

# Chapter 123 of the Acts of 2006

## AN ACT RELATIVE TO ECONOMIC INVESTMENTS IN THE COMMONWEALTH TO PROMOTE JOB CREATION, ECONOMIC STABILITY, AND COMPETITIVENESS IN THE MASSACHUSETTS ECONOMY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for economic investments in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

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

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006 for the purpose of funding one-time costs for certain capital spending, public investment, and bonded debt of the commonwealth, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those other appropriation acts, for the several purposes and subject to the conditions specified in this act or in those other appropriation acts and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006; provided, that notwithstanding any general or special law to the contrary, appropriations made herein shall not revert and shall be available for expenditure until June 30, 2007. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

### SECTION 2.

#### EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

*Office on Disabilities and Community Services.*

4120-2000 ..... \$500,000

#### EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

*Department of Workforce Development.*

7002-0100..... \$500,000

The Governor having reduced the following item [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

7003-0702..... \$500,000

*Department of Housing and Community Development.*

The Governor disapproved the following item [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

7004-0099..... \$75,000

*Department of Business and Technology.*

The Governor disapproved the following item [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

7007-0900..... \$6,290,000

**SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this section, and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006; provided, that notwithstanding any general or special law to the contrary, appropriations made herein shall not revert and shall be available for expenditure until June 30, 2007. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

### **EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

#### *Reserves.*

1599-1950

To provide for transportation improvements, to include road, pedestrian and infrastructure projects; provided, that \$2,500,000 shall be expended for the construction of a Back Bay Connector in the Allston Landing area in the city of Boston; and provided further, that \$17,000,000 shall be expended for interchanges on state highway route 24 for access to the Fall River and the Freetown Industrial Parks..... \$19,500,000

1599-7106

For a reserve for facility improvements, or for design and construction of new facilities to promote nano-manufacturing and bio-manufacturing; provided, that these funds monies shall be used for infrastructure, equipment and operating costs related thereto; provided further, that not less than \$21,000,000 shall be committed to the University of Massachusetts at Lowell for the purposes of constructing a nano-manufacturing and bio-manufacturing facility; provided further, that funds appropriated in this item may be transferred to the University of Massachusetts Building Authority for these facility improvements and design and construction; provided further that of the funds appropriated herein, those funds used for any facility owned by the corporation established pursuant to section 107 of this act may be paid in the form of lease payments for a term of up to 50 years; provided further, that the University of Massachusetts Building Authority shall submit to the clerks of the house and senate and the secretary of administration and finance a report which includes the following: (1) a copy of any service agreements between the University of Massachusetts and the corporation authorized in said section 60, which shall include provisions addressing the respective intellectual and other property rights and interests of the parties, the disbursement and assignment of profits, royalties and other benefits, and any ethical rules and disclosure requirements of the public and private employees; (2) a detailed list of all private donors and amounts donated for each facility; (3) a plan for design, construction, operation and maintenance of each facility and all associated costs and revenues of each facility, including the projected timelines for the completion of all phases of the project; and (4) a description of proposed title to any and all assets associated with each facility; provided further, that notwithstanding any general or special law to the contrary in the construction and financing of any nano-manufacturing or bio-processing facilities pursuant to this item, the University of Massachusetts Building Authority may use an alternative mode of procurement of design and construction, including but not limited to, sequential construction management, turnkey, design/build procurement and the phasing of such procurement, including, but not limited to, approval of design and construction stages as separate for combined phases; provided further, that the University of Massachusetts Building Authority shall require the assurance of labor harmony during all phases of development, including construction, reconstruction and capital and routine maintenance and shall provide adequate remedies to address the failure to maintain labor

harmony which shall include, but not be limited to, assessment of liquidated damages and contract termination; and provided further, that the payment of prevailing wages, in accordance with sections 26 to 27F, inclusive, of chapter 149 of the General Laws, shall be required for all phases of these projects..... \$21,000,000

### **EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

#### *Office of the Secretary.*

2330-0101

For the purpose of designing a comprehensive vessel buyback program, to be used as the basis for federal funding and implementation of the program..... \$75,000

### **EXECUTIVE OFFICE OF TRANSPORTATION.**

6033-0430

For the executive office of transportation for the construction, development, modernization, rehabilitation, upgrade and improvement of certain public transportation-related infrastructure as described in this item in and around the city of Boston, including the Longwood Medical Area, Kenmore Square, Medical Academic and Scientific Community Organization (MASCO) affiliated members, the Fenway, Fenway Park, and the campus of Boston University, to develop, facilitate, and promote continued economic development for the commonwealth, including job growth, economic advancement, increased research, innovation, product development, academic research, enrollment growth, investment, construction of commercial and residential facilities, and other increased economic activity of the businesses, hospitals, health care and related institutions or facilities, schools, colleges and universities, entertainment venues, shops, restaurants, service providers, museums and cultural institutions serving as an economic gateway to the city of Boston, thereby generating new and increased economic activity for life sciences, biotechnology, pharmaceuticals, health care and related activities, educational and other non-profit institutions, entertainment enterprises and other businesses resulting in a greater demand and need for improved public transit, roadways, lighting, utilities, traffic control, pedestrian access, public safety, access to public transportation facilities and services, and compliance with the Americans with Disabilities Act, while promoting increased economic development activity and maintaining the character of this area in and around the city of Boston; provided, that not less than \$12,500,000 shall be expended for the planning, design and construction of roadway improvements to Sears rotary, Ipswich street, Maitland street, Francis street, Brigham circle, the Honorable Phillip Griggs Bowker Interchange, and Yawkey way in the city of Boston; provided further, that not less than \$5,600,000 shall be expended for the city of Boston for the planning, design and construction of traffic management, including new and improved signals and traffic management equipment for Brookline avenue, Boylston street, Beacon street, Commonwealth avenue, Melnea Cass boulevard, Ruggles street and other streets and roadways in and around the Longwood Medical, Fenway and Kenmore Square areas, and for expansion of the staff and equipment of the Boston transportation department's traffic management center; provided further, that not less than \$400,000 shall be expended for a study to investigate the improvement of traffic flow in and around the Longwood Medical, Fenway and Kenmore square areas and all intersecting streets and roadways, including, but not limited to, an analysis of: (i) use of variable one-way lanes during peak traffic hours; (ii) peak-time traffic restrictions and bus and ambulance priority lanes; (iii) permanent reconfiguration of two-way streets to one-way streets; and (iv) partial or complete elimination of on-street parking on Brookline avenue and other streets and roadways; provided further, that not less than

\$12,000,000 shall be expended for the design, planning and construction of upgrades of Massachusetts Bay Transportation Authority Yawkey commuter rail station on the Worcester-Framingham line, so-called, including, but not limited to, service improvements, an extension or reconstruction of the existing platform to allow for bi-directional service provided such does not prevent nor interfere with other service upgrades or with other improvements to the area, new canopies, bus waiting area, vehicle and pedestrian access improvements to Beacon street and Brookline avenue and a new universal crossover between the two Boston live tracks, east of Brookline avenue; provided further, that not less than \$500,000 shall be expended for a study and preliminary design, in consultation with the Massachusetts Turnpike Authority and the city of Boston, of a multimodal commuter rail and bus station and parking facility in North Allston, including, but not limited to, analysis of: (i) the siting of a North Allston station, taking into account current and future demand; and (ii) the creation of a Turnpike Authority access ramp to that station; and provided further, that not less than \$5,000,000 shall be expended for the planning, design and construction of enhancements to the Fenway, Kenmore and Longwood stations, so-called, on the Massachusetts Bay Transportation Authority Green Line, including, but not limited to, pedestrian access improvements, the addition of gates and storage tracks, and enhancements to improve connectivity with the Yawkey commuter rail station and for the planning, design, and construction of an additional commuter rail platform at Ruggles Station, so-called..... \$36,000,000

**EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.**

*Office of the Secretary.*

7002-0045

For the wireless broadband affairs director within the executive office of economic development..... \$250,000.

*Department of Workforce Development.*

7003-1641

For a grant for the Small Business Association of New England for the layoff aversion through management assistance program for consultant and technical assistance to manufacturing companies in Massachusetts to prevent business closure and employee displacement; provided, that the expenditure of the layoff aversion through management program as provided for in this item shall leverage at least \$1 in matching funds for every \$1 granted pursuant to this item; provided further, the president of the Small Business Association of New England shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the number of employees and manufacturing-based companies that have received financial assistance through this item, a detailed description of the services provided to manufacturing companies in the commonwealth through the layoff aversion through management program, and a detailed account of the expenditures of the layoff aversion program, including administrative costs..... \$250,000

*Department of Housing and Community Development.*

This item was reduced and the following words were stricken by the Governor [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

7004-2051

For a one time grant to the city of Worcester, on or before December 31, 2006, for use by the city in the financing of the public improvements associated with the CitySquare project; and provided further, that not less than \$1,000,000 shall be expended for repairs and improvements to the Stoughton train station and the surrounding central business district in the town of Stoughton, including but not limited to infrastructure and parking improvements, sidewalks, lighting, safety, and aesthetic improvements, and salaries and/or fees for professional municipal planning work related to said repairs and improvements..... \$26,000,000

\$25,000,000

**The Governor disapproved the following item [for message, see House, No. 5101]**

**The Legislature overrode the Governor's veto.**

7004-0090

For a one-time grant to the city of Quincy for use by the city in the financing of the Quincy Center revitalization initiative \$5,000,000

*Department of Business and Technology.*

7007-0333

For the establishment within the Massachusetts office of business development of a Massachusetts in-state sales force for the marketing and promotion of the commonwealth and to increase economic development within the commonwealth; provided, that the duties of said instate sales force shall include, but not be limited to, the encouragement of retention, expansion, and creation of businesses and industries within the commonwealth, and the development of standards and measures to monitor and report the progress of its actions; and provided further, that the Massachusetts office of business development shall aggregate all such data and annually submit a report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, and the joint committee on community development and small businesses on the activities and expenditures undertaken with funding from this line item..... \$1,500,000

**The Governor disapproved the following item [for message, see House, No. 5101]**

**The Legislature overrode the Governor's veto.**

7007-9031

For the Massachusetts Technology Development Corporation, established pursuant to section 3 of chapter 40G of the General Laws, in this item called MTDC; provided, that upon receipt of this appropriation, MTDC shall deposit \$2,500,000 in the fund created pursuant to section 4 of said chapter 40G and shall invest that amount in accordance with said section..... \$2,500,000

7007-0932

For the University of Massachusetts Boston for the design, construction and development of a Venture Development Center, a state of the art research and business center offering specialized core research and development facilities for collaboration with businesses and other research institutions to develop methods and technologies that can be translated into new commercial services and products; provided, that \$4,000,000 may be used for construction and equipment in the former cafeteria of the Wheatley building, and not more than \$1,000,000 may be used for start-up and operating expenses; provided further, that the funds shall not be available for faculty salaries; provided further, that the funds shall be available through June 30, 2010 \$5,000,000

The Governor disapproved the following item [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

7007-9033

For the Massachusetts Technology Park Corporation for the purposes of a grant program established in section 110..... \$3,000,000

This item was reduced and the following words were stricken by the Governor [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

7007-9036

For a one-time grant to the city of Westfield of not less than \$2,100,000 for the purpose of assisting with economic development, engineering and infrastructure improvements; provided, that funds from this one-time grant shall be used in conjunction with the construction of an approximately 1.5 million square foot retail distribution facility to be located in the vicinity of North road and Falcon drive in the city of Westfield; and provided further, that not less than \$1,000,000 shall be expended for economic revitalization in and around the Central avenue business district in the town of Milton, including, but not limited to, infrastructure and road improvements, side walks, lighting, safety and aesthetic improvements..... \$3,100,000

\$2,100,000

The Governor disapproved the following item [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

7100-8181

For a one-time grant to the University of Massachusetts at Amherst for a public/private program of matching funds between the food science department of the university and private food industry businesses with the purpose of establishing the research, scientific and regulatory frameworks to expand the creation and production of high-value, high-growth and high-profitability functional foods and to stimulate growth and profitability in the food-producing industries in the commonwealth; provided, further, that grants pursuant to this item shall be subject to a matching funding requirement of dollar for dollar of the amount of the grant..... \$200,000

**SECTION 2B.** To provide for a program of infrastructure development and improvements, the sums set forth in section 2B for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds and approval thereof.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

*Office of the Secretary.*

1100-8000

For the Massachusetts Opportunity Relocation and Expansion Jobs Capital Program related to site remediation, preparation and ancillary infrastructure improvement projects; provided that the local executive government body and a for-profit entity involved in the project shall jointly submit a request for funding to the secretary of economic development; and provided further, that not less than \$10,000,000 shall be used for a bio-processing facility at, or near the University of Massachusetts at Dartmouth, or on behalf of a chapter 180 corporation established pursuant to section 108 of this act, subject to the discretion of the president of the University of Massachusetts. The requests to the secretary shall include sufficient documentation, including but not limited to, a project plan with specific goals and objectives that fully documents the proposed project and either that (i) the businesses associated with the project will generate substantial sales from outside the commonwealth and will result in the creation of a net increase of at

least 100 new permanent full-time jobs in Massachusetts within 24 months upon receipt of a grant and commits that the jobs are to be maintained herein for at least a five year period or (ii) documents an economic benefit that the secretary determines is sufficiently exceptional. The secretary shall, not later than December 31, 2006 promulgate regulations or issue guidelines regarding the proposed program described herein; provided further, that annually on or before December 31, the secretary shall issue a written report to the clerk of the house of representatives and the clerk of the senate, which shall include detailed descriptions of any infrastructure improvement projects funded pursuant to this program and all funds expended for this purpose..... \$100,000,000

## 1100-8001

For the Massachusetts Community Investment Capital Program related to capital investments for community improvements; provided that not less than \$2,545,000 shall be expended for a study of the feasibility of building a tunnel for the Silver Line to travel under D street in the city of Boston; provided further, that \$5,000,000 shall be expended for a grant program to fund the rehabilitation, reconstruction and construction of sea walls, provided, that preference of funding for the renovations and construction of these sea walls shall be give to those areas that pose an immediate hazard to public safety; provided further, that \$75,000 shall be expended for renovations of McKeon Field in the Hyannis section of the town of Barnstable; provided further, that not less than \$250,000 shall be expended for the acquisition, design and construction of the southern extension of the Ashuwillticook Trail in the city of Pittsfield; provided further, that not less than \$200,000 shall be expended for the planning, design and construction of a new visitors' center on state highway route 127 in the town of Rockport; provided further, that not more than \$2,500,000 shall be expended for purchase of a certain parcel of land known as Rattlesnake Hill, in the town of Sharon; provided further, that \$7,000,000 shall be expended for the renovation of the Senator William X. Wall Experiment Station; provided further, that \$1,000,000 shall be expended to establish public access and a new riverfront walking and cycling path along the south side of the Merrimack river in the city of Lawrence; provided further, that \$350,000 shall be expended for preparation of architectural and engineering plans for construction of an addition, including a 50-seat auditorium for tour group orientation and educational programs for the River Bend Farm Visitors Center of the Blackstone river and Canal Heritage State Park in the town of Uxbridge; provided further, that \$2,000,000 shall be expended for flood control projects in the city of Peabody; provided further, that \$8,000,000 shall be expended for the preparation of final design, permitting, construction plans, specifications and construction for the route 24 project in connection with the southeastern Massachusettsbioreserve; provided further, that not less than \$1,000,000 shall be expended to the city of Pittsfield for improvements to the parking in downtown Pittsfield; provided further that not less than \$1,000,000 shall be expended for the purchase of certain property and for the design, planning and construction of green space and expanded parking in the town of Groveland; provided further, that \$250,000 shall be expended for preparation of plans for the French River Greenway in the towns of Oxford, Webster, and Dudley to connect the Quinebaug Trail and the Mid-State Trail; provided further, that \$500,000 shall be expended for the South Canal Improvement project in the city of Lawrence; provided further, that \$1,000,000 shall be expended for the Old South Road and Connector Bike Path in the town of Nantucket; provided further, that \$3,000,000 shall be expended for a new terminal project at the Nantucket Memorial Airport; provided further, that \$2,000,000 shall be expended as a 20 per cent match of federal dollars to build parking facilities and make rail improvements at the Ayer Massachusetts Bay Transportation Authority station; provided further, that not less than \$2,000,000 shall be expended for the establishment of the Cranberry Bog Renovation Innovation Program; and provided further, that \$1,000,000 shall be expended for the Our House for Design and Technology

Center in the city of Lawrence, provided further, that \$40,000 shall be expended to assist the city of Newton with a smart growth development plan for Newton Center, provided further that not less than \$1,000,000 be expended for the Leominster flood mitigation project, provided further, that not less than \$500,000 shall be expended for the installation of air conditioning and other improvement at the historic Memorial Hall in the city of Melrose to allow for year-round cultural performances; provided further, that not less than \$50,000 shall be expended for repairs and renovations to the historic Hartshorne House in the town of Wakefield; provided further, that not less than \$500,000 shall be expended for the Ashland Vision downtown renovation and redevelopment project in the town of Ashland; provided further, that not less than \$500,000 shall be expended for the Framingham Downtown Renaissance economic revitalization consortium and the development of a capital plan to assess infrastructure enhancement needs to support further development in the town of Framingham; provided further, that not less than \$250,000 shall be expended for a study to revitalize commercial and economic development in the city of New Bedford through redevelopment of the waterfront to a mixed commercial and residential zone; provided further that not less than \$2,000,000 shall be expended for environmental remediation and clean up at the Modern Electroplating site in the Roxbury section of the city of Boston; provided further that not less than \$500,000 be allocated to the Massachusetts Bay Transportation Authority for enhanced safety devices at the Wellesley Farms commuter rail station track crossing; provided further, that \$350,000 shall be expended for infrastructure improvements at the Melmark School; provided further, that not less than \$150,000 be expended for the North Main Street Planning Initiative located in the city of Worcester; provided further, that \$400,000 shall be expended for the design costs associated with the construction and improvement of Beacham street in the city of Everett; and provided further, that \$20,000,000 shall be expended for the University of Massachusetts at Amherst's, Integrated Science Building, referred to as the ISB.....  
\$66,910,000

1599-7156

For a reserve for facility improvements, or for design and construction of new facilities to promote nano-manufacturing and bio-manufacturing; provided, that the monies shall be used for infrastructure, equipment and operating costs related thereto; provided further, that not less than \$14,000,000 shall be used for the purposes of constructing a nano-manufacturing and bio-manufacturing facility at the University of Massachusetts Lowell..... \$14,000,000

#### EXECUTIVE OFFICE OF TRANSPORTATION.

1599-1955

For the executive office of transportation for the construction, development, modernization, rehabilitation, up-grade and improvement of certain public transportation-related infrastructure as described in this item in and around the city of Boston, including the Longwood Medical Area, Kenmore square, Medical Academic and Scientific Community Organization affiliated members, the Fenway, Fenway Park, and the campus of Boston University, to develop, facilitate, and promote continued economic development for the commonwealth, including job growth, economic advancement, increased research, innovation, product development, academic research, enrollment growth, investment, construction of commercial and residential facilities, and other increased economic activity of the businesses, hospitals, health care and related institutions or facilities, schools, colleges and universities, entertainment venues, shops, restaurants, service providers, museums and cultural institutions serving as an economic gateway to the city of Boston, thereby generating new and increased economic activity for life sciences, biotechnology, pharmaceuticals, health care and related activities,



educational and other non-profit institutions, entertainment enterprises and other businesses resulting in a greater demand and need for improved public transit, public safety, access to public transportation facilities and services, and compliance with the Americans with Disabilities Act, while promoting increased economic development activity and maintaining the character of this area in and around the city of Boston; provided that not less than \$11,000,000 shall be expended for the planning, design and construction of enhancements to the Fenway, Kenmore and Longwood stations, so-called, on the Massachusetts Bay Transportation Authority Green Line, so-called, including but not limited to pedestrian access improvements, the addition of gates and storage tracks, and enhancements to improve connectivity with the Yawkey commuter rail station, so-called, and for the planning, design, and construction of an additional commuter rail platform at Ruggles Station, so called; provided further that not less than \$90,000 shall be expended to study, evaluate, and report on, no later than December 31, 2006, the benefits of constructing a transit tunnel connecting the Ruggles MBTA Station, so-called to the Fenway area, including planned service lines; and provided further, that not less than \$8,000,000 shall be expended for the planning, design and construction of service enhancements to the Massachusetts Bay Transportation Authority Green Line, so-called, including installation of new eastbound crossover tracks at Park Street Station, so-called, and a dynamic double berthing information system..... \$19,090,000

**The Governor disapproved the following section [for message, see House, No. 5101]**

**The Legislature overrode the Governor's veto.**

**SECTION 3.** Chapter 6 of the General Laws is hereby amended by inserting after section 12XX the following 2 sections:—

Section 12YY. The governor shall annually issue a proclamation setting apart the third week of November, or such other week if in conjunction with a federally recognized international education week, to be International Education Week for the purpose of encouraging schools to participate in programs of international education, and recommend that said week be observed in an appropriate manner by the people.

