserting in place thereof the following
1243 sentence:- Special licenses for the sale of all alcoholic beverages, wines and malt beverages only
1244 or either of them may, as determined by the municipality, be issued by the local licensing
1245 authorities to the responsible manager of any indoor or outdoor activity or enterprise or to the
1246 responsible manager of any nonprofit organization conducting any indoor or outdoor activity or
1247 enterprise.

1248 SECTION 54. Section 15 of said chapter 138, as so appearing, is hereby amended by
1249 inserting after the word "licenses", in line 5, the following words:- pursuant to the municipal
1250 plan as required by section 17.

1251 SECTION 55. Section 16A of said chapter 138, as so appearing, is hereby amended by
1252 striking out, in line 11, the word “so” and inserting in place thereof the following words:- as
1253 determined by a municipality to be.

1254 SECTION 56. Said section 16A of said chapter 138, as so appearing, is hereby further
1255 amended by striking out, in lines 14 and 15, the words “, to the extent that the same are issuable
1256 under section seventeen”.

1257 SECTION 57. Said section 16A of said chapter 138, as so appearing, is hereby further
1258 amended by striking out, in line 18, the words “for the purposes of section seventeen”.

1259 SECTION 58. Said chapter 138 is hereby amended by striking out section 17, as so
1260 appearing, and inserting in place thereof the following section:-

1261 Section 17. A city or town shall determine the number of all alcoholic beverage or wines
1262 and malt beverage licenses to be issued by its local licensing authority under sections 12, 14, 15
1263 and 15F, including the number of seasonal licenses.

1264 A city or town that seeks to grant additional licenses on or after July 1, 2014 shall adopt a
1265 plan that is approved by the mayor, city council or board of selectmen. The plan shall determine
1266 the process for granting additional licenses; provided, however, that: (i) at least 1 public hearing
1267 regarding the plan shall be conducted by the city council, board of selectmen or governing body
1268 of the city or town; and (ii) the city or town shall notify the alcoholic beverages control
1269 commission of the public hearing.

1270 The governing body of each city or town shall hold a public hearing regarding a license
1271 application within 30 days of the date of the license application.

1272 Unless expressly authorized by this chapter, a local licensing authority shall not grant
1273 licenses to any person, firm or corporation under more than 1 section of this chapter.

1274 SECTION 59. Sections 17A to 17C, inclusive, of said chapter 138 are hereby repealed.

1275 SECTION 60. Section 29 of said chapter 138, as appearing in the 2012 Official Edition,
1276 is hereby amended by striking out, in lines 20 to 23, inclusive, the words “; but a license issued
1277 to a registered pharmacist under said section shall be included in computing the number of
1278 licenses that may be granted in any city or town as provided in section seventeen”.

1279 SECTION 61. Section 19 of chapter 159 of the General Laws, as so appearing, is hereby
1280 amended by adding the following sentence:- The department may exempt any common carrier
1281 from any provision of this section upon a determination by the department after notice and a
1282 hearing that such an exemption is in the public interest.

1283 SECTION 62. Subsection (d) of section 7 of chapter 293 of the acts of 2006 is hereby
1284 amended by striking out the figure "\$325,000,000", inserted by section 61 of chapter 238 of the
1285 acts of 2012, and inserting in place thereof the following figure:- \$600,000,000.

1286 SECTION 63. The second sentence of subsection (e) of said section 7 of said chapter
1287 293 is hereby amended by striking out the figure "3", inserted by section 62 of said chapter 238,
1288 and inserting in place thereof the following figure:- 8.

1289 SECTION 64. Sections 2, 3, 5, 6, 9 and 10 of chapter 193 of the acts of 2011 are hereby
1290 repealed.

1291 SECTION 65. Clause (6) of subsection (a) of section 93 of chapter 194 of the acts of
1292 2011 is hereby amended by striking out the words “Fund established in section 35J of chapter
1293 10” and inserting in place thereof the following words:- Trust Fund established in subsection (b)
1294 of section 13T of chapter 23A.

1295 SECTION 66. (a) Notwithstanding any general or special law to the contrary, the chief
1296 information officer of the commonwealth shall meet not less frequently than monthly with each

1297 secretariat or their designees to determine best practices, experiences, obstacles and opportunities
1298 in each of the executive offices and shall make recommendations for collaboration among the
1299 executive offices to improve sharing and analysis of data in order to provide better and more
1300 efficient services to the residents of the commonwealth. Each secretary, in consultation with the
1301 chief information officer, shall identify information technology-related activities and supporting
1302 financial functions common to the state agencies within the executive office and shall designate
1303 such functions as core information technology functions to improve administrative efficiency
1304 and preserve fiscal resources.