Section 12ZZ. The governor shall annually issue a proclamation setting apart October 21 as Massachusetts Biomedical Research Day, in conjunction with National Biomedical Research Day, and recommending that the day be observed in an appropriate manner by the people.

**SECTION 4.** Chapter 7 of the General Laws is hereby amended by inserting after section 23A the following section:—

Section 23B. (a) Notwithstanding any general or special law to the contrary, and to the extent permitted by federal law, a state agency or authority when purchasing products of agriculture as defined in section 1A of chapter 128, including but not limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products or products processed into value added products as part of a Massachusetts farm operation, shall prefer products grown in the commonwealth or products produced using products grown in the commonwealth as well as fish, seafood, and other aquatic products.

(b) To effectuate the preference for those products of agriculture grown or produced using locally grown products, the state purchasing agent responsible for procuring the products on behalf of a state agency or authority shall: (1) in advertising for bids, contracts or otherwise procuring products of agriculture, make reasonable efforts to facilitate the purchase of such products of agriculture grown or produced using products grown in the commonwealth; and (2) purchase the products of agriculture grown or produced using products grown in the commonwealth, unless the price of the goods exceeds, by more than 10 per cent, the price of products of agriculture grown or produced using products grown outside of the commonwealth.

**SECTION 5.** Section 35J of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in lines 23 and 24, the words: “Regional Tourism Facility Fund, established pursuant to section 42 of chapter 23G” and

inserting in place thereof the following words:— Massachusetts Cultural Facilities Fund, established pursuant to subsection (b) of section 42 of chapter 23G.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 6.** Section 1G of chapter 15 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

(g) The commissioner of education, in consultation with the chairman of the board of higher education, shall direct the global education advisory council to explore international opportunities for learning, exchange programs and the availability of curriculum materials for students, teachers, administrators and educational policy makers. Said global education advisory council shall: (a) investigate and compile information concerning international education programs and opportunities. The council shall make recommendations to the commissioner on the expansion of international education programs and opportunities and shall consider ways to encourage participation in such programs. The council shall advise the department of education and the joint committee on education on international program opportunities and the availability of federal or nonprofit agency grants or other funding sources for such programs. The department shall provide information on international education opportunities to local and regional boards of education and to institutions of higher education; (b) develop guidelines and standards to aid local and regional school districts in the establishment of programs of international studies. Such guidelines and standards shall describe the essential components of a quality educational program incorporating international education concepts. The council shall submit such guidelines and standards to the department of education for review and approval; (c) develop criteria for what constitutes a sister school partnership program between a public school of this state and a foreign school. Such criteria shall provide a process for recognition of such partnership. The council shall submit such criteria to the department of education for review and approval; (d) advise the department of education on possible incentives to encourage the formation of partnerships that meet criteria established in accordance with the provisions of subsection (c). Such incentives may include, but need not be limited to, cooperation between sister partnership schools in teacher certification, student assessment programs and recognition of student course credit, participation in summer programs and in other areas where the state could recognize the value of the sister school partnership relationships with minimal cost; (e) conduct an assessment of current practices regarding international education in elementary and secondary public schools in the commonwealth. The global education advisory council's assessment of current practices shall include, but not be limited to, information gathering through public hearings.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 7.** Said chapter 15 of the General Laws is hereby amended by adding the following section:—

Section 66. (a) It shall be the policy of the commonwealth to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities that advance cultural awareness and promote mutual understanding and respect for the citizens of other countries.

(b) The department of education may recognize a school that meets the standards for international education programs developed by the global education advisory council.

(c) The commissioner of education shall, annually, subject to appropriation, award grants not to exceed ten thousand dollars to local or regional school districts which operate schools recognized pursuant to this section. Such board shall use the funds to support the international education programs at such schools.

(d) The department of education may recognize sister school partnership programs between public schools of the commonwealth and foreign schools. Within available appropriations, participation in such partnership programs shall allow foreign schools access to state programs of professional development and technical assistance programs under the same terms and conditions as for public schools of this state with reciprocity for participation in such programs.

(e) Wherever possible, the department of education may promote exchanges of a limited number of professional personnel and students by state agencies and educational institutions, with institutions of other states and other countries and may pay the salaries of such personnel and may assign scholarships and grants-in-aid to such exchanges.

**SECTION 8.** Chapter 15A of the General Laws is hereby amended by inserting after section 4 the following section:

Section 4A. (a) Within the board of higher education there shall be the Robert H. Goddard council on science, technology, engineering and mathematics education. The council shall consist of: the commissioner of the department of education or his designee; the commissioner of the department of early education or his designee; the director of the office of workforce development or his designee; the president of the Massachusetts Teachers Association or his designee; the chairperson of the board of higher education or his designee; the president of the Technology Education Association of Massachusetts or his designee; the executive director of the Massachusetts Technology Collaborative or his designee; the executive director of the Massachusetts Development Finance Agency or his designee; the president of Associated Industries of Massachusetts or his designee; the president of the Massachusetts Federation of Teachers or his designee; 2 members of the senate appointed by the president of the senate, 1 of whom shall be co-chairperson of the council; 1 member of the senate to be appointed by the minority leader of the senate; 2 members of the house of representatives appointed by the speaker of the house of representatives, 1 of whom shall be co-chairperson of the council; 1 member of the house of representatives to be appointed by the minority leader of the house of representatives; and 11 members to be appointed by the governor, 1 of whom shall be the chief executive officer of a life-science firm, 1 of whom shall be a chief executive officer of a technology firm, 1 of whom shall be a chief executive officer of a health care corporation, 1 of whom shall be a chief executive officer of a consulting engineering firm, 1 of whom shall be a representative of a minority led firm, 1 of whom shall be a representative of a female led firm, 1 of whom shall be a chancellor of a state university or college, 1 of whom shall be a president of a state college or his designee, 1 of whom shall be a president of a community college or his designee, 1 of whom shall be a superintendent of a public school system or his designee, and 1 of whom shall be the president or executive director of the Massachusetts Technology Leadership Council or his designee.

(b) The council shall: (1) annually evaluate and make recommendations to the chancellor of higher education regarding programs supported by the pipeline fund, so-called, as established by section 2MMM of chapter 29; (2) investigate, study and make recommendations to the general court on maintaining a specialized workforce to support and expand the science, technology, engineering and mathematics sectors in the commonwealth and prepare students for the demands of a knowledge-based economy of the future and attract and retain students entering the science, technology, engineering and mathematics fields of study; (3) investigate and make recommendations to the chancellor of higher education regarding similar programs throughout the state so as to eliminate duplication and provide for one coordinated, consolidated statewide network of science, technology, engineering and mathematics programs for in-state students; and (4) investigate and pursue alternative funding services for the advancement of these disciplines. The council shall also investigate the public college and university system, including community colleges, to determine the feasibility of establishing job training programs specifically geared toward creating science, technology, engineering and mathematics employment opportunities and to identify and establish career ladders within science, technology, engineering and mathematics employment opportunities. The council shall also investigate the impact of changing demographics on the commonwealth and make recommendations on ways to incorporate the changes in order to enhance the state's capacity to build a strong and competitive workforce. The council shall submit quarterly reports on the fund's progress and shall, not later than December 31, submit a cumulative annual report, together with any recommendations, to the clerk of the senate, the clerk of the house of representatives, the chair of the house and senate committees on ways and means, the chairpersons of the joint committee on economic development and emerging technologies, the chairpersons of the joint committee on labor and workforce development, the chairpersons of the joint committee on higher education, and the chairpersons of the joint committee on education. The reports shall include: (1) a list of grant recipients from the pipeline fund; (2) the amount of each grant; (3) the amounts of non-state funding credited to the pipeline fund; (4) the purposes of grants from the pipeline fund; (5) an annual statement of cash inflows and outflows detailing the sources and uses of the funds; (6) a forecast of future payments based on current binding obligations; and (7) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

**SECTION 9.** Chapter 18 of the General Laws is hereby amended by inserting after section 2 the following section:—

Section 2A. (a) The department of transitional assistance shall amend the food stamp employment and training plan to

maximize the use of the 50-50 match provision, so-called, for the claiming of allowable federal matching funds from the United States Department of Agriculture pursuant to the federal Food Stamp Employment and Training Program for education, employment and training services for eligible food stamp participants, including related dependent care and transportation expenses, to the fullest extent permitted by federal law.

(b) The department, together with agencies and other entities that provide education, employment or training services in the commonwealth, including but not limited to the department of mental retardation, the department of mental health, the department of education, the department of workforce development, the Massachusetts rehabilitation commission, local governments, community colleges, other educational institutions, workforce organizations and nonprofit providers of education, employment and training services, shall continue and expand efforts to enroll eligible education, employment and training program participants in the food stamp program and to enroll eligible food stamp participants in education, employment and training activities.

(c) In addition to any other sums appropriated by the general court for those services, the department shall expend \$3,000,000 annually from revenue received from the United States Department of Agriculture as federal Food Stamp Employment and Training Program matching funds for employment and training services provided by, or under contract with, the department of mental retardation, the department of mental health, and the Massachusetts rehabilitation commission for employment and training services provided to recipients and former recipients of transitional aid to families with dependent children.

(d) Funds not to exceed the equivalent of 5 per cent of federal Food Stamp Employment and Training Program matching funds received in any fiscal year, excluding the amounts made available for expenditure by the department of transitional assistance pursuant to subsection (c), shall be made available to the department of transitional assistance for otherwise non-reimbursed administrative costs associated with claiming federal matching funds pursuant to the federal Food Stamp Employment and Training Program for education, employment and training services for eligible food stamp participants.

(e) Upon application by an agency or other entity, including but not limited to the department of mental retardation, the department of mental health, the department of education, the department of workforce development, the Massachusetts rehabilitation commission, local governments, community colleges, other educational institutions, workforce organizations and nonprofit providers of education, employment and training services, whose expenditures for education or training services for food stamp participants generated the federal matching funds, funds equivalent to the remaining federal Food Stamp Employment and Training Program matching funds received in any fiscal year shall be provided, on a pro-rata basis, to support additional education, employment and training services and related program costs and up to 5 per cent of these funds may be used for administrative costs incurred by said agency or organization claiming said federal matching funds. These funds shall not be used to supplant existing services.

**SECTION 10.** Section 2 of chapter 23A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:—

(h) To increase access to affordable and reliable broadband services across the commonwealth.

**SECTION 11.** Said chapter 23A is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. (a) MOBD shall contain the following 4 divisions: business services, entrepreneurial and small business development, wireless and broadband development and manufacturing development. Each division shall be under the charge of a director subject to the direction, control and supervision of the director of economic development. Each director shall be a person of skill and experience in the field of his appointment and shall be appointed and may be removed by the executive director, with the approval of the secretary, and shall serve until so removed. The position of director shall not be subject to section 9A of chapter 30 or chapter 31. Each director shall devote his full time during business hours to the duties of his office. The MOBD executive director may authorize any director to exercise in his name any power, or to discharge in his name any duty, assigned to him by law, and he may at any time revoke the authority.

(b) The function of the director of wireless and broadband development, hereinafter the director, created pursuant to subsection (a) shall be to facilitate access to high speed connectivity and telecommunications in the commonwealth, with a special interest in increasing the presence of affordable, state-of-the-art wireless internet, cellular and broadband access across the commonwealth to promote economic development, meet the commonwealth's homeland security and emergency preparedness needs, improve government efficiency, and improve the quality of life for the commonwealth's residents. The director shall, in consultation with the wireless broadband development council established pursuant to section 6B of chapter 40J, develop a state telecommunications plan to ensure extensive wireless internet, cellular and broadband access for every community within the commonwealth. The duties and powers of the director shall include, but not be limited to, the following: (1) identifying communities that lack affordable and competitive wireless internet, cellular and broadband service; (2) identifying areas where, due to geographic remoteness, sparsity of population or other considerations, private-sector capital investment in wireless internet, cellular and broadband facilities deployment is not sufficient to meet the present and future needs of the area, and in those areas (i) develop strategies, including but not limited to, public-sector partnerships, including aggregation of demand, as a means to increase the presence of affordable, state-of-the-art wireless internet, cellular and broadband access; and (ii) facilitate the development of private, joint public-private, or public initiatives which afford open, competitive, content-neutral wireless internet, cellular and broadband services accessible via multiple carriers; (3) examining and identifying the best practices of other states, municipalities, and foreign governments relative to achieving wireless internet, cellular and broadband connectivity in underserved areas, including, but not limited to, the creation of public entities to facilitate the introduction of wireless internet, cellular and broadband services to underserved areas; (4) identifying state-of-the-art technologies that are well-suited to bring wireless internet, cellular and broadband service into underserved communities; (5) conducting a survey and analysis of all state owned lands to identify specific state lands that, if made available for the purpose, would facilitate the deployment of wireless internet, cellular and broadband technologies and services to achieve service in underserved areas; (6) working in conjunction with the executive office of transportation and construction, the division of capital asset management and maintenance and other appropriate state, regional and municipal agencies, develop a plan to ensure that each state construction project, including but not limited to, buildings, roads and bridges shall include access for wireless internet, cellular and broadband infrastructure or enable future deployment of wireless internet, cellular and broadband infrastructure, including appropriate design for placement of wires, wireless arrays, and poles and pole attachments; (7) investigating the development of wireless internet, cellular and broadband systems for downtown areas, commencing with areas of high growth, and working in consultation with the wireless broadband development council, established pursuant to section 6A of chapter 40J of the General Laws, to develop demonstration projects to facilitate wireless access in underserved small-to-mid sized communities; (8) investigating ways to financially support increased wireless internet, cellular and broadband connectivity, including a state universal service fund for the purpose; (9) examining the feasibility of establishing a universal statewide right of way fee to reduce the time from permit application to local approval, in order to promote wireless internet, cellular and broadband facilities deployment; (10) identifying any state law or regulation that hampers the expansion of wireless internet, cellular and broadband services or provides unreasonable competitive advantages to regulated, telecommunications carriers or cable operators, including access to, or use of, municipal or other facilities or rights-of-way; (11) working with the department of telecommunications and energy and other appropriate state agencies and private parties to identify the locations of dark fiber and telecommunications tower access areas owned by telecommunications companies in the commonwealth; (12) identifying federal regulations and statutes that impede the deployment of wireless internet, cellular and broadband facilities and services and advocating before the United States Congress and the Federal Communications Commission for appropriate amendment of these federal policies; and (13) taking other actions considered necessary to fulfill the goal of establishing a competitive wireless internet, cellular and broadband market within the commonwealth. The director of broadband development shall work in consultation with the wireless broadband development council established pursuant to section 6A of chapter 40J of the General Laws. Notwithstanding the requirements of subsection (a), the director of wireless and broadband development shall have extensive experience in the broadband, telecommunications or data communications industry, including, but not limited to, the utilization of market-based strategies to induce wireless internet, cellular or broadband deployment, the creation of public entities to facilitate wireless internet, cellular and broadband deployment, and a demonstrated knowledge of state-of-the-art technologies that bring wireless internet, cellular and broadband to underserved areas, including, but not limited to, wireless technologies. The director of wireless and broadband development shall annually, no later than December 31, submit a report, including any recommendations for legislation, to the secretary of the executive office of economic development, the director of the department of business and technology, the chairman of department of

telecommunications and energy, the chairpersons of the house and senate committees on ways and means, the chairpersons of the joint committee on economic development and emerging technologies and the chairpersons of the joint committee on telecommunications, utilities and energy.

**SECTION 12.** Section 3F of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 70 and 71, the words “or by the commissioner of revenue upon denial of the application of the tax credit provided in section 38N of chapter 63,” and inserting in place thereof the following word:— only.

**SECTION 13.** Said section 3F of said chapter 23A, as so appearing, is hereby further amended by striking out, in line 74, the word “or”, the second time it appears, and inserting in place thereof the following word:— and.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 14.** Said chapter 23A is hereby further amended by inserting after section 3H the following section:—

Section 3I. (a) Notwithstanding any other provisions of this chapter, the department shall upon receipt of qualifying applications, expend not less than \$500,000 annually in matching grants to assist municipalities to purchase environmental insurance naming as an additional insured the Massachusetts Bay Transportation Authority or the executive office of transportation and construction, as applicable, for purposes of establishing and maintaining rail-trails, as defined in section 2 of chapter 21E and section 35A of chapter 82, utilizing the Brownfield's Redevelopment Access to Capital Policy Form or similar or replacement form, with terms, conditions, amendments and endorsements as appropriate under the circumstances of the proposed rail-trail project, and with coverage limits of at least \$3,000,000 per incident, a deductible of at most \$50,000 per incident, and a term of at least 5 years.

(b) Unless specifically required by federal law in connection with any grant for construction of a rail-trail, a municipality that has applied for and received a grant and has purchased the environmental insurance as described in subsection (a) shall not be required to furnish to any person, authority or governmental entity, any other form of environmental insurance, or any defense, indemnification or hold harmless agreement with respect to any claims, injuries, costs, damages or other relief arising out of or related to the pre-existing release or threat of release of oil or hazardous materials at or from the project site as those terms are defined in chapter 21E, in connection with its design, acquisition, construction, use or maintenance of the rail-trail for which the application is made.

(c) The department shall promulgate regulations, policies, or directives necessary to expedite the receipt and approval of grant applications from municipalities under this section.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 15.** Section 23A of said chapter 23A, as so appearing, is hereby amended by adding the following 2 paragraphs:-

The OITI executive director shall also serve as the Massachusetts trade representative. The purpose of the Massachusetts trade representative shall be to: (1) serve as the commonwealth's official point of contact with the federal government on international trade-related matters; (2) work with the executive office of economic development and other appropriate state agencies to analyze proposed and enacted international trade agreements and provide an assessment of the impact said agreements on the commonwealth's economy; (3) serve as the designated recipient of federal requests for the commonwealth to agree to be bound by investment, procurement, services or any other provisions of international trade agreements, including those which may infringe upon state law or regulatory authority reserved to the commonwealth; (4) serve as a liaison to the general court on matters of international trade policy oversight including, but not limited to, reporting to members of the general court on a regular basis on the status of ongoing international trade negotiations, international trade litigation, and dispute settlement proceedings with implications for existing state laws, state regulatory authority and international trade policy on the commonwealth's economy.

The trade representative shall, within 30 days of receipt, forward any requests or communications received from the United States Trade Representative relative to any issue of international trade, including requests seeking the

commonwealth's consent to be bound by international trade agreements, to the clerk of the house of representatives and the clerk of the senate, who shall promptly refer the communications or requests to the joint committee on economic development and emerging technologies. The joint committee shall, within 30 days of receipt, conduct a public hearing on any request seeking the commonwealth's consent to be bound by an international trade agreement. The joint committee may issue a report within 120 days of the public hearing including a resolution to the general court relative to the recommendations of the committee on whether the commonwealth should consent to the international trade agreement in question and memorializing the commonwealth's trade representative and the governor to take appropriate measures within their power to advise the United States Trade Representative of the recommendations of the general court.