1305 (b) The chief information officer, in consultation with each secretary, shall submit an
1306 annual report detailing its findings and recommendations, together with drafts of legislation or
1307 regulations necessary to carry those recommendations into effect, by filing the same with the
1308 clerks of the senate and house of representative and the senate and house chairs of the joint
1309 committee on economic development and emerging technologies not later than March 1.

1310 SECTION 67. Notwithstanding any general or special law to the contrary, the
1311 Massachusetts Development Finance Agency established in chapter 23G of the General Laws
1312 shall conduct an investigation and study of the viability, fiscal impact, potential benefits,
1313 statutory and regulatory barriers and anticipated results of establishing a Designated Port Area
1314 Fund in order to make loans for the design, construction, repair, renovation, rehabilitation or
1315 other capital improvement of existing commercial and marine industrial infrastructure in
1316 designated port areas as defined in 301 CMR 25.02. The Massachusetts Development Finance
1317 Agency shall expend the funds necessary to conduct its investigation and study. Monies in the
1318 fund shall be used to promote and facilitate commercial and marine industrial development in the
1319 commonwealth.

1320 The study shall include, but not be limited to: (i) the feasibility of establishing a
1321 Designated Port Area Fund to aid and finance publicly and privately-held commercial and
1322 marine industrial properties located in designated port areas; (ii) an assessment of existing
1323 designated port area infrastructure; (iii) an evaluation of the barriers to growth and development
1324 in designated port areas; (iv) the impact of designated port areas on the commercial fishing
1325 industry; (v) the formation of a strategic plan to encourage and facilitate future commercial and
1326 industrial development in designated port areas; (vi) the formation of a strategic plan to address
1327 the issue of wastewater in designated port areas; (vii) an examination of the current permissible
1328 land uses within designated port area and whether those uses should be expanded to include
1329 mixed use commercial maritime activity; (viii) an evaluation of potential future benefits to the
1330 commonwealth and to property owners as a result of additional growth and development in
1331 designated port areas; and (ix) a determination of the amount of funds necessary to adequately
1332 support the purpose of a Designated Port Area Fund.

1333 The Massachusetts Development Finance Agency shall submit its report and
1334 recommendations, together with drafts of legislation necessary to carry such recommendations
1335 into effect, by filing the same with the clerks of the senate and house of representatives who shall
1336 forward the report to the house and senate committees on ways and means and the joint
1337 committee on economic development and emerging technologies not later than December 31,
1338 2014.

1339 SECTION 68. (a) The Massachusetts Technology Park Corporation doing business as the
1340 Massachusetts Technology Collaborative shall, subject to appropriation, develop and implement
1341 a plan to promote and establish computer science education in public schools. The Massachusetts
1342 Technology Collaborative shall serve as the state agent in support of the objectives of the

1343 Massachusetts Computing Attainment Network, or MassCAN; provided, that the primary goal of
1344 MassCAN shall be to strengthen the growth and vitality of the state's technology industry and
1345 the technology dependent business sectors by implementing a broad-based education and
1346 workforce strategy with the objective of increasing the number of students prepared to pursue
1347 computing technology careers. In furtherance of this goal, MassCAN shall seek to promote an
1348 environment in which all students in grades kindergarten to grade 12, inclusive, have access to
1349 computer science courses. MassCAN may, subject to the availability of funds: (i) promote the
1350 development and implementation of educational programs, courses and modules for students in
1351 grades kindergarten to grade 12, inclusive, and teachers; (ii) collaborate with the department of
1352 elementary and secondary education in developing new voluntary kindergarten to grade 12,
1353 inclusive, computer science standards; (iii) develop a school district-based program to assist
1354 teachers and administrators with the implementation of new computer science courses; (iv)
1355 develop and maintain a website to share computer science resources and broadly communicate
1356 best practices and successes; (v) connect computer science students with industry professionals
1357 to enhance students' understanding of the relevance of their educational experience to the
1358 workplace and science, technology, engineering and math, or STEM, career opportunities; (vi)
1359 identify the particular needs of school districts with disproportionately high numbers of
1360 underrepresented minorities; and (vii) leverage at least \$1 in matching funds from non state
1361 sources of funding for every \$1 expended within the commonwealth. MassCAN shall take into
1362 consideration the recommendations of the STEM advisory council when developing and
1363 implementing educational programs.

1364 (b) MassCAN shall be guided by the MassCAN advisory board to be appointed by the
1365 governor, 1 whom shall be recommended by Massachusetts Competitive Partnership, Inc., 1 of

1366 whom shall be recommended by the Massachusetts Business Roundtable, 1 of whom shall be
1367 recommended by the Massachusetts Technology Leadership Council, Inc., 1 of whom shall be
1368 recommended by a federally-funded research corporation, 1 of whom shall be recommended by a
1369 public university computer science department chair, 1 of whom shall be recommended by the
1370 Massachusetts Association of School Superintendents, Inc., 1 of whom shall be recommended
1371 by the Greater Boston chapter of the Computer Science Teachers Association, 1 of whom shall
1372 be recommended by the METCO program and 1 whom shall be recommended by the
1373 Massachusetts chapter of the Society of Women Engineers.