**SECTION 16.** Said chapter 23A is hereby further amended by striking out section 56, as so appearing, and inserting in place thereof the following section:—

Section 56. (a) There shall be within the department of economic development a Massachusetts quasi-public corporation and public purpose agency planning council, hereinafter referred to as the council, which shall not be subject to the control of the department except as provided in this section. The purpose of the council shall be to ensure regular communication and coordination between the quasi-public corporations and public purpose agencies as to their economic development projects, programs and plans. The council shall consist of the chief executive officers or their designees from each of the following agencies: the executive office of economic development, who shall serve as chair of the council; the office of business and technology; the Commonwealth Corporation; the department of workforce development; the Massachusetts Community Development Finance Corporation; the Massachusetts Development Finance Agency; the Massachusetts Health and Educational Facilities Authority; the Massachusetts Technology Development Corporation; the Massachusetts Technology Park Corporation; the Economic Stabilization Trust; the Massachusetts Port Authority; the office of international trade and investment; the office of travel and tourism; the Massachusetts Business Development Corporation; the University of Massachusetts; the board of higher education; the Massachusetts Workforce Investment Board; and the Massachusetts Small Business Development Center. The chairpersons of the joint committee on economic development and emerging technologies shall serve as ex-officio advisory members of the council. The council shall meet from time to time, but not less frequently than monthly. The secretary of economic development shall appoint personnel necessary to coordinate the activities of the council and to provide administrative support to the council, as requested. The agencies shall be required to submit to the department, in a form and manner prescribed by the department, information detailing debt or equity investment; the nature and amount of the investments; real estate or working capital loans; funds or technical assistance provided to businesses; other forms of financing or financial assistance provided to businesses, students or employees; the number of businesses created or enhanced as a result of the investments or assistance; and the number of jobs created as a result of the investments or assistance. The department shall aggregate the data and, not later than December 31, shall submit an annual report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on small business and community development and the joint committee on higher education. The council shall, from time to time, review and determine whether the present quasi-public corporations subject to this section are appropriately serving the goals of the council in establishing and implementing a more coordinated economic development policy. The council shall, in its annual report, make recommendations to the joint committee on economic development and emerging technologies recommending changes to the composition of the council, streamlining agencies on the council through the consolidation or elimination of duplicative services performed by quasi-public agencies, or creating new quasi-public agencies that would serve on said council; provided, however, that the council shall maintain not more than 8 regional offices through the expansion of offices already in operation or by establishing new offices. Each office shall be responsible for the implementation of the coordinated plans, programs and projects in its region of the state.

(b) In order to fully utilize all appropriate measures to provide risk capital to small businesses in the commonwealth the Massachusetts Community Development Finance Corporation, the Commonwealth Corporation, the Massachusetts Development Finance Agency and the Massachusetts Technology Development Corporation shall establish 1 or more small business investment corporations (sbic) or special small business investment corporations (ssbic) as provided by the Small Businesses Equity Enhancement Act of 1992, Title iv of U.S. Public Law 102-366.

**SECTION 17.** Section 27 of chapter 23G of the General Laws, as so appearing, is hereby amended by striking out, in line 55, the word “sources.” and inserting in place thereof the following words:— sources; (4) to provide low or no interest equipment loans targeted to companies within the defense technology and homeland security sector particularly those that are seeking to become more competitive against out-of-state companies; and (5) to provide matching grants in the field of marine science technology for Massachusetts companies that receive small business innovation research or small business technology transfer grants from the small business administration. The matching award amount shall be the lesser of \$20,000 or 15 per cent of the small business innovation research or small business technology transfer grant. There shall be a maximum of \$60,000 available per Massachusetts company, including affiliates, per calendar year allocated on a competitive basis, contingent upon the availability of funds. The matching funds shall be used for product development and commercialization.

**SECTION 18.** Said section 27 of said chapter 23G, as so appearing, is hereby further amended by inserting after the word “biotechnology”, in line 66, the following words:— marine science technology,.

**SECTION 19.** Said section 27 of said chapter 23G, as so appearing, is hereby further amended by inserting after the word “loans”, in line 75, the following words:— , working capital and contract based loans.

**SECTION 20.** Section 29A of said chapter 23G, as so appearing, is hereby amended by striking out, in line 67, the figure “\$50,000” and inserting in place thereof the following figure:— \$100,000.

**This section was returned by the Governor with an amendment [for message, see House, No. 5103]**

~~**SECTION 21.** Said chapter 23G is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section:—~~

~~Section 42. (a) It is in the best interest of the commonwealth to promote the prosperity and general welfare of all citizens by enhancing cultural activities throughout the commonwealth by partially financing the acquisition, construction, expansion, renovation and repair of our cultural facilities. Preserving cultural resources may stimulate further investment in the arts, heritage, entertainment, humanities and interpretive sciences, which will increase employment and entrepreneurial opportunities for the citizens of the commonwealth and increase tourism to the regions where these facilities are located, including tourism from outside the commonwealth.~~

~~(b)(1) As used in this section and section 43, the following terms shall, unless the context clearly requires otherwise, have the following meanings:—~~

~~“Agency”, the Massachusetts development finance agency.~~

~~“Applicant”, a cultural organization, as defined in this section, that has submitted an application for financial assistance from the Fund.~~

~~“Committee”, the cultural facilities advisory fund committee.~~

~~“Cultural facility”, a building, structure or site that is, or will be, owned, leased or otherwise used by 1 or more cultural organizations and that is accessible to the public and exempt from income taxation pursuant to section 501 (c)(3) of the Internal Revenue Code. The term cultural facility may include, but shall not be limited to, museums, historical sites, zoos, aquariums, nature or science centers, theaters, concert halls, exhibition spaces, classrooms and auditoriums suitable for presentation of performing or visual arts. Municipally owned buildings, structures or sites must be a minimum of 50,000 square feet in size, of which at least 50 per cent is used as a cultural facility. Public or private institutions of higher education may qualify if they demonstrate that their cultural facility provides service and open access to the community and the general public outside of the regular educational mission of the public or private institute of higher education and demonstrates financial need.~~

~~“Cultural organization”, a nonprofit, public or private, civic educational or professional organization or educational foundation which is primarily concerned with the arts, humanities, interpretive sciences or local arts and which is exempt from income taxation pursuant to section 501 (c)(3) of the Internal Revenue Code. Public or private institutions of higher education may qualify if they demonstrate that their cultural organization provides service and~~



~~open access to the community and the general public outside of the regular educational mission of the public or private institute of higher education demonstrates and financial need.~~

~~“Director”, the executive director of the Massachusetts development finance agency.~~

~~“Eligible project”, the acquisition, design, construction, repair, renovation, rehabilitation or other capital improvement or deferred maintenance of a cultural facility consistent with this section.~~

~~“Feasibility and technical assistance grant”, a direct grant of monies from the fund subject to matching grant requirements, to an applicant for payment of the costs and expenses related to the undertaking and completion of a planning and feasibility study for a proposed eligible project; provided, however, that no such grant shall exceed \$50,000. The agency may award a feasibility and technical assistance grant only upon its finding that: (i) the project is an eligible project; (ii) there is a demonstrated need for the project; (iii) the project will benefit tourism in the local area; (iv) there is a demonstrated financial need for the grant or loan; (v) there is local support for the project; and (vi) if undertaken, the proposed project would qualify as an eligible project.~~

~~“Fund”, the Massachusetts Cultural Facilities Fund.~~

~~“Grant”, a direct grant of monies from the fund to an applicant for payment of the costs of an eligible project, except that the amount of any single grant awarded from the fund shall not exceed \$5,000,000.~~

~~“Loan”, a direct loan of monies from the Fund to an applicant to finance a portion of the cost of an eligible project, except that the amount of any single loan awarded from the fund shall not exceed \$5,000,000.~~

~~“Massachusetts cultural council”, a public instrumentality created pursuant to section 52 of chapter 10.~~

~~“Matching funding”, private or public monies donated or appropriated to an eligible project in the proportions to the qualified investment as set forth in subsection (c).~~

~~“Public body”, the commonwealth and any body politic and corporate of the commonwealth, including any political subdivision thereof, or any consortium of any contiguous subdivisions and any federal agency.~~

~~“Qualified investment”, a grant, including a feasibility grant, loan, guarantee or other financing or credit enhancement device provided under the Fund for an eligible project.~~

~~(2) There shall be the Massachusetts Cultural Facilities Fund, under the control of the agency, to which shall be credited, subject to appropriation, for any fiscal year in which revenues deposited into the Massachusetts Tourism Fund, established pursuant to section 35J of chapter 10, exceed the amounts deposited into the Massachusetts Tourism Fund in the previous fiscal year, 50 per cent of the increase in revenues beyond amounts received in the prior fiscal year by the Massachusetts Tourism Fund from the tax imposed by section 3 of chapter 64G, section 22 of chapter 546 of the acts of 1969 or any appropriation made pursuant to section 35J of chapter 10. In addition to the funds set forth in the preceding sentence, the fund shall be credited, subject to appropriation, in each fiscal year after the first appropriation to the fund, an additional amount not less than the previous fiscal year’s appropriation. The fund shall also be credited in each fiscal year, subject to annual appropriation, an amount equal to the funds previously appropriated annually for payment of principal and interest on obligations issued for the rehabilitation, operation and maintenance of the Hynes convention center, or in no case less than \$13,000,000 per annum. The fund shall also be credited with all bond proceeds, federal funds, private contributions, loans or other monies lawfully made available to the fund. The purpose of the fund shall be to make grants, and loans when appropriate, to finance eligible projects. Applicants may apply to the Fund for a feasibility and technical assistance grant, a grant and a loan for the acquisition, construction, expansion, renovation or repair of cultural, entertainment, public venues or other commercial facilities, and the agency may make a qualified investment in such a project upon its finding that: (i) the project is an eligible project; (ii) there is a demonstrated need for the project; (iii) the project will benefit tourism in the local area; (iv) there is a demonstrated financial need for the grant or loan; and (v) there is local support for the project. The agency shall hold the fund in a separate account, segregated from all other agency funds. Except as hereinafter provided, the agency may invest and reinvest the Fund and the income thereon: (i) in making qualified investments;~~

~~(ii) in investing funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (iii) for paying binding obligations associated with the qualified investments which are secured by the fund as the same become payable; (iv) for paying the principal and interest on qualified investments secured by the fund or the payments of any redemption premium required to be paid when such obligations are redeemed prior to maturity; and (v) for the reasonable costs of administering the fund, provided that the costs shall not exceed 7.5 per cent of the total loans or grants made annually.~~

~~(3) To the extent feasible, the agency may issue bonds on behalf of the fund. Bond proceeds shall be used for the purposes authorized by this section. The bonds shall be issued as revenue bonds and shall be recourse only to the funds appropriated or otherwise contributed under this section and such reserve funds as may be expressly created to guarantee the same. The bonds shall not be general obligations of either the agency or the commonwealth. Bonds issued in furtherance of this section shall not be subject to, or otherwise included in, the principal amount of debt obligations issued under section 29.~~

~~(4) The agency shall adopt by-laws or rules necessary to establish a minimum reserve to be maintained by the fund for the purpose of ensuring the fulfillment of any obligations incurred as a result of any bonds issued by the agency on behalf of the Fund. No qualified investment may be made where the expenditure would reduce the fund's assets to an amount below the minimum reserve.~~

~~(5) The agency shall be reimbursed from the fund for all reasonable and necessary direct costs and expenses incurred in any fiscal year associated with its bond issuance, administration, management and operation of the fund, including reasonable staff time and out-of-pocket expenses and the reasonable and approved administrative costs incurred by the Massachusetts cultural council or such other qualified organization which the agency may contract for services. The agency is authorized to establish a minimum reserve, in addition to such reserve established pursuant to subsection (2), to be maintained by the fund for the purpose of ensuring the satisfaction of the agency's and its agents' administrative costs.~~

~~(e) The fund may make qualified investments in eligible projects. The fund may make grants to applicants for eligible projects. No grant shall be made pursuant to this section without the required matching funding. The amount of any single grant, other than a feasibility and technical assistance grant awarded from the fund, shall not exceed \$5,000,000 per annum. Grants for a total value of:~~

~~(i) less than \$1,000,000 shall be subject to a matching funding requirement of the amount of the grant;~~

~~(ii) greater than or equal to \$1,000,000 and less than \$2,500,000 shall be subject to a matching funding requirement of at least twice the amount of the grant;~~

~~(iii) greater than or equal to \$2,500,000 but less than \$4,000,000 shall be subject to a matching funding requirement of at least 3 times the amount of the grant; and~~

~~(iv) greater than or equal to \$4,000,000 and not more than \$5,000,000 shall be subject to a matching funding requirement of at least 4 times the amount of the grant.~~

~~Notwithstanding any general or special law to the contrary, as a condition of accepting a grant from the fund, an applicant shall agree that, whenever ownership of any property which was acquired or improved with a grant from the Fund is transferred to a for-profit entity or to an unrelated non-profit entity which stops operating the property as a cultural facility, the full amount of such grant shall be repaid immediately to the fund. The agency may take a security interest or such other interest in the eligible project as may be necessary to secure its potential repayment rights.~~

~~(d) Notwithstanding any general or special law to the contrary, the agency shall enter into a contract with the Massachusetts cultural council or another qualified organization to manage some or all of the grant administration process on behalf of the agency. The agency may enter into a contract with another qualified organization to manage some or all of the grant administration process only if the Massachusetts cultural council fails to adequately perform its duties under a duly executed contract, ceases to exist, or for just cause. If the agency enters into a contract with another qualified organization, the agency shall submit, in writing, the reasons for the termination of its contract with~~

~~the Massachusetts cultural council to the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on tourism, arts and cultural development. A contract executed pursuant to this section shall address, but shall not be limited to: proposed rules and guidelines for the fund, providing technical assistance to potential applicants, reviewing and evaluating applications and providing findings and recommendations to the committee as to which grant applications should be approved and awarded and which should be denied. The agency shall establish rules relative to the Fund, with the advice of the committee. Copies of the rules, and any modifications or amendments thereto, shall be delivered to the clerk of the house of representatives, the clerk of the senate, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on tourism, arts, and cultural development.~~

~~(e) The agency shall annually, not later than December 31, submit a report on the Fund's progress to the clerk of the house of representatives, the clerk of the senate, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies and the chairs of the joint committee on tourism, arts and cultural development. The annual report shall include: (i) a list of grant or loan recipients from the fund; (ii) the associated amounts received by each recipient; (iii) the amount of non-state funding leveraged by the Fund; (iv) the purpose of the grants or loans from the Fund; (v) an annual statement of cash inflows and outflows detailing the sources and uses of the Fund; (vi) a forecast of future payments based on current binding obligations; and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the Fund.~~

**SECTION 22.** Said chapter 23G is hereby further amended by striking out section 43, as so appearing, and inserting in place thereof the following section:—

Section 43. There shall be a cultural facilities fund advisory committee, the function of which shall be strictly advisory to the agency in connection with the management and operation of the Massachusetts Cultural Facilities Fund. The committee shall consist of the following members: the director of the Massachusetts cultural council or his designee; the director of the office of travel and tourism or his designee; the director of the agency or his designee; and 6 members to be appointed by the governor, 1 of whom shall have expertise in fundraising, 1 of whom shall have expertise in finance and 1 of whom shall have expertise in construction. In appointing members, the governor shall ensure that each of the following geographic regions of the commonwealth is represented: the central area, the greater Boston area, the metro-west area, the northeast area, the southeast area and the western area. All members shall be appointed for a term of 5 years, may be reappointed, and shall serve without compensation, but may be reimbursed from the Fund for ordinary and reasonable in-state travel expenses. The committee may meet as often as the members may determine, but shall meet at least bi-annually, or at such other intervals as may be established by the agency in order to review recommendations made by the Massachusetts cultural council, or such other qualified organization with which the agency contracts, with respect to the Fund and to make any advisory recommendations with respect thereto to the agency. Subsection (d), and subsections (f) to (i), inclusive, and subsection (l) of section 2 shall apply to the members and affairs of the committee. All applications for grants or loans recommended by the Massachusetts cultural council or other such organization with whom the agency may contract shall be reviewed by the committee. The committee shall then issue findings and recommendations to the agency as to which applications should be approved. Only those applications that are recommended by the committee for approval shall be considered by the agency's board of directors for final approval. If the agency's board of directors votes to deny any recommended approval, the agency shall, within 30 days of such action, provide the applicant with a written explanation for such denial.

**SECTION 23.** Chapter 23H of the General Laws is hereby amended by adding the following section:-

Section 11. (a) There shall be in the department, but not subject to the jurisdiction thereof, a performance standards and workforce accountability task force, hereinafter called the task force. The task force shall develop and recommend policies that advance skills and workforce development opportunities for incumbent, unemployed and underemployed youth and adult workers whose lack of skills prevent or limit their successful employment. Lack of skills may include, but shall not be limited to, being less than proficient in English, mathematics, reading, writing, science and technology, or such other skills as Massachusetts employers may identify. The following groups shall be specifically targeted for assistance: adult workers with no post-secondary education; adult immigrants who seek to learn English; adults without

a high school diploma; displaced workers; older workers; individuals not currently connected to the workforce; and youths between the ages of 16 and 21 who have either dropped out of school or are at risk of dropping out, or who are academically at-risk of not completing the requirements for high school graduation. The task force shall develop recommendations which shall include, but not be limited to, the following: (i) maximizing the skills gained, the number of people served, and the quality of outcomes achieved through the workforce development system; (ii) increasing services and resources for those most in need and for the purpose of moving individuals and families out of poverty; (iii) identifying professional development and technical assistance needs and resources to strengthen workforce development programs and the skills of staff who deliver workforce development services; and (iv) evaluating and analyzing current local and state policies for the governance and coordination of workforce development agencies and programs in Massachusetts and making recommendations for improving coordination, oversight, performance standards, streamlining bureaucracy and maximizing resources.

(b) The task force shall design and conduct an evaluation and analysis of the present governance and coordination of workforce development agencies and programs in the commonwealth. On the basis of that study the task force shall recommend to the general court, and other appropriate agencies, policies and changes to policies likely to improve the results of workforce development efforts in the commonwealth. Said recommendations shall address improving coordination, oversight and maximizing resources. The goals of the study shall include assisting citizens of the commonwealth in making better use of the state's workforce development system, defining clearer lines of responsibility and accountability, and analyzing the management of the system in an effort to both improve service delivery and supplement the resources available for education and training. The task force shall publish a resource guide of all the workforce education and training resources available in the commonwealth.

(c) The task force shall consist of: the director of the department of workforce development or his designee; 3 members of the senate, 2 of whom shall be appointed by the senate president, 1 of whom shall serve as co-chair, and 1 of whom shall be appointed by the minority leader of the senate; 3 members of the house of representatives, 2 of whom shall be appointed by the speaker of the house of representatives, 1 of whom shall serve as co-chair, and 1 of whom shall be appointed by the minority leader of the house of representatives; the chancellor of the board of higher education or his designee; the secretary of the executive office of health and human services or his designee; and 18 members to be appointed by the governor, 1 of whom shall be from the Massachusetts Business Roundtable, 1 of whom shall be from the Associated Industries of Massachusetts, 2 of whom shall be from of the Massachusetts AFL-CIO nominated by its president, 2 of whom shall employ members from the Massachusetts Workforce Investment Board Association, 1 of whom shall be from the Workforce Investment Association of Massachusetts, 1 of whom shall be from the executive office of community colleges 1 of whom shall be from the department of education, 1 of whom shall be from the Massachusetts Workforce Investment Board, 1 of whom shall be from the Commonwealth Corporation, 1 of whom shall be from the Women's Union, 1 of whom shall be from the Massachusetts State Colleges Council of Presidents, 1 of whom shall be from the Massachusetts Association of Community Development Corporations 1 of whom shall be from the Massachusetts Coalition for Adult Education, 1 of whom shall be from JFYNetWorks and 1 of whom shall be from the Massachusetts Workforce Alliance; provided, further, that at least 2 of the aforementioned members appointed by the governor shall represent business and workers' organizations from rural areas and communities with a population of less than 31,000 residents.