1374 (c) The Massachusetts Technology Collaborative shall file an annual report by September
1375 30 for the duration of the program with the chairs of the senate and house committees on ways
1376 and means and the senate and house chairs of the joint committee on economic development and
1377 emerging technologies that shall include a 3-year strategic plan and annual goals and progress in
1378 achieving those goals.

1379 SECTION 69. The chief information officer of the information technology division shall
1380 establish an online business portal, which shall include a streamlined step-by-step guide to
1381 starting a business in the commonwealth and tools to complete this process. Each page and link
1382 associated with the portal shall have a uniform layout, design and branding and shall limit its
1383 search results to information available within the portal. The portal shall reflect development
1384 procedures that enable functionality, security and interoperability across state entities. The chief
1385 information officer shall, within 12 months after the effective date of this section, develop and
1386 report to the secretary of administration and finance, the executive office of housing and
1387 economic development and the senate and house committees on ways and means on the status of
1388 the portal. The report shall examine the benefits of having an independent analysis to ensure that

1389 the commonwealth's investment in information technology supports the needs of users trying to
1390 start, expand or operate a business in the commonwealth. The report shall include the results of
1391 independent verification, validation and testing as a means to ensure that the technology being
1392 implemented satisfies the changing needs of businesses, life expectancy and budget of the
1393 commonwealth. The report shall include recommendations on ways to ensure that the
1394 commonwealth's information technology small business strategy is meeting the needs of business
1395 people, entrepreneurs and other users of the portal.

1396 SECTION 70. (a) For the purposes of this section, the following words shall have the
1397 following meanings unless the context clearly requires otherwise:

1398 "Affiliate", a nonprofit entity including, but not limited to, a hospital or a medical or
1399 research institution that is connected or associated with an institution through shared ownership
1400 or control, shared directors or trustees or contractual rights and obligations.

1401 "Entrepreneurship institution," the University of Massachusetts at Lowell and the
1402 University of Massachusetts at Boston.

1403 "Resident entrepreneur," any candidate who is either a student or graduate who is not a
1404 citizen of the United States who desires to move to or remain in the commonwealth on a
1405 nonimmigrant status following a period of study for a masters or doctorate degree in the
1406 sciences, technological fields, engineering, mathematics, accounting, finance, economics,
1407 business or business administration in order to obtain practical experience in the field of study,
1408 including the skills required in the organization and establishment of a new business venture with
1409 the potential to create a high growth company or has initiated the process of establishing a new
1410 business venture; provided that "resident entrepreneurs" shall possess the necessary skill,

1411 experience or talents to perform a specialty occupation as defined in section 184 of the federal
1412 Immigration and Nationality Act of 1965, 8 U.S.C. § 1184(i).

1413 (b) The Massachusetts Technology Park Corporation established in section 3 of chapter
1414 40J of the General Laws shall develop in collaboration with the University of Massachusetts at
1415 Lowell and the University of Massachusetts at Boston, a 3-year pilot program of part-time
1416 employment for qualified resident entrepreneurs. A resident entrepreneur shall work within the
1417 program not less than 8 hours and not more than 15 hours per week and shall be assigned duties
1418 in the resident entrepreneur's chosen academic field, providing services directly to the resident
1419 entrepreneur's employer or to 1 of its affiliates. A resident entrepreneur shall work under the
1420 direct supervision of the resident entrepreneur's employer on assignments that further the
1421 employer's interests while developing skills required for organizing and establishing successful
1422 new business ventures. A resident entrepreneur shall devote the remainder of the resident
1423 entrepreneur's time to establishing a new business venture which shall be housed at either the
1424 Medical Device Development Center at the University of Massachusetts at Lowell or at the
1425 Venture Development Center at the University of Massachusetts at Boston. The employer shall
1426 pay each resident entrepreneur a salary for the services at a market rate as established by the
1427 United States Department of Labor.

1428 In order to allow a resident entrepreneur to remain in the commonwealth following the
1429 award of a masters or doctorate degree, the employer of the resident entrepreneur shall apply to
1430 the United States Citizenship and Immigration Services for a nonimmigrant visa under §
1431 101(a)(15)(h)(i)(b) of the federal Immigration and Nationality Act of 1965, 8 U.S.C.
1432 1101(a)(15)(h)(i)(b).

1433 The corporation, in collaboration with the University of Massachusetts at Boston and the
1434 University of Massachusetts at Lowell, shall establish the terms, procedures, standards and
1435 conditions which the corporation shall use to identify qualified programs, review and approve
1436 applications, safeguard the fund, advance the objective of increasing employment opportunities
1437 and oversee the progress of qualified programs.