(d) Members of the task force shall serve without compensation. The task force shall annually, on or before December 31, file a report with the clerk of the house of representatives and the clerk of the senate, the house and senate committees on ways and means, the joint committee on labor and workforce development, and the joint committee on economic development and emerging technologies.

(e) The department of workforce development shall provide the funds necessary to carry out the activities of this section through workforce investment act funds. The department may use up to \$500,000 of the workforce competitiveness trust fund for this purpose and shall provide administrative support to the task force, as requested.

(f) It shall be the responsibility of the department of workforce development, through the Commonwealth Corporation, in consultation with the workforce accountability task force to evaluate existing, and develop additional, performance standards for workforce and job-training programs receiving state funding in the areas of employment, skill, education, business and customer satisfaction impact for the agencies of the commonwealth that provide workforce development

resources, education or training programs as defined by the task force. Commencing July 1, 2006, all workforce development services and job skills training programs receiving state or federal funds must submit, not later than June 30, an annual performance report to the department, the state workforce investment board, the house and senate committees on ways and means, the joint committee on education, the joint committee on higher education, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development. The annual performance report shall use the employment, education, business and customer satisfaction measures and standards as agreed upon and shall include any recommendations for the termination of any programs no longer required.

The Governor disapproved the following section [for message, see House, No. 5101]

The Legislature overrode the Governor's veto

**SECTION 24.** The General Laws are hereby amended by inserting after chapter 23H the following chapter:—

### **CHAPTER 23I. THE MASSACHUSETTS LIFE SCIENCES CENTER.**

Section 1. The general court finds and declares that:

- (1) research in the life sciences and regenerative medicine presents a significant opportunity of yielding fundamental biological knowledge from which may emanate therapies to relieve, on a large scale, human suffering from disease and injury;
- (2) the extraordinary biomedical scientists working within institutions of higher education, research institutes, hospitals, biotechnology companies and pharmaceutical companies can contribute significantly to the welfare of mankind by performing outstanding research in these fields;
- (3) promoting the health of residents of the commonwealth is a fundamental purpose of state government;
- (4) promoting life sciences research to foster the development of the next generation of health-related innovations, to enhance the competitive position of the commonwealth in this vital sector of the economy, and to improve the quality and delivery of health care for the people of the commonwealth is a clear public purpose and governmental function;
- (5) public support for and promotion of the life sciences will benefit the commonwealth and its residents through improved health status and health outcomes, economic development, and contributions to scientific knowledge, and such research will lead to breakthroughs and improvements that might not otherwise be discovered due to the lack of existing market incentives, especially in the area of regenerative medicine, such as stem cell research;
- (6) public support for, and promotion of, life sciences research has the potential to provide cures or new treatments for many debilitating diseases that cause tremendous human suffering and cost the commonwealth millions of dollars each year;
- (7) it is imperative for the purposes of the commonwealth's competitiveness to invest in life sciences research, biotechnology, nanotechnology and bio-defense, to leverage revenues and to encourage cooperation and innovation among public and private institutions involved in life sciences research and related applications;
- (8) the purpose of this chapter is to establish a life sciences center, to grant that center the power to contract with other entities to receive other funds, and to disburse those funds consistent with the purpose of this chapter;
- (9) the life sciences center is intended to: (i) promote the best available research in life sciences disciplines through diverse institutions and to build upon existing strengths in the area of biosciences in order to spread the economic benefits across the commonwealth; and, (ii) foster improved health care outcomes in the commonwealth and the world; and
- (10) the investments of the life sciences center are intended to support future statewide, comprehensive strategies to lead the nation in life sciences-related research, innovations and employment.

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

“Board”, the board of directors of the Massachusetts Life Sciences Center.

“Bonds”, when used in reference to the Center, any bonds, notes, debentures, interim certificates, or other financial undertakings for the purpose of raising capital, including, but not limited to, lines of credit, forward purchase agreements, investment agreements and other banking or financial arrangements, issued by or entered into by the Center pursuant to section 6.

“Center”, the Massachusetts Life Sciences Center established pursuant to section 3.

“Contribution agreement”, any agreement authorized under this chapter in which a private entity or public entity other than the commonwealth agrees to provide to the Center contributions for the purpose of promoting life sciences research.

“Federal agency”, the United States of America , the President of the United States of America , and any department of or corporation, Agency or instrumentality heretofore or hereafter created, designated or established by the United States of America .

“Fund”, the Massachusetts Life Sciences Investment Fund.

“Life sciences”, advanced and applied sciences, including but not limited to, stem cell research, regenerative medicine, biotechnology and nanotechnology.

“Life sciences research”, advanced and applied sciences, including, but not limited to, stem cell research, regenerative medicine, biotechnology and nanotechnology, that has, as a result, significant chance of yielding fundamental biological knowledge from which may emanate therapies to relieve human suffering from disease and injury, vanguard medical therapies, or advanced scientific development and other areas of scientific research and development vital to the state’s economy.

“Person”, any natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, societies, associations, and partnerships and subordinate instrumentalities of any one or more political subdivisions of the commonwealth.

“Public body”, the commonwealth, and any body politic and corporate of the commonwealth, including any political subdivision or instrumentality thereof, which is empowered to issue bonds secured by a pledge of revenues or other special funds or assets, including any municipality or district for which the issuance of debt is governed or limited by the provisions of chapter 44.

“Revenues”, any receipts, fees, rentals or other payments or income received or to be received on account of obligations to the Center including, without limitation, income on account of the leasing, mortgaging, sale or other disposition of a project or proceeds of a loan made by the Center in connection with any project and also including amounts in reserves or held in other funds or accounts established in connection with the issuance of bonds and the proceeds of any investments thereof, proceeds of foreclosure and any other fees, charges or other income received or receivable by the center other than the industrial mortgage established pursuant to section 4 with respect to a project or the financing thereof.

Section 3. (a) There is hereby created a body politic and corporate to be known as the Massachusetts Life Sciences Center. The center is hereby constituted a public instrumentality and the exercise by the center of the powers conferred by this chapter shall be considered to be the performance of an essential governmental function.

The center is hereby placed in the executive office of economic development but shall not be subject to the supervision, or control of said office, or of any board, bureau, department, or other center of the commonwealth, except as specifically provided in this chapter.

(b) The center shall be governed and its corporate powers exercised by a board of directors consisting of the secretary of administration and finance or his designee; the director of economic development or his designee; the President of the University of Massachusetts or his designee; 2 members who shall be appointed by the governor, 1 of whom shall be a physician licensed to practice medicine in the commonwealth and 1 of whom shall be a chief executive officer of a Massachusetts based life sciences corporation which is a member of the Massachusetts Biotechnology Council. Each member shall serve for a term of five years. Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for only the unexpired term of such member. Any member shall be eligible for reappointment. Any member may be removed from his appointment by the governor for cause.

(c) Three of the directors shall constitute a quorum and the affirmative vote of a majority of directors present at a duly called meeting where a quorum is present shall be necessary for any action to be taken by the board. Any action required or permitted to be taken at a meeting of the directors may be taken without a meeting if all of the directors consent in writing to such action and such written consents are filed with the records of the minutes of the meetings of the board. Such consents shall be treated for all purposes as a vote at a meeting.

The members of the board shall serve without compensation, but each member shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

(d) The provisions of chapter 268A shall apply to all ex-officio directors or their designees and employees of the center. The provisions of chapter 268A shall apply to all other directors of the center, except that the center may purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any person in which any director of the center is in any way interested or involved; provided, however, that such interest or involvement is disclosed in advance to the members of the board and recorded in the minutes of the board; and provided, further, that no director having such an interest or involvement may participate in any decision of the board relating to such person. Employment by the commonwealth or service in any agency thereof shall not be deemed to be such an interest or involvement.

(e) The Board shall have the power to appoint and employ an executive director, and to fix his compensation and conditions of employment. The executive director shall be the chief executive, administrative and operational officer of the center and shall direct and supervise administrative affairs and the general management of the center. The executive director may, subject to the general supervision of the board, employ other employees, consultants, agents, including legal counsel, and advisors, and shall attend meetings of the board.

(f) Neither the center nor any of its officers, agents, employees, consultants or advisors shall be subject to the provisions of sections 9A, 45, 46 and 52 of chapter 30, or to chapter 31, or to chapter 200 of the acts of 1976.

(g) The board shall bi-annually elect 1 of its members as chairperson, 1 of its members as secretary. The secretary shall keep a record of the proceedings of the board and shall be custodian of all books, documents, and papers filed by the board and of its minute book and seal. The secretary shall cause copies to be made of all minutes and other records and documents of the center and shall certify that such copies are true copies, and all persons dealing with the center may rely upon such certification. The treasurer shall be the chief financial and accounting officer of the center and shall be in charge of its funds, books of account and accounting records.

(h) All officers and employees of the center having access to its cash or negotiable securities shall give bond to the center at its expense in such amounts and with such surety as the board may prescribe. The persons required to give bond may be included in one or more blanket or scheduled bonds.

(i) Board members and officers who are not compensated employees of the center shall not be liable to the commonwealth, to the center or to any other person as a result of their activities, whether ministerial or discretionary, as such board members or officers except for willful dishonesty or intentional violations of law. Neither members of the center nor any person executing bonds or policies of insurance shall be liable personally thereon or be subject to any personal liability or accountability by reason of the issuance thereof. The board of directors may purchase liability insurance for board members, officers and employees and may indemnify said persons against claims of others.

(j) The center shall continue as long as it shall have bonds or insurance or guarantee commitments outstanding and until its existence is terminated by law. Upon the termination of the existence of the center, all right, title and interest in and to all of its assets and all of its obligations, duties, covenants, agreements and obligations shall vest in and be possessed, performed and assumed by the commonwealth.

(k) Any action of the center may take effect immediately and need not be published or posted unless otherwise provided by law. Meetings of the center shall be subject to section 11A 1/2 of chapter 30A; but, said section 11A 1/2 shall not apply to any meeting of members of the center serving ex officio in the exercise of their duties as officers of the commonwealth so long as no matters relating to the official business of the center are discussed and decided at the meeting. The center shall be subject to all other provisions of said chapter 30A, and records pertaining to the administration of the authority shall be subject to section 42 of chapter 30 and section 10 of chapter 66. All moneys of the center shall be considered to be public funds for purposes of chapter 12A. The operations of the center shall be subject to chapter 268A and chapter 268B and all other operational or administrative standards or requirements to the same extent as the office of the state treasurer.

(l) Any documentary materials or data whatsoever made or received by any member or employee of the center and consisting of, or to the extent that such materials or data consist of, trade secrets or commercial or financial information regarding the operation of any business conducted by an applicant for any form of assistance which the center is empowered to render or regarding the competitive position of such applicant in a particular field of endeavor, shall not be deemed public records of the center and specifically shall not be subject to the provisions of section 10 of chapter 66. Any discussion or consideration of such trade secrets or commercial or financial information may be held by the board in executive sessions closed to the public notwithstanding the provisions of section 11A1/2 of chapter 30A, but the purpose of any such executive session shall be set forth in the official minutes of the center and no business which is not directly related to such purpose shall be transacted nor shall any vote be taken during such executive session.

Section 4. (a) The center shall have all powers necessary or convenient to carry out and effectuate its purposes, including, without limiting the generality of the foregoing, the powers:

(1) to adopt and amend bylaws, regulations and procedures for the governance of its affairs and the conduct of its business without regard to chapter 30A;

(2) to establish standards requiring that any grant, loan or other appropriation of funds pursuant to this chapter be subject to an intellectual property agreement between the center and the recipient person; provided said intellectual property agreements balance the opportunity for the commonwealth to benefit from the patents, royalties, and licenses with the needs to ensure that essential medical research is not unreasonably hindered by the intellectual property agreements;

(3) to adopt an official seal and a functional name;

(4) to maintain offices at places within the commonwealth as it may determine and to conduct meetings of the center in accordance with the by-laws of the authority and the second paragraph of section 59 of chapter 156B;

(5) to sue and be sued, to prosecute and defend actions relating to its properties and affairs, and to be liable in tort in the same manner as a private person; provided however, that the center is not authorized to become a debtor under the United States Bankruptcy Code;

(6) to appoint officers and employees and to engage consultants, agents and advisors;

(7) to enter into contracts and agreements and execute all instruments necessary or convenient thereto for accomplishing the purposes of this chapter; such contracts and agreements may include, without limiting the foregoing, construction agreements, purchase or acquisition agreements, loan or lease agreements, partnership agreements including limited partnership agreements, joint ventures, participation agreements, service agreements with biotechnology entities, nanotechnology entities, bio-defense entities, health care, educational or other financial institutions or intermediaries, and agreements with one or more persons for the servicing of loans made by the center



including the receipt by such servicer of payments made by a user under a financing document. Any such payments shall constitute trust funds to be held and applied solely as provided in such agreement for the servicing of loans, shall constitute pledged funds of the center and shall be entitled to the same protection when received by a person for the servicing of loans, without the need for filing and recording of the servicing agreement under the provisions of chapter 106 or otherwise except in the records of the center, as is afforded to funds received by an issuer and pledged to a trustee under section 14 of chapter 40D.

(8) to acquire real and personal property, or any interest in real or personal property, by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage any interest owned by it or under its control, custody or in its possession; to release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it; to take assignments of leases and rentals, proceed with foreclosure actions, or take any other actions necessary or incidental to the performance of its corporate purposes;

(9) to invest any funds held in reserves or sinking funds, or the Massachusetts Life Sciences Investment Fund, or any funds not required for immediate disbursement, in such investments as may be provided in any financing document relating to the use of such funds, or, if not so provided, as the board may determine;

(10) to review and recommend changes in laws, rules, programs, and policies of the state and its agencies and subdivisions to further the enhancement of life sciences financing, infrastructure and development within the commonwealth;

(11) to appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;

(12) to obtain insurance;

(13) to apply for and accept subventions, grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for its corporate purposes, provided however, that the center shall not accept funding from any source, including any federal agency, if the receipt of said funding would limit the center's ability to promote all forms of biomedical research or scientific inquiry;

(14) to borrow money, issue bonds and apply the proceeds thereof as provided in section 8, in order to implement the purposes of this chapter and, without limiting the generality of the foregoing, to augment the means of securing financing authorized by law for or otherwise available to public bodies and other users;

(15) to lend money to and to acquire or hold obligations issued by public bodies or other users at such prices and in such manner as the center shall deem advisable and sell such bonds acquired or held by it at prices without relation to cost and in such manner as the center shall deem advisable and to secure its own issues of bonds with such obligations held by it, all as provided in section 8;

(16) to issue notes or bonds for any of the purposes provided in this chapter;

(17) to act as the central entity and coordinating organization of life sciences, advanced sciences, biotechnology and nanotechnology initiatives on behalf of the commonwealth. The center shall work in collaboration with governmental entities, bodies, centers, institutes, and facilities operating within the public domain and promote biotechnology, nanotechnology, stem cell research and related physical technology fields, in order to advance the commonwealth's interests and investments in biotechnology, life sciences, nano-manufacturing, bio-manufacturing, so-called, and other advanced technologies;

(18) to enter into agreements with public and private entities that deal primarily with biotechnology, nanotechnology, and related physical technology fields with preference to but not limited to stem cell research, bio-manufacturing, and nano-manufacturing, in order to distribute and provide leveraging of monies or services for the purposes of furthering scientific research in the commonwealth, aiding in the promotion the health of residents, fostering jobs in the life

sciences, and promoting overall economic growth within the commonwealth by fostering collaboration and investments in life sciences in the commonwealth;

(19) to provide and pay for such advisory services and technical assistance as may be necessary or desired to carry out the purposes of this chapter;

(20) to establish and collect such fees and charges as the center without further appropriation shall determine to be reasonable; and to receive and apply revenues from fees and charges to the purposes of the Center or allotment by the commonwealth or any political subdivision thereof;

(21) to make loans to any person for the acquisition, construction, alteration, or any combination thereof, or other financing of a project, including but not limited to loans to lending institutions under terms and conditions requiring the proceeds of such loans to be used by such lending institutions for the making of loans to users for qualified projects;

(22) to disburse, appropriate, grant, loan or allocate funds for the purposes of investing in life sciences, emerging technologies, stem cell research, biotechnology, nanotechnology, bio-defense and advanced sciences as directed in this chapter;

(23) to provide assistance to local entities, local authorities, public bodies and private corporations for the purposes of maximizing opportunities for the expansion of life sciences and advanced technologies in the commonwealth and attracting new life sciences entities and advanced technology investments to Massachusetts, fostering new innovative research applications to the commonwealth and creating new manufacturing and development initiatives in the commonwealth;

(24) to prepare, publish and distribute, with or without charge, as the center may determine, such studies, reports and bulletins and other material as the Center deems appropriate;

(25) to exercise any other powers of a corporation organized under chapter 156B; and

(26) to engage accountants, architects, attorneys, engineers, planners, real estate experts and other consultants as may be necessary in its judgment to carry out the purposes of this act and fix their compensation;

(27) to take any actions necessary or convenient to the exercise of any power or the discharge of any duty provided for by this act;

(28) enter into agreements or other transactions with any person, including without limitation any public entity or other governmental instrumentality or agency in connection with its powers and duties under this chapter;

(29) to institute and administer the Massachusetts Life Sciences Investment Fund, established pursuant to section 5 for the purposes of making appropriations, allocations, grants or loans to leverage development and investments in stem cell research, pursuant to chapter 111L, biotechnology, nano-manufacturing, advanced sciences, facilities of higher education whose work and mission applies directly to the aforementioned applications and industries, including, but not limited to, health care, advanced medical technologies and related areas. The center shall implement an application and grant process for these purposes.

Section 5. (a) There is hereby established and placed within the corporation a fund to be known as the Massachusetts Life Sciences Investment Fund, hereinafter referred to as the fund, to be held by the corporation separate and apart from its other funds, to finance the activities of the Massachusetts Life Sciences Center established pursuant to section 3, hereinafter referred to as the center. The fund shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, such additional funds as are subject to the direction and control of the center, any pension funds, federal grants or loans, royalties or private investment capital which may properly be applied in furtherance of the objectives of the fund, any proceeds from the sale of qualified investments secured or held by the fund, any fees and charges imposed relative to the making of qualified investments, as the same shall be defined by the center created pursuant to section 3, secured or held by the fund, and

any other monies which may be available to the center for the purposes of the fund from any other source or sources. Any revenues, deposits, receipts, or funds received through the receipt of royalties, dividends, or the sale of equity instruments, inclusive, shall be deposited in the fund, and shall be available expressly to the life sciences center established pursuant to 3 for the purposes described in this section, without further appropriation.

(b) The center shall invest and reinvest the fund and the income thereof, except as hereinafter provided, only as follows: (1) in the making of qualified investments approved by the board, pursuant to rules approved by the board; (2) in defraying the ordinary and necessary expenses of administration and operation associated with the center; provided, however, that said administrative and operational expenses shall not exceed 15 per cent of the total assets of the fund in any one fiscal year; (3) in the investment of any funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (4) for the payment of binding obligations associated with such qualified investments which are secured by the fund as the same become payable; and (5) for the payment of principal or interest on qualified investments secured by the fund or the payment of any redemption premium required to be paid when such qualified investments are redeemed prior to maturity; provided, however, that monies in the fund shall not be withdrawn at any time in such an amount as would reduce the amount of the fund to less than the minimum requirement thereof established by the center, except for the purpose of paying binding obligations associated with qualified investments which are secured by the fund as the same become payable.

(c) The fund shall be held and applied by the center, subject to the approval of the board, to make qualified investments designed to advance the following public purposes: (1) to stimulate increased financing for the expansion of research and development in the areas of life sciences, nano-technology, biotechnology and stem cell research in the commonwealth by leveraging private financing for highly, productive state-of-the-art research and development facilities and by providing financing related thereto including, without limitation, financing of the construction or expansion of such new facilities; (2) to make targeted investments in the areas of life sciences, nano-technology, biotechnology and stem cell research and to spur manufacturing activities for new or existing advanced technologies and life sciences in the commonwealth; (3) to make matching grants to universities, colleges, public instrumentalities, companies and other entities to induce the federal government, industry and other grant-funding sources to fund the expansion of research and development in the areas of life sciences, nano-technology, biotechnology and stem cell research in the commonwealth, and to thereby serve to increase and strengthen the commercial and industrial base of the commonwealth and the economic development and employment opportunities related thereto; and (4) to provide bridge financing to universities, colleges, public instrumentalities, companies and other entities in anticipation of the receipt of grants of the type described in clause (2) awarded or to be awarded by the federal government, industry or other sources.

The center shall make no such qualified investment pursuant to clause (1) of subsection (b) unless: (i) said investment has been approved by a majority vote of the board; and (ii) the center finds that, to the extent possible, said qualified investment is such that a definite benefit to the economy of the commonwealth may reasonably be expected therefrom; provided, further, that, in evaluating any request or application for funding, the Center shall consider the following: (1) the appropriateness of any proposed project; (2) whether the project has significant potential to expand life sciences related employment opportunities in the commonwealth; (3) the project's potential to enhance technological advancements in the life sciences; (4) the project's potential to offer a breakthrough medical treatment for a particular disease, or medical condition; (5) the project's potential for leveraging additional funding, or attracting resources to the commonwealth; (6) the project's potential to stimulate life sciences manufacturing in the commonwealth; and (7) evidence of potential royalty income and contractual means to recapture such income for the purposes of this chapter, as the center considers appropriate. In addition, the center shall make no such qualified investment pursuant to said clause (1) of said subsection (b) unless such qualified investment is in conformity with rules adopted by the Center and approved by the board.

Said rules shall also set the terms and conditions for investments which are to constitute qualified investments, which may include, without limitation, loans, guarantees, loan insurance or reinsurance, equity investments, grants made only pursuant to clause (3) of subsection (c), or other financing or credit enhancing devices, as made by the center directly or on its own behalf or in conjunction with other public instrumentalities, or private institutions, or the federal government; provided further, that said rules and regulations shall provide that each such qualified investment made pursuant to clauses (1) and (2) of said subsection (c) shall involve a transaction with the participation of at least one

at-risk private party.

Said rules shall, in addition, set forth the terms, procedures, standards and conditions which the center shall employ to identify qualified applications, process applications, make investment determinations, safeguard the fund, advance the objective of increasing employment opportunities for the citizens of the commonwealth, oversee the progress of qualified investments, and secure the participation of other public instrumentalities, private institutions, or the federal government in such qualified investments; provided, further that said rules shall provide for negotiated intellectual property agreements between the center and each recipient of a qualified investment which shall include the terms and conditions by which the fund's support thereof could be reduced or withdrawn.

(d) The center may solicit investments by private institutions or investors in the activities of the fund and may reach agreements with such private institutions or investors regarding the terms of any such investments including, without limitation, the rights of such investors to participate in the income or appropriation of the fund. In furtherance of the objective of securing investments by private institutions or investors in the activities of the fund as set forth in the preceding sentence, the center may develop a proposal relative to the creation of a separate investment entity which would allow for the commingling of the resources of the fund with the maximum participation by such private institutions or investors in a manner which is consistent with the public purpose of the fund and under terms and conditions calculated to protect and preserve the assets of the fund.

(e) Copies of the approved rules, and any modifications thereto, shall be submitted to the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee telecommunication, utilities and energy and the clerks of the house of representatives and senate.

(f) Qualified investment transactions undertaken by the Center pursuant to the provisions of this section shall not, except as specified in this act, be subject to the provisions of chapter 175, or any successor thereto, and shall be payable solely from the Massachusetts Life Sciences Investment Fund, established by this section and shall not constitute a debt or pledge of the faith and credit of the commonwealth, the Center or any subdivision of the commonwealth.

(g) The center shall not at any time make expenditure from or commitment of the assets of the fund, including, without limitation, the making of qualified investments secured by the fund, if following the making of said qualified investment, the amount of the fund shall be less than the minimum requirement established by the board.

Section 6. (a) The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the commonwealth and for the improvement of their health and living conditions and as the operation and of the center shall constitute the performance of essential governmental functions, the center shall not be required to pay any taxes or assessments, except as otherwise provided by this chapter and the notes or bonds issued under this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, at all times shall be free from taxation by and within the commonwealth.

(b) The lands and tangible personal property of the center shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments.

Section 7. The center shall annually submit to the governor, the chair of the senate committee on ways and means, the chair of the house committee on ways and means, the chairs of the joint committee on economic development and emerging technologies, the secretary of administration and finance, and the comptroller within 90 days after the end of its fiscal year a complete and detailed report setting forth its operations and accomplishments; its receipts and expenditures during such fiscal year; and, its assets and liabilities at the end of its fiscal year.

Section 8. The books and records of the center shall be subject to a biennial audit by the auditor of the commonwealth.

The following four sections were returned by the Governor with amendments [for message, see House, No. 5104, inclusive]

**SECTION 25.** Section 3 of chapter 25A of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Energy management services” the following definition:-

~~“Incremental new hydroelectric generation”, the percentage increase in average annual electricity production attributable to efficiency improvements or additions to capacity placed in service at a hydroelectric facility after December 31, 1997, as certified by the division relative to the historical generation for each eligible hydroelectric facility; provided, however, that historical generation for each eligible hydroelectric facility shall be calculated by the division based on the average electricity generated annually by facility during the 10 years prior to the capacity addition or efficiency improvement, or the life of the facility, whichever is shorter. In no event shall an energy generation which would have existed in the absence of the efficiency improvements or additions to capacity be considered incremental new hydroelectric generation for the purposes of this chapter.~~

**SECTION 26.** Said section 3 of said chapter 25A, as so appearing, is hereby further amended by inserting after the definition of “Reseller” the following definition:-

~~“Vintage hydro-electric generation unit”, a hydro-electric generation unit that began operation prior to January 1, 1998.~~

**SECTION 27.** Subsection (b) of section 11F of said chapter 25A, as so appearing, is hereby amended by striking out clause (vii) and inserting in place thereof the following clause:- (vii) naturally flowing water and run-of-the-river vintage hydroelectric generation units located in the commonwealth, operating under the jurisdiction of the Federal Energy Regulatory Commission, with a generating capacity of not more than 5 megawatts and not utilizing a dam constructed after December 31, 1997 and incremental new hydroelectric generation resulting from increased capacity or efficiency at a hydroelectric facility which does not involve pumped storage of water or any new impoundment or diversion of water, and where such facility meets the requirements for classification as low impact hydropower as certified by the Low Impact Hydropower Institute or as certified by the division in accordance with comparable environmental certification standards;.

**SECTION 28.** Said section 11F of said chapter 25A, as so appearing, is hereby further amended by striking out, in line 33, the words “clauses (vi) and (vii) herein” and inserting in place thereof the following words:— clause (vi); provided, further, that notwithstanding the provisions of subsection (a) the division shall annually determine the actual percentage of kilowatts generated in the commonwealth by naturally flowing water and run-of-the-river vintage hydroelectric generation units and adjust the minimum percentage of kilowatt hours sales to end use customers in the commonwealth by a percentage not to exceed the percentage of kilowatts generated in the commonwealth by naturally flowing water and run-of-the-river vintage hydroelectric generation units.

**SECTION 29.** Section 1 of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Consolidated net surplus in the budgetary funds” the following definition:—

“Council”, the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics Education established pursuant to section 4A of chapter 15A.

**SECTION 30.** Said chapter 29 is hereby further amended by striking out section 2MMM, as so appearing, and inserting in place thereof the following section:—

Section 2MMM. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Massachusetts Science, Technology Engineering, and Mathematics Grant Fund, hereinafter referred to as the Pipeline Fund, to which shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, and any additional funds designated by the corporation for deposit into the Pipeline Fund, including any pension funds, federal grants or loans, or private donations made available to the chancellor of higher education for deposit into the fund. The board of higher education shall hold the Pipeline Fund in an account or accounts separate from other funds or accounts. Amounts credited to the Pipeline Fund shall be used by the chancellor of higher education, in consultation with the Massachusetts Development Finance Agency, the Massachusetts Technology Park Corporation and the Robert H. Goddard Council on Science, Technology Engineering, and Mathematics Education, established pursuant to section 4A of chapter 15A.

(b) The public purpose of the Pipeline Fund shall be to increase the number of students who participate in programs that support careers in fields related to science, technology, engineering and mathematics. In furtherance of this public purpose, and in a manner consistent with the recommendations of the council, the chancellor of higher education, in consultation with the commissioner of education and the president of the University of Massachusetts, shall employ the Pipeline Fund through grants and other disbursements and activities that are calculated to increase the number of qualified science, technology, engineering and mathematics teachers and to improve the science, technology, engineering and mathematics educational offerings available in public and private schools. The grants and other disbursements and activities may involve, without limitation, the University of Massachusetts, state and community colleges, business and industry partnerships, workforce investment boards, private colleges and universities, and public and private school districts to further the purposes of the Pipeline Fund. The grants and other disbursements and activities may support, without limitation: (i) the development and use of innovative curricula, courses and programs in science, technology, engineering and mathematics for new teachers and in-service teachers that provide appropriate science, technology, engineering and mathematics content, and instruction in innovative ways to teach science, technology, engineering and mathematics including, but not limited to, the use of hands on, experimental learning and e-learning, that are consistent with the Massachusetts standards and curriculum frameworks established pursuant to sections 1D and 1E of chapter 69; (ii) the development of a science, technology, engineering and mathematics network to create, implement, share and make broadly and publicly available the best practices and innovative programs relative to science, technology, engineering and mathematics instruction and expanding and maintaining student interest in science, technology, engineering and mathematics studies and careers; (iii) effective ways to teach science, technology, engineering and mathematics; (iv) give priority to grants that provide effective course and curricula for in-service teachers in low income schools or school districts; and (v) summer programs for high school students, with appropriate stipends, that would allow interested and motivated students to intern in private or nonprofit corporations or in public programs that are in a position to further their interest, knowledge and experience in these fields; provided, that priority for the summer programs shall be given to students in groups that are presently underrepresented in these fields including, but not limited to, persons of color, women, and those whose native language is not English; provided further, that not more than 20 per cent of the fund shall be awarded to any 1 single institution and not more than 5 per cent of the fund shall be expended pursuant to clause (v).

(c) There shall be under Commonwealth Medicine at the University of Massachusetts medical school and the department of education's office for mathematics, science and technology engineering, the Massachusetts Academy for Life Sciences. The Massachusetts Academy for Life Sciences, subject to appropriation from the Pipeline Fund, shall establish a program which shall consist of mobile science labs with 1 mobile lab assigned and designated for each of the following 5 regions: western Massachusetts, central Massachusetts, metropolitan Boston, northeastern Massachusetts and southeastern Massachusetts. The mission of the Massachusetts Academy for Life Sciences shall be to encourage students to consider careers in life sciences and healthcare by participating in enhanced science courses through the use of the mobilelabs.

(d) The board of higher education shall, in consultation with the council, promulgate policies, rules and regulations for the administration and implementation of subsections (a) and (b). The chancellor of higher education shall file any policies, rules and regulations with the joint committee on education, the joint committee on higher education, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development for review and comment at least 30 days before the effective date of the policies, rules or regulations.

(e) The chancellor of higher education shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on education, and the joint committee on higher education on the following: (i) a list of grant recipients, (ii) the associated grant amounts, (iii) the amounts of non-state funding leveraged as a result of the grants, (iv) the purposes of the grants, (v) an annual statement of cash inflows and outflows detailing the sources and uses of funds, (vi) a forecast of future payments based on current binding obligations, and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.

This section was returned by the Governor with an amendment [for message, see House, No. 5105]

**SECTION 31.** ~~Said chapter 29 is hereby further amended by inserting after section 2RRR the following 5 sections:—~~

~~Section 2SSS. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Educational Rewards Grant Program Fund, hereinafter referred to as the fund. The fund shall provide grants to students in accredited post-secondary certificate or vocational technology programs or associate degree programs in targeted high-demand occupations. The department of workforce development and the board of higher education in consultation with the Massachusetts Workforce Board Association, the state workforce investment board, the reach higher initiative and the workforce accountability task force established pursuant to section 11 of chapter 23H shall determine the eligible high demand occupations. If a Bachelor's degree program is needed for a profession in critical demand, it may be added to the eligible programs. Of the appropriation for grants, up to 1/3 may be used for students enrolled as full-time students and at least 2/3 of the total grant amount shall be reserved for students enrolled 1/2 time or less. Grant recipients shall be limited to dislocated workers or those with incomes at or below 200 per cent of the federal poverty level or other standards or criteria as may be established by the department and the board in consultation with the workforce accountability task force established pursuant to section 11 of chapter 23H. Grants from the program fund shall be a maximum of \$3,000 and shall be used to fund tuition, fees and books; provided, however, that up to 30 per cent of the grant amount may be applied to fund living expenses. The grant program shall serve as a last resort, after other federal and state grants have been exhausted. The department of workforce development and the board of higher education shall jointly administer the grant program.~~

~~Section 2TTT. (a) There is hereby established and set up on the books of the commonwealth a separate fund known as the CITI Fund for the continuation of the Commonwealth Information Technology Initiative, or CITI, statewide. The University of Massachusetts shall hold the CITI Fund in an account or accounts separate from other funds or accounts. Amounts credited to the CITI Fund shall be used by the President of the University of Massachusetts or his designee, in accordance with subsection (b) and in consultation with the advisory board established in subsection (d).~~

~~(b) The public purpose of the CITI Fund shall be to provide funding for a collaborative approach to information technology education through a series of open competitions for grants to K-20 educational institutions in the areas of: (1) educator development - to ensure that K-20 faculty in all public higher education institutions and elementary and secondary schools have the skills to teach courses that meet industry's current and future information technology needs; (2) curriculum enhancement - to update existing courses and programs of computer science, management information systems and computer engineering in public higher education and to update academic discipline courses to facilitate the acquisition of knowledge through the understanding and application of information technology in the K-12 level; (3) IT across the curriculum - to implement the integration of information technology education into all aspects of non-technical disciplines and areas of study; and (4) regional cooperation - create geographically-based alliances among schools and industry to leverage faculty, courses and other resources for information technology education.~~

~~(c) The president of the University of Massachusetts shall, no later than July 1, annually report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on education and the joint committee on higher education. The report shall include: (i) a list of grant recipients; (ii) the associated grant amounts; (iii) the amounts of nonstate funding leveraged as a result of the grants, including in-kind and other non-cash contributions; (iv) the purposes of the grants; (v) an annual statement of cash inflows and outflows detailing the sources and uses of funds; (vi) a forecast of future payments based on current binding obligations; and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.~~

~~(d) There shall be an advisory board for the CITI Fund which shall consist of 12 members, 8 of whom shall be appointed by the governor - of which at least 2 shall be employed by a public institution of higher education in the commonwealth, at least 2 shall be employed at a public school for grades K-12 and at least 2 shall be employed by a corporation based in the commonwealth. One member shall be appointed by the speaker of the house, 1 member shall be appointed by the minority leader of the house of representatives, 1 member shall be appointed by the president of the senate and 1 member shall be appointed by the minority leader of the senate. The advisory board shall meet at least quarterly or when called by the president of the University of Massachusetts.~~

~~Section 2UUU. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Massachusetts Board of Higher Education Scholar-Internship Match Fund, hereafter referred to as the~~

~~Scholar/Internship Match Fund. The board of higher education shall hold the Scholar-Internship Match fund in an account separate from other funds or accounts. Amounts credited to the Scholarship/Internship Match Fund shall be used by the chancellor of higher education or her designee, in accordance with the purpose set forth in this section and in consultation with participating industry and public higher education institutions. An amount not to exceed \$100,000 shall be spent each year to promote the existence of the Scholar-Internship Match Fund with the goal of attracting and maximizing industry participation.~~

~~(b) The public purpose of the Scholar-Internship Match Fund shall be to provide a match for industry scholarships given to Massachusetts students going on to study for a post-secondary degrees at Massachusetts public higher education institutions. The amount to be matched through the Scholar-Internship Match Fund shall not exceed \$5,000 per student, contingent upon receiving a corresponding industry scholarship or internship of up to the same amount.~~

~~(c) The chancellor of higher education shall, not later than July 1, annually report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on education and the joint committee on higher education. The report shall include: (i) a list of matching scholarship recipients; (ii) the associated match amount; (iii) the amounts of non-state funding as a result of the match; (iv) the purposes of the match; (v) whether there was an internship associated with the industry match; (vi) an annual statement of cash inflows and outflows detailing the sources and uses of funds; (vii) a forecast of future payments based on current binding obligations; and (viii) a detailed account of the purposes and amount of administrative costs charged to the fund. The chancellor shall include in annual report a detailed 5 year legislative review of the Scholar-Internship Match Fund for consideration for recapitalization.~~

~~Section 2VVV. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the international education and foreign language grant program fund, hereinafter referred to as the international education fund, to which shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto and additional funds designated for deposit to the international education fund, including any pension funds, federal grants or loans, or private donations made available to the commissioner of education for such purpose. The Commissioner of Education shall hold the international education fund in an account or accounts separate from other funds or accounts. Amounts credited to the international education fund shall be used by the commissioner of education, in consultation with the chairman of the board of higher education, and the global education advisory council to carry out the purposes of subsection (b).~~

~~(b) The public purpose of the international education fund shall be to increase the number of Massachusetts students, teachers, administrators and education policymakers participating in international studies, international exchange programs, and other activities that advance cultural awareness and promote mutual understanding and respect for citizens of other countries. In furtherance of this public purpose and in consultation with the chairman of the board of higher education and the global education advisory council, the Commissioner of Education shall employ the international education fund in support of programs and activities that advance cultural awareness, including the awarding of grants to local or regional school districts that use the funds to support international education programs and promote the study of foreign languages, including programs that establish foreign language and two-way bilingual education classes, teacher training, and curriculum development to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities.~~

~~Section 2WWW. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Workforce Competitiveness Trust Fund, hereinafter called the fund. The fund shall be administered by the department of workforce development which shall contract with the Commonwealth Corporation to administer the fund. The objectives of the fund shall include, but shall not be limited to, the following: supporting, in conjunction with other private, public and philanthropic resources, the development and implementation of employer and worker responsive programs to enhance worker skills, incomes, productivity and retention and to increase the quality and competitiveness of Massachusetts firms; training and helping the unemployed find suitable employment; improving employment opportunities for low-income individuals and low wage workers; improving wages to a level sufficient to support a family or to place individuals on a career path leading to such employment and wages; training vulnerable youths to master basic academic skills, including the attainment of a high school degree and encouraging students to~~



advance educationally and receive post-secondary degrees at colleges or post-secondary vocational schools or beyond; developing occupational skills and becoming employed in jobs that have career potential; and training older workers for new occupations. The department shall utilize these projects to improve the workforce development system by integrating employer and worker needs more fully into program design and delivery. The department shall support, through grants, partnership programs and planning, grant applications from the following eligible applicants to provide an integrated continuum of education and training: employers and employer associations; local workforce investment boards; labor organizations; community-based organizations, including adult basic education providers; institutions of higher education; vocational education institutions; one-stop career centers; local workforce development entities; and nonprofit education, training or other service providers. The fund shall leverage employer, public, philanthropic and other contributions and shall be available as a state match for federal funds that meet the requirements of the fund. The fund shall be an expendable trust fund and not subject to appropriation. Grants from the fund shall be offered on a competitive basis for a maximum of 3 years and shall not exceed \$500,000.