1438 (c) The Massachusetts Technology Park Corporation shall submit a report to the clerks of
1439 the house of representatives and the senate and the house and senate chairs of the joint committee
1440 on economic development and emerging technologies not later than December 31 of each year of
1441 the pilot program. The report shall include, but not be limited to: (i) progress on the
1442 implementation of the pilot program; (ii) recommendations for extending the program to
1443 additional educational institutions; (iii) the number of resident entrepreneurs participating in the
1444 program; (iv) the fields of practice resident entrepreneurs are engaged in; (v) the business
1445 ventures organized or established by resident entrepreneurs; and (vi) a cost-benefit analysis of
1446 the pilot program.

1447 SECTION 71. Notwithstanding any general or special law to the contrary, the chief
1448 information officer in the information technology division, in coordination with the executive
1449 office of housing and economic development, shall study the cost and feasibility of creating and
1450 maintaining a searchable database of available commercial, retail, warehouse, manufacturing,
1451 office, lab or shared innovation workspaces throughout the commonwealth which can be
1452 accessed by the public as a part of the business portal established in section 69 of this act. The
1453 chief information officer shall report the findings of this study to the executive office of
1454 administration and finance, and the chairs of the senate and house committees on ways and
1455 means not later than July 31, 2015.

1456 SECTION 72. The Massachusetts office of travel and tourism shall coordinate with the
1457 Massachusetts Convention Center Authority to establish a plan to promote tourism throughout
1458 each region of the commonwealth at each event held at the Boston Convention and Exhibition
1459 Center, the John B. Hynes Veterans Memorial Auditorium and the MassMutual Center. The
1460 plan shall be implemented not later than 180 day after the effective date of this section.

1461 SECTION 73. Chapter 93L of the General Laws shall not apply to misappropriation
1462 occurring prior to the effective date of this act. With respect to a continuing misappropriation
1463 that began prior to the effective date of this section, said chapter 93L shall not apply to the
1464 continuing misappropriation that occurs after the effective date of this section.

1465 SECTION 74. The commissioner of higher education shall submit a report on the
1466 implementation of section 15G of section 15A of the General Laws to the senate and house
1467 chairs of the joint committee on labor and workforce development, the joint committee on higher
1468 education and the joint committee on economic development and emerging technologies by July
1469 31, 2015. The report shall include, but not be limited to: (i) a list of stackable certificates
1470 available at public higher education institutions; (ii) a list of workforce training programs in
1471 which stackable certificates would be beneficial; (iii) the department's efforts to disseminate
1472 information; and (iv) enrollment data from stackable credential programs available at public
1473 higher education institutions.

1474 SECTION 75. The executive office of housing and economic development shall conduct
1475 a study to evaluate the feasibility of developing an international building exhibition to be
1476 assembled in an economically-depressed municipality to address urban concerns including, but
1477 not limited to, sustainability, energy consumption, transportation, urban renewal and green
1478 building practices. The study shall be submitted to the executive office for administration and

1479 finance, the chairs of the house and senate committees on ways and means and the house and
1480 senate chairs of the joint committee on economic development and emerging technologies not
1481 later than June 30, 2015.

1482 SECTION 76. The Massachusetts sports partnership commission established in section
1483 13J of chapter 23A of the General Laws shall convene a meeting not more than 60 days after the
1484 effective date of this act.

1485 SECTION 77. Notwithstanding any general or special law to the contrary, not later than
1486 July 1, 2015 and without further appropriation, the state comptroller shall transfer \$10,000,000
1487 from the General Fund to the Transformative Development Fund established in section 46 of
1488 chapter 23G of the General Laws.

1489 SECTION 78. Notwithstanding any general or special law to the contrary, not later than
1490 July 1, 2016 and without further appropriation, the state comptroller shall transfer \$10,000,000
1491 from the General Fund to the Transformative Development Fund established in section 46 of
1492 chapter 23G of the General Laws.

1493 SECTION 79. Section 68 is hereby repealed.

1494 SECTION 80. Paragraph (2) of subsection (a) of section 3F of chapter 23A shall take
1495 effect on July 1, 2014.

1496 SECTION 81. On or after July 1, 2014, the current number of licenses authorized under
1497 section 17 of chapter 138 of the General Laws shall continue unless changed by the governing
1498 body of a city or town under said section 17 of said chapter 138.

1499 SECTION 82. Sections 4, 26, 33 and 65 shall take effect on July 1, 2016.

1500 SECTION 83. Sections 37, 39, 41 and 43 shall take effect on January 1, 2015.

1501 SECTION 84 Sections 38, 40, 42 and 44 shall take effect on January 1, 2019.

SECTION 85. Section 79 shall take effect on July 1, 2017.