(b) The director of workforce development shall appoint an advisory committee to represent significant constituencies and beneficiaries of the fund including, but not limited to, high growth or critical industries; the workforce development system; public education; adult basic education; the department of transitional assistance; public higher education; labor; community-based organizations and nonprofit education, training or other service providers; and advocates of customer populations, including representatives of education, training and the one-stop career center provider coalitions, including a minimum of 2 labor representatives selected by the President of the Massachusetts AFL-CIO and 2 representatives of the Massachusetts Workforce Board Association. The director shall serve as chair of the committee. The committee shall supply constituent focused labor market information, review general programmatic parameters and guidelines, assist with the identification of issues and barriers to the fund's efficiency and effectiveness and the dissemination of relevant information about the fund and support the general oversight of the fund's implementation. The committee shall meet from time to time, but not less frequently than quarterly.

(c) The Commonwealth Corporation shall be the administrator of the fund and shall maintain the fund as a separate fund and shall cause it to be audited by an independent accountant on an annual basis in accordance with generally-accepted accounting principles.

(d) There shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund, and any gifts, grants, private contributions, investment income earned on the fund's assets and all other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(e) Partnership programs may include costs for support services including, but not limited to, transportation and childcare, to eliminate barriers to participation in the training program. For any unionized employer participating as a partner in a grant application, the impacted union shall be an active participant in the design and implementation of the grant.

(f) A competitive grant program shall be established that provides support to partnerships and eligible applicants as described above, and that leverages applicant co-investment of at least 30 per cent of the grant amount from employers, philanthropic and public or private organizations. The period of grant operations may be up to 3 years in duration. Grants may be targeted to specific populations, such as educationally or economically disadvantaged youth, low-income, low-skilled and low-wage workers, disabled citizens or industries that are deemed to be of critical consequence to the commonwealth. Special grant programs and funding allocations shall be determined by the committee and shall be distributed by a regionally-based competitive bid process, which shall require the defining of economic regions based on labor market factors as determined by the committee. Each municipality shall be accounted for in a designated region. A formula for regional distribution shall be created and competition for formula grant funds shall occur within each identified region and shall be subject to the rules and regulations established by the committee in consultation with regional partners. Respondents to the local competitions shall notify, in writing, the region's workforce investment board of their intent to respond to the request for proposals. A planning grant may be offered to define employer needs; to make necessary curriculum and other programmatic improvements to align with employer and worker needs; to determine the feasibility of a proposed workforce development intervention; to plan for and coordinate strong partnerships among stakeholders; to identify educational and skill needs of workers and program

participants; to link training initiatives with employer-based career ladders; and to develop case management and additional support services that would address barriers to participation:

~~(g) A portion of the grant fund shall be used to support the current and future labor force needs of the healthcare industry. This portion of the fund shall support projects that address barriers and gaps in the healthcare workforce development pipeline. Small planning and needs assessment grants may be offered. A project grant program shall be designed by Commonwealth Corporation in consultation with a Healthcare subcommittee of the fund committee, which shall include, at a minimum, appointments made by the following organizations: the Massachusetts Hospital Association; the Massachusetts Extended Care Federation; the Home and Health Care Association of Massachusetts; the Massachusetts Workforce Board Association; and the Massachusetts AFL-CIO, as well as representatives of the other mandatory advisory committee constituencies.~~

~~(h) A portion of the grant fund shall be used to support the current and future labor force needs of the travel and tourism industry. This portion of the grant fund shall be used to support the development of career ladder and wage improvement strategies, including employee ownership and profit-sharing strategies, within the travel and tourism industry. Small planning and needs assessment grants may be offered. A project grant program shall be designed by Commonwealth Corporation in consultation with the travel and tourism advisory committee, which shall include the primary industry associations that represent the industry in the commonwealth or, in their absence, a cohort of relevant industry employers, as well as representatives of the other mandatory advisory committee constituencies.~~

~~(i) Project grants shall be for a maximum of 3 years, shall be competitively based and shall not exceed \$500,000. The committee shall determine how to apportion the grant fund between the healthcare industry, the travel and tourism industry and the general grant program; provided, however, that not more than 7.5 per cent of the funds appropriated in this subsection may be expended for the administration of each grant.~~

~~(j) The director of workforce development shall annually, not later than December 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on community development and small business, the joint committee on education, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development and the joint committee on public health on the status of grants awarded under this section, including the number of educational and eligible service providers receiving grants; the number of participants receiving services; the number of participants placed in employment; the salary and benefits that participants receive after placement; the cost per participant; and job retention or promotion rates 1 year after training ends.~~

~~(k) The establishment of the Workforce Competitiveness Trust Fund, or any other worker training fund, shall not be determined to replace, displace or serve as a substitute for the Workforce Training Fund established in section 2RR.~~

**SECTION 32.** Section 4 of chapter 30B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word “to”, in line 1, the following words:- this section and.

**SECTION 33.** Said section 4 of said chapter 30B, as so appearing, is hereby further amended by adding the following subsection:—

(d) A procurement officer may award a contract valued at less than \$25,000 for the procurement of products of agriculture as defined in section 1A of chapter 128 including, but not limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products and products processed into value added products as part of a Massachusetts farm operation, that are grown or produced using products grown in the commonwealth as well as fish, seafood and other aquatic products, without seeking quotations as required under subsection (a), and the officer shall follow generally accepted business practices.

**SECTION 34.** Said chapter 30B is hereby further amended by adding the following section:—

Section 20. (a) Notwithstanding any general or special law to the contrary and to the extent permitted by federal law, a governmental body may, by a majority vote, establish a preference for products of agriculture as defined in section 1A of chapter 128 including, but not limited to, fruits, vegetables, eggs, dairy products, meats, crops,

horticultural products and products processed into value added products as part of a Massachusetts farm operation as well as fish, seafood, and other aquatic products.

(b) Wherever a governmental body by a majority vote establishes a preference for the procurement of such products of agriculture grown or produced using products grown in the commonwealth, the procurement officer responsible for procuring agricultural products on behalf of the governmental body shall effectuate such preference in: (i) advertising for bids, contracts or otherwise and making reasonable efforts to facilitate the purchase of such products of agriculture grown or produced using products grown in the commonwealth; and (ii) purchasing products of agriculture grown or produced using products grown in the commonwealth, unless the price of such goods exceeds, by more than 10 per cent, the price of agricultural products grown or produced outside of the commonwealth.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 35.** Chapter 40 of the General Laws is hereby amended by inserting after section 60 the following section:

Section 60A. (a) Notwithstanding any general or special law to the contrary, a city or town, by vote of its town meeting, town council or city council, with the approval of the mayor where required by law, on its own behalf or in conjunction with 1 or more cities or towns and pursuant to regulations issued by the director of workforce development and in consultation with the department of economic development, may adopt and implement a manufacturing workforce training tax increment financing plan, referred to as a MWT-TIF plan in this section, intended to encourage increased commercial growth of manufacturing facilities that have been located in such city or town for not less than 2 years. Any such MWT-TIF plan shall:

(i) designate 1 or more areas of such city or town as a manufacturing workforce training tax increment financing zone, referred to as a MWT-TIF zone in section, subject to the approval of the department of workforce development under regulations adopted by said department consistent with this section. Any MWT-TIF plan adopted by more than 1 city or town shall be contiguous areas of such cities or towns;

(ii) describe in detail all training, retraining and workforce repositioning contemplated for such MWT-TIF zone as of the date of adoption of the MWT-TIF plan that shall be eligible for the MWT-TIF;

(iii) authorize tax increment exemptions from property taxes, in accordance with clause Fifty-first of section 5 of chapter 59, for a specified term not to exceed 20 years, for any parcel of real property which is located in the MWT-TIF zone and for which an agreement has been executed with the owner thereof in accordance with paragraph (iv). The MWT-TIF plan shall specify the level of exemptions expressed as an exemption percentage, not to exceed 100 per cent, to be used in calculating the exemption under said clause Fifty-first of said section 5 of said chapter 59. Such exemptions shall be calculated for each parcel as provided in said clause Fifty-first of said section 5 of said chapter 59 using an adjustment factor for each fiscal year of the specified term equal to the product of the inflation factors for each fiscal year since the parcel first became eligible for such exemption pursuant to this paragraph. The inflation factor for each fiscal year shall be a ratio:

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

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

(iv) include executed agreements between such city or town and each eligible owner of a parcel of real property which is located in a MWT-TIF zone. Each such agreement shall include the following: (1) all material representations of the parties which served as a basis for the descriptions contained in the MWT-TIF plan in accordance with paragraph (ii) and which served as a basis for the granting of a MWT-TIF exemption; (2) any terms considered appropriate by the city or town relative to compliance with the MWT-TIF agreement including, but not limited to, that which shall constitute a default by the property owner and the remedies that shall be instituted between the parties for

any such defaults, including an early termination of the agreement; (3) provisions requiring that 75 per cent of the eligible workforce shall receive training that is designed to retain employment in such city or town; (4) a detailed recitation of all other benefits and responsibilities inuring to and assumed by the parties to such agreement; and (5) a provision that such agreement shall be binding upon subsequent owners of such parcel of real property;

(v) delegate to 1 board, agency or officer of the city or town the authority to execute agreements in accordance with clause (iv); and

(vi) be certified as an approved MWT-TIF plan by the economic assistance coordinating council established by section 3B of chapter 23A pursuant to regulations adopted by said council if the council finds, based on the information submitted in support of the MWT-TIF plan by the city or town and such additional investigation as the council shall make, and incorporate in its minutes, that the plan is consistent with the requirements of this section and shall further the public purpose of retaining or encouraging increased industrial and commercial manufacturing activity in the commonwealth. A city or town may at any time revoke its designation of a TIF zone and, as a consequence of such revocation, shall immediately cease the execution of any additional agreements pursuant to paragraph (iv). The board, agency or officer of the city or town authorized pursuant to paragraph (v) to execute agreements shall forward to the board of assessors a copy of each such agreement, together with a list of the parcels included therein. An executed and approved MWT-TIF shall be recorded in the registry of deeds or the registry district of the land court for the county wherein such land lies.

**SECTION 36.** Section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of construction of structures regulated by the state building code, nor shall any such ordinance or by-law prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of every year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located, and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land, other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities may be limited to parcels of 5 acres or more in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as 1 parcel. No zoning ordinance or bylaw shall exempt land or structures from flood plain or wetlands regulations established pursuant to general law. For the purposes of this section, the term “agriculture” shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 37.** Section 4E of chapter 40J of the General Laws, as so appearing, is hereby amended by inserting after the word “paragraph (2)”, in line 142, the following words: - ; provided, further, that board may make grants from the fund, not to exceed a total of \$4,000,000 annually, in support of Massachusetts-based public and private enterprises developing new technologies to significantly increase the efficiency of the internal combustion engine.

**SECTION 38.** Section 4F of said chapter 40J, as so appearing, is hereby amended by striking out subsection (b).

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 39.** Paragraph (a) of section 6A of said chapter 40J, as so appearing, is hereby amended by inserting after the tenth sentence the following sentence:- The institute may make grants, not to exceed a total of \$4,000,000 annually, in support of Massachusetts-based public and private enterprises developing new technologies to significantly increase the efficiency of the internal combustion engine.

**SECTION 40.** Said chapter 40J is hereby further amended by inserting after section 6A the following 2 sections:-

Section 6B. (a) The corporation shall establish a council for wireless internet, cellular and broadband development, to be known as the wireless and broadband development council. The executive director of the John Adams Innovation Institute, established pursuant to section 6A, shall serve without additional compensation as the executive director of the council. The purpose of the council shall be to serve as an agent of the commonwealth to create and maintain a more favorable and responsive environment in the commonwealth for the development of wireless internet, cellular and broadband infrastructure. The council shall seek to promote access to high speed internet connectivity and telecommunications across the commonwealth, with a special interest in enhancing and increasing wireless internet, cellular and broadband coverage in underserved communities, to promote economic development, meet the commonwealth's homeland security and emergency preparedness needs, improve government efficiency, and improve the quality of life for the commonwealth's residents. The council shall be comprised of 13 members, 1 of whom shall be the director of wireless and broadband development within the Massachusetts office of business development; 1 of whom shall be the secretary of economic affairs; 1 of whom shall be the chairman of the commonwealth development council; 1 of whom shall be the chairman of the department of telecommunications and energy; 1 of whom shall be designated by the Franklin-Hampshire Connect; 1 of whom shall be designated by the Berkshire Connect; 1 of whom shall be designated by the Massachusetts Association of Regional Planning Agencies; 1 of whom shall be designated by the Massachusetts Municipal Association; and 5 of whom shall be appointed by the governor, 1 of whom shall be a representative from the telecommunications industry; 1 of whom shall be a representative from the cable television telecommunications industry; 1 of whom shall be a representative of a small-to-medium sized local exchange carrier; 1 of whom shall have expertise in state and federal law concerning telecommunications technology; and 1 of whom shall be a member of the public. The council shall develop and recommend strategies to achieve the rollout of universal wireless internet, cellular and broadband coverage to every municipality in the commonwealth in a manner consistent with the duties of the director of wireless and broadband development established pursuant to section 3 of chapter 23A. The council shall: (i) identify appropriate technologies and strategies to ensure wireless and broadband internet service into underserved communities; (ii) investigate new technologies in order to maintain the commonwealth's position as a leader in the adoption of telecommunications technology; (iii) facilitate the development of private, joint public-private or public initiatives which afford open, competitive, content neutral services accessible via multiple carriers; (iv) assist the director of wireless and broadband development, in taking other action considered necessary to fulfill the goal of ensuring that the commonwealth remains a leader in the wireless and high-speed connectivity marketplace choice in all communities, including those currently underserved. In effectuating his duties pursuant to this section, the executive director may, subject to the approval of the council; (i) enter into contracts and agreements and execute all instruments necessary or convenient thereto for accomplishing the purposes of this section; (ii) distribute grants to municipal governments and private parties to expand wireless and broadband access in underserved communities; (iii) appear before boards, commissions, departments or other agencies of municipal, state or federal government; (iv) prepare, publish and distribute, with or without charge, as the council may determine, such studies, reports and bulletins and other material as the council deems appropriate; and (v) take other action considered necessary to fulfill the goal of making the commonwealth a leader in wireless and high-speed connectivity marketplace choice in all communities, including those currently underserved.

(b) The council shall annually review state and local initiatives to expand wireless internet, cellular and broadband access and shall provide guidance and recommendations to the governor, the general court, and municipal governments concerning such activities. The council shall annually submit any recommendations and reports on progress being made toward achieving these goals, including a cost analysis of ongoing initiatives and a needs assessment of such initiatives, to the director of wireless and broadband development, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, and the chairs of the joint committee on small business and community development.

Section 6C. (a) There is hereby established and placed within the corporation a fund to be known as the Wireless and Broadband Development Fund, referred to in this section as the fund, to be held by the corporation separate and apart from its other funds, to finance the activities of the wireless and broadband development council established pursuant to section 6B, referred to in this section as the council. The fund shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, such additional funds as are subject to the direction and control of the corporation, any pension funds, federal grants or loans or private investment capital which may properly be applied in furtherance of the objectives of the fund, any proceeds from the sale of qualified investments secured or held by the fund, any fees and charges imposed relative to the making of qualified investments, as such shall be defined by the council created pursuant to section 6B, secured or held by the fund, and any other monies which may be available to the corporation for the purposes of the fund from any other source or sources.

(b) The corporation shall invest and reinvest the fund and the income thereof, except as hereinafter provided, only as follows: (1) in the making of qualified investments approved by the council, pursuant to rules approved by the council; (2) in defraying the ordinary and necessary expenses of administration and operation associated with the council; provided, however, that said administrative and operational expenses shall not exceed 5 percent of the total assets of the fund in any 1 fiscal year; (3) in the investment of any funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (4) for the payment of binding obligations associated with such qualified investments which are secured by the fund as the same become payable; and (5) for the payment of principal or interest on qualified investments secured by the fund or the payment of any redemption premium required to be paid when such qualified investments are redeemed prior to maturity; provided, however, that monies in the fund shall not be withdrawn at any time in such an amount as would reduce the amount of the fund to less than the minimum requirement thereof established by the corporation, except for the purpose of paying binding obligations associated with qualified investments which are secured by the fund as the same become payable.

(c) The fund shall be held and applied by the corporation, subject to the approval of the council, to make qualified investments designed to advance the following public purposes: (1) to stimulate increased financing for the expansion of wireless internet, cellular and broadband services in the commonwealth by leveraging private financing for highly productive state-of-the-art facilities and by providing financing related thereto including, without limitation, financing of the construction or expansion of such new facilities; (2) to make matching grants to universities, colleges, public instrumentalities, companies and other entities to induce the federal government, industry and other grant-funding sources to fund the expansion of wireless internet, cellular and broadband services in the commonwealth, and to thereby serve to increase and strengthen the commercial and industrial base of the commonwealth and the economic development and employment opportunities related thereto; and (3) to provide bridge financing to universities, colleges, public instrumentalities, companies and other entities in anticipation of the receipt of grants of the type described in clause (2) awarded or to be awarded by the federal government, industry or other sources.

The corporation shall make no such qualified investment pursuant to clause (1) of subsection (b) unless: (i) the investment has been approved by a majority vote of the council; and (2) the corporation finds that, to the extent possible, the qualified investment is such that a definite benefit to the economy of the commonwealth may reasonably be expected therefrom. In addition, the corporation shall make no such qualified investment pursuant to said clause (1) of said subsection (b) unless the qualified investment is in conformity with rules adopted by the council and approved by the corporation.

Such rules shall set the terms and conditions for investments which are to constitute qualified investments, which may include, without limitation, loans, guarantees, loan insurance or reinsurance, equity investments, grants made only pursuant to clause (2) of subsection (c), or other financing or credit enhancing devices, as made by the corporation directly or on its own behalf or in conjunction with other public instrumentalities, private institutions, or the federal government. Such rules and regulations shall provide that each qualified investment made pursuant to clause (1) of said subsection (c) shall involve a transaction with the participation of at least 1 at-risk private party.

Such rules shall, set forth the terms, procedures, standards and conditions which the corporation shall employ to identify qualified applications, process applications, make investment determinations, safeguard the fund, advance the

objective of increasing employment opportunities for the citizens of the commonwealth, oversee the progress of qualified investments and secure the participation of other public instrumentalities, private institutions, or the federal government in such qualified investments. Such rules shall provide that each recipient of a qualified investment shall be required to pay a fee as a condition of such receipt, which fee may take the form of points, an interest rate premium or a contribution of warrants or other form of equity or consideration to the fund as prescribed by the corporation. Such rules shall provide for negotiated agreements between the corporation and each recipient of a qualified investment regarding the terms and conditions by which the fund's support thereof could be reduced or withdrawn.

(d) The corporation may solicit investments by private institutions or investors in the activities of the fund and may reach agreements with such private institutions or investors regarding the terms of any such investments including, without limitation, the rights of such investors to participate in the income or appropriation of the fund. In furtherance of the objective of securing investments by private institutions or investors in the activities of the fund as set forth in the preceding sentence, the corporation may develop a proposal relative to the creation of a separate investment entity which would allow for the commingling of the resources of the fund with the maximum participation by such private institutions or investors in a manner which is consistent with the public purpose of the fund and under terms and conditions calculated to protect and preserve the assets of the fund. If the creation or operation of such a separate entity as proposed by the corporation would require additional or clarifying amendments to the enabling act of the corporation, such proposal shall include proposed statutory language with regard thereto.

(e) Copies of the approved rules, and any modifications thereto, shall be submitted to the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee telecommunication, utilities and energy and the clerks of the house of representatives and senate.

(f) Qualified investment transactions undertaken by the corporation pursuant to this section shall not, except as specified in this section, be subject to chapter 175, and shall be payable solely from the Wireless and Broadband Development Fund, and shall not constitute a debt or pledge of the faith and credit of the commonwealth, the corporation or any subdivision of the commonwealth.

(g) The corporation shall not at any time make expenditure from or commitment of the assets of the fund including, without limitation, the making of qualified investments secured by the fund, if following the making of a qualified investment, the amount of the fund shall be less than the minimum requirement established by law, unless the council, at the time of making of such qualified investment, deposits in the fund from the proceeds thereof or from any fees and charges imposed relative to the making of qualified investments, or otherwise, an amount which, together with the amount in the fund, shall not be less than the minimum requirement. At no time shall the minimum requirement of the fund be less than the maximum amount of principal and interest becoming due in the current and succeeding fiscal year of the corporation on all outstanding bonds and other obligations which are secured by the fund or such greater amount as may be set forth in the rules governing the fund.

The Governor disapproved the following section [for message, see House, No. 5101]

~~SECTION 41.~~ The General Laws are hereby amended by inserting after chapter 40S the following chapter:

#### ~~Chapter 40F~~

#### ~~Special Development Districts~~

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

~~“Committee”, a prudential committee established pursuant to this chapter.~~

~~“Cost”, shall include the cost of: (a) construction, reconstruction, renovation and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or to be acquired by the district, the municipality, the commonwealth or any other political subdivision thereof; (b) all machinery and~~

equipment including machinery and equipment needed to expand or enhance services from the municipality, the commonwealth or any other political subdivision thereof to the district; (e) financing charges and interest prior to and during construction, and for a limited time after completion of the construction, interest and reserves for principal and interest, including costs of municipal bond insurance and any other type of financial guaranty and costs of issuance; (d) extensions, enlargements, additions, and enhancements to improvements; (e) Architectural, engineering, financial and legal services; (f) plans, specifications, studies, surveys and estimates of costs and of revenues; (g) administrative expenses necessary or incident to the construction, acquisition, and financing of the improvements; and (h) other expenses as may be necessary or incident to the construction, acquisition, and financing of the improvements.

“District”, a special development district created by a municipality pursuant to this chapter; provided, however, that the district shall be included within the definition of a “local governmental unit” as defined in chapter 29C and its bonds and notes shall be included within the definition of “local governmental obligations” as defined in said statute.

“Improvement plan”, a plan setting forth the proposed improvements, services and programs, revitalization strategy, update mechanism, the cost estimates for said improvements, the specific powers the district shall adopt from those listed in section 7, the analysis of any costs of financing said improvements, the method and structure of any assessments, betterments, special assessments or fees, the selection of any or all of the assessing powers listed in sections 11 and 12 that shall be utilized, the participation, if any, in a district improvement financing program as described in section 25, and if so, a description of any assessing powers to be utilized, disclosures, if any, of potential conflicts of interest of members of the prudential committee, and the initial district budget to be levied on the real estate in the district.

“Improvements”, the acquiring, laying, constructing, maintaining, improving and operating of capital improvements, such as, but not limited to, storm drainage systems, dams, sewage treatment plants, sewers, water and well systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, parking, including garages, public safety and public works buildings, parks, cultural and performing arts facilities, recreational facilities, marine facilities such as piers, wharfs, bulkheads and sea walls, transportation stations and related facilities, shuttle transportation equipment, fiber and telecommunication systems, facilities to produce and distribute electricity, including alternate energy sources such as co-generation and solar installations, the investigation and remediation associated with the cleanup of actual or perceived environmental contamination within the district in accordance with applicable governmental regulations and provided that no such investigation or remediation shall impair the rights of the district or any other person to contribution or reimbursement from any potentially responsible party for the costs thereof, and other infrastructure improvements.

“Municipal governing body”, the city council and city manager under a Plan E form of government, the city council and mayor in the case of all other cities or the board of selectmen in the case of a town.

“Municipality”, a city or town or cities and towns, if the district is located in multiple municipalities.

“Person”, any natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, societies, associations, and partnerships and subordinate instrumentalities of any one or more political subdivisions of the commonwealth.

“Special development district”, a district created pursuant to this chapter and located in a municipality.

Section 2. (a) There is hereby authorized in each municipality in the commonwealth which accepts the provisions of this chapter, the organization of 1 or more special development districts, each a body politic and corporate and a political subdivision of the commonwealth; provided, however, that no special development district shall be organized, transact any business, employ any personnel or exercise any powers until the municipal governing body shall authorize by a majority vote the petition for the creation of such a district. In the event that 2 or more municipalities wish to jointly establish or consolidate contiguous districts, each such municipality wherein said district shall reside shall authorize by a majority vote the petition for the creation of such a district.

(b) The organization of a special development district shall be initiated by a petition of the persons owning real estate within the proposed district; provided further, that said petition shall be filed in the office of the clerk of the



municipality and at a minimum shall contain:

- ~~(1) a legal description of the boundaries of the district;~~
- ~~(2) the written consent to the establishment of the district by the record owners of at least 80 percent of the real property acreage to be included in the district; provided, however, that legal title to said 80 per cent of the real property acreage to be included in the district is legal title shall be held by a minimum of 2 persons; provided further, that any real property owned by the commonwealth or any political subdivision thereof shall not be subject to the provisions of this chapter;~~
- ~~(3) a designation of 5 persons that are record owners of real property within said district or representatives of said owners of real property within said district to be the initial members of the prudential committee; provided further, that initial members of the committee shall for an initial term not to exceed 3 years as specified in the petition or until replaced by members appointed as provided hereafter; provided, however, that successor members of the prudential committee shall be appointed by the city manager in the case of a city under Plan E form of government, the city council in the case of all other cities, or the board of selectmen in the case of a town upon the expiration of the member's term of office for a term not to exceed 3 years and shall serve until their successors are appointed and qualified;~~
- ~~(4) the official name of the district;~~
- ~~(5) a map of the proposed district showing its boundaries, and any current public improvements as are already in existence which may be added to or modified by a district improvement;~~
- ~~(6) based upon available data, the proposed timetable for construction of the district improvements and the estimated cost of completing said improvements;~~
- ~~(7) the improvement plan for the district; and~~
- ~~(8) the procedure by which the municipality will be reimbursed for any costs incurred in establishing the district, and for any administrative costs to be incurred in the collection of any future betterments, assessments, special assessments, and fees on behalf of the district.~~

~~Section 3. (a) Upon receipt of a petition pursuant to section 2, the city manager in the case of a city under Plan E form of government, the city council in the case of all other cities, or the board of selectmen in the case of a town shall, within 60 days of said receipt, hold a public hearing on said petition; provided further, that written notification of such hearing and a summary of the improvement plan shall be provided by the clerk of the municipality to the record owner of each parcel within the boundaries of the proposed district no later than 14 days prior to such hearing, by mailing notice to the address listed in the municipality's property tax records. Notification of the hearing shall also be published for 2 consecutive weeks in a newspaper of general circulation in the municipality at least 14 days prior to the date of such hearing. Such public notice shall contain the proposed boundaries of the district, the proposed basis for determining any betterments, assessments, special assessments, charges and fees, as well as the proposed benefits to be provided by the district and the location or locations for viewing and copying the improvement plan.~~

~~(b) A hearing pursuant to subsection (a) shall determine if the petition satisfies the purposes set forth therein and the district establishment criteria of this chapter and shall obtain public comment regarding the improvement plan and the effect that the proposed district will have on the record owners of real property within said district, tenants, others within the district, and the municipality or adjacent communities; provided further, that within 60 days of said public hearing, the city manager in the case of a city under Plan E form of government, the city council in the case of all other cities, or the board of selectmen in the case of a town shall issue a preliminary recommendation on the petition; provided, however, that said preliminary recommendation shall include, but shall not be limited to, the following findings:-~~

- ~~(1) the establishment of the district is in compliance with the provisions of this chapter;~~

~~(2) the establishment of the district is not inconsistent with any applicable element or portion of any master plan of the municipality;~~

~~(3) the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be the subject of public improvements as outlined in the improvement plan;~~

~~(4) that the powers of the district provide a reasonable method for financing the improvements and delivering the services to the area that will be served by the district as described in the improvement plan;~~

~~(5) that the proposed improvements in the district will be compatible with the capacity and uses of existing local and regional infrastructure services and facilities;~~

~~(6) that the area that will be served by the district is amenable to separate, limited purpose, special district government.~~

~~(e) Within 21 days of the receipt of a preliminary recommendation required pursuant to subsection (b), the city manager in the case of a city under Plan E form of government, the city council in the case of all other cities, or the board of selectmen in the case of a town, or if a town meeting is required, at the next available town meeting, shall vote on the petition to establish the district.~~

~~(d) Upon the affirmative vote of the municipal governing body pursuant to this chapter, the district shall have all the rights and powers necessary or convenient to carry out and effectuate this chapter, not inconsistent with the improvement plan as approved by the municipal governing body, including, but without limiting the generality of the foregoing, the following:~~

~~(1) to adopt by-laws for the regulation of its affairs and the conduct of its business, to promulgate rules, regulations and procedures in connection with the performance of its functions and duties, and to fix, enforce and collect penalties for the violation thereof; provided, however, that any by-laws, rules, regulations and procedures shall be consistent with the powers conferred by this chapter and with other applicable provisions of the General Laws, and that any by-laws with respect to the removal of members of the prudential committee shall be consistent with the laws, statutes, and ordinances applicable to the municipality;~~

~~(2) to adopt an official seal and alter the same at its pleasure;~~

~~(3) to maintain an office at such place or places within the district or the municipality as it may determine;~~

~~(4) to make and enter into all manner of contracts and agreements necessary or incidental to the exercise of any power granted to the district by this chapter including agreements with the municipality, the commonwealth and any other city, town or political entity or utility providing services that are necessary to the acquisition, construction or operation of the improvements within the district;~~

~~(5) to acquire by eminent domain, with the approval of the municipal governing body, under the provisions of chapters 79, 79A, 80 and 80A of the General Laws, subject to the provisions of this chapter, and as provided for in clause (f), real and personal property located within the district, and to purchase or acquire by lease, lease-purchase, sale and lease-back, gift or devise, or to obtain or grant options for the acquisition of any property, real or personal, tangible or intangible, or any interest therein, in the exercise of its powers and the performance of its duties; provided that the district may only acquire real estate or any interest therein, within the boundaries of the district itself, except that the district may acquire real estate or any interest therein outside the boundaries of the district, other than by eminent domain, necessary for the acquisition, construction, maintenance and operation of the improvements or services relating thereto that are located within the district or are related to, or provided by the district;~~

~~(6) to construct, improve, extend, equip, enlarge, rehabilitate, maintain, repair, and operate and administer the improvements for the benefit of the district within, or subject to clause (e) above without the district; to acquire existing improvements or construct new improvements, including those located under or over any roads, public ways or parking areas, and to enter upon and dig up any private land within the district for the purpose of constructing said~~

~~improvements and of maintaining and repairing the same; provided further, that chapter 30B shall apply to the district, except that section 16 of said chapter 30B shall not apply; provided further, that chapter 31 shall not apply to any person employed or engaged by the district under this chapter; provided further, that as relating to any construction or repair work undertaken by it pursuant to this clause, the district shall be deemed to be a public agency for purposes of section 26 and sections 44A to 44H, inclusive of chapter 149; provided further, that said provisions of chapters 30B and 149 shall not be applicable to improvements acquired by but not constructed by the district itself; and provided further, that all other applicable provisions of the General Laws protecting public health, welfare and safety shall apply;~~

~~(7) to accept gifts or goods of funds, property or services from any source, public or private, and comply, subject to the provisions of this chapter and the terms and conditions hereof;~~

~~(8) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or grant options for any such purposes with respect to any property, real or personal, tangible or intangible, of the district, or any interest therein;~~

~~(9) to pledge or assign any money, fees, charges, receipts, betterment fees, assessment fees, and special assessments, or other revenues of the district and any proceeds derived by the district;~~

~~(10) to borrow money and incur indebtedness and issue bonds or notes as hereinafter provided;~~

~~(11) to enter into contracts and agreements with the municipality, the proprietors of the district and any public or private utility with respect to all matters necessary, convenient or desirable for carrying out the purposes of this chapter including, without limiting the generality of the foregoing, the acquisition of existing improvements (including utilities or infrastructure outside the district but benefiting the district), collection of revenue, data processing, and other matters of management, administration and operation; to make other contracts of every name and nature; and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;~~

~~(12) to assess and collect betterments, assessments and special assessments, and fees as described in this chapter; to exercise the powers and privileges of, and to be subject to the limitations upon, municipalities provided in sections 38 to 42K, inclusive, of chapter 40, chapter 80 and chapter 83, in so far as such provisions may be applicable and are consistent with the provisions of this chapter; provided, however, that any requirement in said sections or chapters for a vote by the governing body of a district, town or city or for a vote by the voters of a town, city or district shall be satisfied by a vote or resolution duly adopted by an annual or special meeting of the prudential committee in accordance herewith;~~

~~(13) to sue and be sued in its own name; provided, however, that neither the district nor any member of the prudential committee, officer or employee thereof shall be liable in tort except pursuant to the provisions of chapter 258; provided further, that the district may indemnify its officers and employees to the extent provided in said chapter 258; and provided further that the property of the district other than revenues pledged to the payment of notes or bonds shall not be subject to attachment, or be levied upon by execution or otherwise;~~

~~(14) to invest any funds of the district in such manner and to the extent permitted under the General Laws for the investment of such funds by the treasurer of a municipality;~~

~~(15) to employ such assistants, agents, employees and persons, including consulting experts as may be deemed necessary in the prudential committee's judgment, and to fix their compensation;~~

~~(16) to procure insurance against any loss or liability that may be sustained or incurred in carrying out the purposes of this chapter in such amount as the district shall deem necessary and appropriate and with 1 or more insurers who shall be licensed to furnish such insurance in the commonwealth;~~

~~(17) to apply for any loans, grants or other type of assistance from the United States Government, the commonwealth or political subdivision thereof;~~

~~(18) to adopt an annual budget and to raise, appropriate, and assess funds in amounts necessary to carry out the purposes for which the district is formed as described in this chapter; and~~

~~(19) to do all things necessary, convenient or desirable for carrying out the purposes of this chapter or the powers expressly granted or necessarily implied in this chapter.~~

~~Section 4. (a) Upon the affirmative vote of the municipal governing body authorizing a petition filed pursuant to section 2, the prudential committee shall, within 14 days meet and shall take the following actions:~~

~~(1) elect a chairman and vice-chairman, who shall preside at all meetings of the prudential committee in the absence of the chairman or in the event of his inability to act or because of a conflict of interest and elect a clerk and treasurer;~~

~~(2) adopt district by-laws and other rules for the general conduct of its business; provided further, that said bylaws shall include a description of the duties and responsibilities of the district officers and a requirement that all meetings of the prudential committee shall be posted in the offices of the clerk of the municipality at least 48 hours prior to said meeting;~~

~~(3) adopt a district seal;~~

~~(4) adopt a budget for the fiscal year and appropriate monies to be raised pursuant to this chapter in support thereof; and include in its initial and in all subsequent annual appropriations, compensation for the municipality's assessors and tax collector and, as necessary the municipality's treasurer, pursuant to the provisions of section 108B of chapter 41, with respect to their duties and expenses hereunder; and~~

~~(5) consider such other business as shall be consistent with the power and authority conferred by this chapter.—~~

~~(b) Said prudential committee shall meet not less than once every 6 months; provided further, that a minimum of 3 members of the prudential committee shall be required for a quorum and that a quorum of the prudential committee shall be required for the conduct of any business; provided further, that all actions permitted to be taken by the prudential committee shall require a majority vote of its members present at said meeting who shall constitute a quorum in accordance with this chapter or the by-laws of the district; and provided further, that meetings of the prudential committee shall be governed by chapter 39 of the General Laws except as otherwise provided in this chapter and any action by the prudential committee shall take effect immediately unless otherwise provided and need not be published or posted.~~

~~Section 5. (a) Consistent with the improvement plan, the prudential committee is authorized and empowered to fix, revise, charge, collect and abate betterments, assessments, special assessments, and fees, and other charges for the cost, administration and operation of the improvements and other services and commodities furnished or supplied to the real property in the district. All non-governmental property within the limits of the district shall be considered specially benefited by the improvements. In providing for the payment of the cost of the improvements or for the use of the improvements, the prudential committee may avail itself of the provisions of the General Laws relative to the assessment, apportionment, division, fixing, reassessment, revision, abatement and collection of infrastructure charges, including betterments, assessments, special assessments, and fees, or the establishment of liens therefor and interest thereon. Notwithstanding any general or special law to the contrary, the district may pay the entire cost of any improvements, including the acquisition thereof, during construction or after completion, or the debt service of notes or bonds used to fund such costs, from betterments, assessments, special assessments or fees, and may establish said betterments, assessments, special assessments or fees, prior to, during, or within 1 year after completion of construction or acquisition of any improvements. The prudential committee may establish a schedule for the payment of betterments, assessments, special assessments or fees not to exceed 30 years. The prudential committee may determine the circumstances under which the betterments, assessments, special assessments, and fees, and other charges, may be increased, if at all, as a consequence of delinquency or default by the proprietor of that parcel or any other parcel within the district. To provide for the collection and enforcement of its betterments, assessments, special assessments, and fees, the prudential committee is hereby granted all the powers and privileges with respect thereto held by the municipality on the effective date of this chapter or as otherwise provided in this chapter, to be exercised concurrently with the municipality.~~

~~The special assessments, fees, assessments, betterments and other charges of general application authorized by this~~

~~chapter may be increased in accordance with the procedures to be established by the prudential committee for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The prudential committee shall hold at least 1 public hearing on its schedule of special assessments, fees, betterments and assessments and other charges or any revision thereof prior to adoption by the prudential committee, notice of which shall be delivered to the municipality and be published in a newspaper of general circulation in the municipality at least 1 month in advance of the hearing. No later than the date of such publication, the prudential committee shall make available to the public and deliver to the municipality the proposed schedule of special assessments, fees, betterments, assessments and other charges.~~

~~The betterments, assessments, special assessments, and fees, and other charges established by the prudential committee shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the commonwealth or any of its political subdivisions, including without limitation, the municipality, nor shall the district be subject to the provisions of section 20A of chapter 59.~~

~~The betterments, assessments, special assessments, fees, and other charges established by the prudential committee in accordance with this chapter shall be fixed and adjusted in respect of the aggregate thereof so as to provide revenues at least sufficient to: (i) to pay the current expenses of the district; (ii) to pay the principal of, premium, if any, and interest on bonds, notes or other evidences of indebtedness issued by the district under this chapter as the same becomes due and payable; (iii) to create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds; (iv) to provide funds for paying the cost of necessary repairs, replacements and renewals of the infrastructure system or systems; and (v) to pay or provide for any amounts that the district may be obligated to pay or provide for by law or contract, including any resolution or contract with or for the benefit of the holders of its bonds and notes, provided that the district shall not be required to increase any mandatory assessments, special assessments, betterments, fees or other charges by virtue of any individual proprietor delinquencies.~~

~~(b) As an alternative to levying betterments, assessments, and fees, under any other provisions of this chapter or the General Laws, the district may levy special assessments on real estate within the district to finance the cost, administration and operation of the improvements. In determining the basis for and amount of the special assessment, the cost, administration and operation of the improvements, including the cost of the repayment of the debt issued or to be issued to finance the improvements, may be calculated and levied using any of the following methods that result in fairly allocating the costs of the improvements to the real estate in the district:~~

- ~~(1) equally per length of frontage, or by lot, parcel, or dwelling unit, or by the square footage of a lot, parcel or dwelling unit;~~
- ~~(2) according to the value of the property as determined by the municipality's board of assessors; or~~
- ~~(3) in any other reasonable manner that results in fairly allocating the cost, administration and operation of the improvements, according to the benefit conferred or use received including, but not limited to, by classification of commercial or residential use or distance from the improvements.~~

~~The district may also provide for the following:~~

- ~~(1) a maximum amount to be assessed with respect to any parcel;~~
- ~~(2) a tax year or other date after which no further special assessments under this section shall be levied or collected on a parcel;~~
- ~~(3) annual collection of the levy without subsequent approval of the district;~~
- ~~(4) the circumstances under which the special assessment levied against any parcel may be increased, if at all, as a consequence of delinquency or default by the proprietor of that parcel or any other parcel within the district; and~~
- ~~(5) the district may establish procedures allowing for the prepayment of special assessments, assessments, betterments,~~

and fees, under this chapter.

(e) ~~Special assessments, betterments, assessments, and fees, levied under this chapter shall be collected and secured in the same manner as property taxes, betterments, and assessments and fees owed to the municipality unless otherwise provided by the district and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for such property taxes, betterments and liens owed to the municipality but shall be junior to any such municipal liens. Any liens imposed by the municipality for the payment of property taxes shall have priority in payment over any liens of the district.~~

~~Section 6. (a) The district is hereby authorized and empowered to provide by resolution of its prudential committee from time to time, for the issuance of bonds of the district for any of its corporate purposes. Bonds issued hereunder shall be special obligations payable solely from particular funds and revenues generated from betterments, assessments, special assessments, fees or other charges levied pursuant to this chapter as provided in such resolution. Without limiting the generality of the foregoing, such bonds may be issued to pay or refund notes issued pursuant to this chapter, to pay the cost of acquiring, laying, constructing, maintaining, and reconstructing the improvements. The bonds of each issue shall be dated, shall bear interest at the rates, including rates variable from time to time, and shall mature at the time or times not exceeding 30 years from their date or dates, as determined by the prudential committee, and may be redeemable before maturity, at the option of the prudential committee or the holder thereof, at the price or prices and under the terms and conditions fixed by the prudential committee before the issuance of the bonds. The prudential committee shall determine the form of the bonds, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the commonwealth and such other locations as designated by the prudential committee. In the event an officer whose signature or a facsimile of whose signature shall appear on any bonds shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until the delivery. The bonds shall be issued in registered form. The prudential committee may sell the bonds in a manner and for a price, either at public or private sale, as it may determine to be for the best interests of the district.~~

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

~~While any bonds or notes issued by the district remain outstanding, the powers, duties or existence of the district or the prudential committee shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds or notes. Bonds or notes issued under this chapter, unless otherwise authorized by law, shall not be deemed to constitute a debt of the commonwealth or the municipality, or a pledge of the faith and credit of the commonwealth or of the municipality, but the bonds or notes shall be payable solely by the district or as special obligations payable from particular district funds collected from betterments, assessments, special assessments, fees or other charges levied pursuant to this chapter. Any bonds or notes issued by the district shall contain on the face thereof a statement to the effect that neither the commonwealth nor the municipality shall be obliged to pay the same or the interest thereon, and that neither the faith and credit nor taxing power of the commonwealth or of the municipality is pledged to the payment of the bonds or notes. All bonds or notes issued under this chapter shall have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in sections 3-104 of chapter 106 of the General Laws.~~

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

(b) In the discretion of the prudential committee bonds issued pursuant to this chapter may be secured by a trust agreement between the district and the bond owners or a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the commonwealth. A trust agreement may pledge or assign, in whole or in part, the revenues, funds and other assets or property held or to be received by the district, including without limitation all monies and investments on deposit from time to time in any fund of the district or any account thereof and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the district, and the proceeds thereof. A trust agreement may contain, without limitation, provisions for protecting and enforcing the rights, security and remedies of the bondholders, provisions defining defaults and establishing remedies, which may include acceleration and may also contain restrictions on the remedies by individual bondholders. A trust agreement may also contain covenants of the district concerning the custody, investment and application of monies, the issue of additional or refunding bonds, the use of any surplus bond proceeds, the establishment of reserves and the regulation of other matters customarily treated in trust agreements. It shall be lawful for any bank or trust company to act as a depository of any fund of the district or trustee under a trust agreement, provided it furnishes indemnification and reasonable security as the prudential committee may require. Any assignment or pledge of revenues, funds and other assets and property made by the district shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter 106 and other laws when made. The revenues, funds and other assets and property, rights therein and thereto and proceeds so pledged and then held or thereafter acquired or received by the district shall immediately be subject to the lien of such pledge without any physical delivery or segregation or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the trust, whether or not such parties have notice thereof. The trust agreement by which a pledge is created need not be filed or recorded to perfect the pledge except in the records of the prudential committee and no filing need be made pursuant to said chapter 106. Any pledge or assignment made by the district is an exercise of its political and governmental powers, and revenues, funds, assets, property and contract or other rights to receive the same and the proceeds thereof which are subject to the lien of a pledge or assignment created under this chapter shall not be applied to any purposes not permitted by the pledge or assignment.

(c) The district is hereby authorized and empowered to issue, from time to time, notes of the district in anticipation of federal, state or local grants for the cost of acquiring, constructing or improving the district's improvements and utilities or in anticipation of bonds to be issued pursuant to this chapter. Said notes shall be authorized, issued and sold in the same manner as, and shall otherwise be subject to the other provisions of this chapter. Such notes shall mature at such time or times as provided by the issuing resolution of the prudential committee and may be renewed from time to time; provided, however, that all such notes and renewals thereof shall mature on or prior to 20 years from their date of issuance.

(d) In addition to other security provided herein, or otherwise by law, bonds, notes or obligations issued by the district under any provision of this chapter, may be secured, in whole or in part, by a letter of credit, line of credit, bond insurance policy, liquidity facility or other credit facility for the purpose of providing funds for payments in respect of bonds, notes or other obligations required by the holder thereof to be redeemed or repurchased prior to maturity or for providing additional security for such bonds, notes or other obligations. In connection therewith, the district may enter into reimbursement agreements, remarketing agreements, standby bond purchase agreements and any other necessary or appropriate agreements. The prudential committee may pledge or assign any of the district's revenues as security for the reimbursement by the district to the issuers or providers of such letters of credit, lines of credit, bond insurance policies, liquidity facilities or other credit facilities of any payments made under the letters of credit, lines of credit, bond insurance policies, liquidity facilities or other credit facilities.

(e) In connection with, or incidental to, the issuance of bonds, notes or other obligations the district may enter into such contracts as the prudential committee may determine to be necessary or appropriate to place the bonds, notes or other obligations of the district, as represented by the bonds or notes, or other obligations in whole or in part, on such interest rate or cash flow basis as the prudential committee may determine, including without limitation, interest rate swap agreements, insurance agreements, forward payment conversion agreements, futures contracts, contracts providing for payments based on levels of, or changes in, interest rates or market indices, contracts to manage interest rate risk, including without limitation, interest rate floors or caps, options, puts, calls and similar arrangements. Such contracts shall contain such payment, security, default, remedy and other terms and conditions as the prudential

~~committee may deem appropriate and shall be entered into with such party or parties as the district may select, after giving due consideration, where applicable, for the credit worthiness of the counter party or counter parties, including any rating by a nationally recognized rating agency, the impact on any rating on outstanding bonds, notes or other obligations or any other criteria the prudential committee may deem appropriate.~~

~~(f) The district shall have the power out of any funds available therefore to purchase its bonds or notes. The district may hold, pledge, cancel or resell such bonds or notes, subject to and in accordance with agreements with bondholders. The prudential committee may issue refunding bonds for the purpose of paying any of its bonds at maturity or upon acceleration or redemption. Refunding bonds may be issued at such time or times prior to the maturity or redemption of the refunded bonds as the prudential committee deems to be in the public interest. Refunding bonds may be issued in sufficient amounts to pay or provide for the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expense of issuing the refunding bonds, the expense of redeeming bonds being refunded and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by a trust agreement or resolution securing the bonds. All other provisions relating to the issuance of refunding bonds shall be as set forth in this chapter.~~

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

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

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

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

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

~~(k) Bonds or notes may be issued under this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or the municipality, and without any proceedings or the happening of any other conditions or things than those proceedings, conditions or things that are specifically required thereof by this chapter, and the validity of and security for any bonds or notes issued by the district shall not be affected by the existence or nonexistence of any such consent or other proceeding conditions, or things.~~



~~Section 7. The district and all its receipts, revenues, income and real and personal property shall be exempt from taxation and from betterments and assessments and the district shall not be required to pay any tax, excise or assessment to or from the commonwealth or any of its political subdivisions. Bonds or notes issued by the district and their transfer and their interest or income, including any profit on the sale thereof, shall at all times be exempt from taxation within the commonwealth, provided that nothing in this chapter shall act to limit or restrict the ability of the commonwealth or the municipality to otherwise tax the individuals and companies, or their real or personal property or any person living or business operating within the boundaries of the district.~~

~~Section 8. With the approval of the municipal governing body and the Economic Assistance Coordinating Council, the district may issue its bonds pursuant to, and according to the terms of chapter 40Q, provided that the municipality has fulfilled all requirements set forth in said chapter 40Q that would be required of the municipality if it were itself issuing bonds pursuant to said chapter 40Q. Additionally, the municipality shall include in its "invested revenue district development program", as defined in said chapter 40Q, a description of the rights and responsibilities of both the district and the municipality with respect to said program. In such case, the municipality may designate the district as the issuer of bonds pursuant to said chapter 40Q for the purpose of financing any "project costs" as defined in said chapter 40Q and that are located in, or functionally serving the needs of the district. The municipality shall determine the percentage of the "captured assessed valuation," as defined in said chapter 40Q, of property within the boundaries of the district that the municipality is pledging pursuant to an invested revenue district development program as defined in said chapter 40Q for the payment of the district's bonds. With the written agreement of the proprietor or proprietors of 1 or more specific parcels in the district, the district may adopt a plan whereby any of the assessing powers described in this chapter are made applicable exclusively to said parcels in order to secure and fund the debt service for the bonds. The "project costs" as defined in said chapter 40Q, shall not be reduced by the amount of the revenues derived pursuant to this chapter and said revenues may be made contingent upon or abated, in whole or in part, by the district upon the receipt of the anticipated revenues generated through the pledged captured assessed valuation. At the option of the municipality, the adjustment for the "inflation factor" described in said chapter 40Q, may be waived in order to increase the captured assessed valuation available to the district. The district and the municipality shall enter into an inter-municipal agreement delineating the rights and responsibilities of each pursuant to the district improvement financing.~~

~~Section 9. The prudential committee and the district's officers shall at all times keep full and accurate accounts of the district's receipts, expenditures, disbursements, assets and liabilities, which shall be open to inspection by any record owner of land within the district, or duly appointed officer or duly appointed agent of the commonwealth or the municipality. The fiscal year of the district shall be the same fiscal year as established by the General Laws for cities and towns in the commonwealth. The district shall be subject to an audit of its accounts in the manner provided in section 40 of chapter 44. Before the issuance of any bonds or notes under the provisions of this chapter, any officer of the district or of the prudential committee charged with responsibility of the issuance thereof, shall each execute a surety bond in the sum of \$250,000 payable to the district, or in lieu thereof, the prudential committee shall obtain a blanket position bond covering any member of the prudential committee, or officer of the district, charged with responsibility for the issuance of any bond or notes, such surety bonds to be conditioned upon the faithful performance of the duties of their offices, to be executed by a surety company authorized to transact business in the commonwealth as a surety and approved by the prudential committee. For the purposes of chapter 268A, the district shall be considered a municipal agency. The members of the prudential committee and employees of the district, together with any person who performs professional services for the district on a part-time, intermittent or consultant basis, such as those of an architect, attorney, engineer, planner, or construction, financial, or real estate expert, shall be special municipal employees; provided, however, that the provisions of said chapter 268A, or any similar provision of any general or special law, shall not apply to any member of the prudential committee having a direct or indirect financial interest in any contract or transaction entered into with the district pursuant to an improvement plan that has been submitted with the petition and approved by the municipality in accordance with section 5, if said improvement plan contains a statement making disclosure of said member's interest and the interests of his immediate family in said contract or transaction.~~

~~Section 10. The prudential committee and the district's officers shall at all times keep accounts of the district's receipts, expenditures, disbursements, assets and liabilities, which shall be open to inspection by a proprietor, or duly appointed officer or duly appointed agent of the commonwealth or the municipality. The fiscal year of the district~~

shall be the same fiscal year as established by the General Laws for cities and towns in the commonwealth. The district shall be subject to an audit of its accounts in the manner provided in section 40 of chapter 44. Before the issuance of any bonds or notes under this chapter, any officer of the district or of the prudential committee charged with responsibility of the issuance thereof, shall each execute a surety bond in the sum of \$250,000 payable to the district, or in lieu thereof, the prudential committee shall obtain a blanket position bond covering any member of the prudential committee, or officer of the district, charged with responsibility for the issuance of any bond or notes, such surety bonds to be conditioned upon the faithful performance of the duties of their offices, to be executed by a surety company authorized to transact business in the commonwealth as a surety and approved by the prudential committee. For the purposes of chapter 268A, the district shall be considered a municipal agency. The members of the prudential committee and employees of the district, together with any person who performs professional services for the district on a part-time, intermittent or consultant basis, such as those of an architect, attorney, engineer, planner, or construction, financial, or real estate expert, shall be special municipal employees.

Section 11. The district may make representations and agreements for the benefit of the holders of the district's bonds and notes or other obligations to provide secondary market disclosure information. The prudential committee or an officer authorized by the prudential committee may make the representations and agreements on behalf of the district or may delegate the authority to any other officer or employee of the district. The agreement may include: (1) covenants to provide secondary market disclosure information (2) arrangements for such information to be provided with the assistance of a paying agent, trustee, dissemination or other agent; and (3) remedies for breach of the agreements, which remedies may be limited to specific performance.

Section 12. The collector-treasurer of each municipality, at the option of the municipality, may collect any district betterments, assessments, special assessments, and fees, including any recording fees, on behalf of the district pursuant to an agreement between the municipality and the district and to disburse the funds to any designated management entity or financial institution selected by the prudential committee. The collector-treasurer shall disburse revenues to the management entity or financial institution within 30 days of the collection of such fees, together with the interest earned on the holding of such fees.

Section 13. (a) This chapter shall be considered to provide an exclusive, additional, alternative and complete method of accomplishing the purposes of this chapter and exercising the powers authorized hereby and shall be considered and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the district by law; but, insofar as the proceedings of this chapter are inconsistent with any general or specific law, administrative order or regulation, or any resolution or ordinance of the municipality, this chapter shall be controlling. Without limiting the generality of the foregoing, no provision of any resolution or ordinance of the municipality requiring ratification by the voters of certain bond issues shall apply to the issuance of bonds or notes of the district pursuant to this chapter, nor shall be applicable to the manner of voting or the limitations as to the amount and time of payment of debts incurred by the district.

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

Section 14. The district is a distinct and separate entity from the municipality, and the municipality shall not be subject to any claims, actions or liabilities as a result of the establishment of the district, its operations or the actions or inactions of its officers or its prudential committee or employees and there shall be no recourse against the municipality on account of, or arising from such obligations.

Section 15. Provided that all district bonds, notes and other obligations have been paid or satisfied, the municipal governing board of the municipality in which the district is located, on petition of proprietors owning 80 percent of the real property acreage within the district, may vote to terminate the district at any time after 35 years from the date of the declaration of the district's existence by the municipality. Upon such termination all of the property of the district shall be deemed transferred to the municipality.

**SECTION 42.** Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word “corporation”, in line 247 the following words:— or a domestic research and development corporation.

**SECTION 43.** Said section 5 of chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the word “corporation”, in line 249, the following words:— or a foreign research and development corporation.

**SECTION 44.** Said section 5 of chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the word “corporation”, in line 269 the first time it appears, the following words:— a domestic research and development corporation.

**SECTION 45.** Said section 5 of chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the word “corporation”, in line 270, the following words:— or a foreign research and development corporation.

**SECTION 46.** Paragraph (3) of clause Sixteenth of said section 5 of said chapter 59, as so appearing, is hereby amended by adding the following sentence:— This clause, as it applies to a domestic research and development corporation as defined in section 38C of chapter 63 or a foreign research and development corporation as defined in section 42B of said chapter 63, shall take effect only upon its acceptance by any city or town.

**SECTION 47.** Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after the word “manufacturing”, in lines 275, 285, 288 and in line 292, the following words:— or research and development.

**SECTION 48.** Said section 5 of said chapter 59 is hereby further amended by striking out clause Fifty-first and inserting in place thereof the following clause:-

Fifty-first, the value of a parcel of real property which is included within an executed agreement under paragraph (v) of section 59, paragraph (v) of subsection (a) of section 60 or paragraph (iv) of subsection (a) of section 60A of chapter 40, together with all personal property situated on such parcel, but taxes on property eligible for exemption under this clause shall be assessed only on that portion of the value of the property that is not exempt under section 59, section 60 or section 60A of chapter 40, and this exemption shall be for a term not longer than the period specified for the exemption in the agreement. The amount of the exemption under this clause for any parcel shall be the exemption percentage adopted under paragraph (iii) of section 59, subsection (a) of section 60 or of section 60A of said chapter 40 multiplied by the amount by which the parcel’s value exceeds the product of its assessed value for the last fiscal year before it became eligible for exemption under this clause multiplied by the adjustment factor determined in accordance with said section 59, section 60 or section 60A of said chapter 40. Taxes on property eligible for exemption under this clause shall be assessed only on that portion of the value of the property that is not exempt under this clause.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 49.** Paragraph (1) of subsection (j) of section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

A taxpayer or nonprofit organization which commences and diligently pursues an environmental response action on or before August 5, 2011, and who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated pursuant thereto which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998, and January 1, 2012, for any property it owns or leases for business purposes and which is located within an economically-distressed area as defined in section 2 of chapter 21E. Such costs shall be not less than 15 per cent of the assessed value of the property prior to response action on or before remediation and the site shall be reported to the department of environmental protection. A credit of 50 per cent of such costs shall be allowed for any such taxpayer or nonprofit organization which achieves and maintains a permanent solution or remedy operation status in compliance with said chapter 21E and the Massachusetts Contingency Plan at 310 CMR 40.00, as amended, which does not include an activity and use

limitation. Only a taxpayer or nonprofit organization that is an eligible person, as defined in section 2 of said chapter 21E, and not subject to any enforcement action brought pursuant to said chapter 21E shall be allowed a credit.

Any credit allowed under this subsection may be taken only after a response action outcome statement or remedy operation status submittal has been filed with the department of environmental protection as set forth in said Massachusetts Contingency Plan.

**SECTION 50.** Said subsection (j) of said section 6 of said chapter 62, as so appearing, is hereby further amended by adding the following 2 paragraphs:—

(5) All or any portion of tax credits issued in accordance with this subsection may be transferred, sold or assigned to a taxpayer with a liability under this chapter or chapter 63 or to a nonprofit organization. A taxpayer or nonprofit organization desiring to make a transfer, sale or assignment shall submit to the commissioner a statement which describes the amount of the Massachusetts environmental response action tax credit for which the transfer, sale or assignment of Massachusetts environmental response action tax credit is eligible. The taxpayer or nonprofit organization shall provide to the commissioner appropriate information so that the environmental response action tax credit can be properly allocated. The commissioner shall issue a certificate to the party receiving the environmental response action tax credit reflecting the amount of the tax credit received, a copy of which shall be attached by the party receiving the environmental response action tax credit to each tax return in which the tax credits are used.

(6) The commissioner shall annually, not later than September 1, file a report with the house and senate committees on ways and means, the chairs of the joint committee on community development and small businesses and the chairs of the joint committee on economic development and emerging technologies identifying the total amount of tax credits claimed pursuant to this subsection and the total amount of tax credits transferred, sold or assigned pursuant to paragraph (5) for the preceding fiscal year.

**SECTION 51.** Subparagraph (i) of paragraph (1) of subsection (b) of section 6J of said chapter 62, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The commissioner, in consultation with the Massachusetts historical commission, shall authorize annually, for the 6 year period beginning January 1, 2006, and ending December 31, 2011, under this section together with section 38R of chapter 63, an amount not to exceed \$50,000,000 per year.

This section was returned by the Governor with an amendment [for message, see House, No. 5106]

~~**SECTION 52.** Said chapter 62 is hereby further amended by inserting after section 6 the following section:—~~

~~Section 6½. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—~~

~~“Department”, the department of revenue.~~

~~“Medical device”, an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including a component part or accessory, which is recognized in the official National Formulary or the United States Pharmacopeia, or any supplement thereto, intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in humans or other animals and which does not achieve any of its primary intended purposes through chemical action within or on the body of a human or other animal and which is not dependent upon being metabolized for the achievement of its primary intended purposes.~~

~~“Medical device company”, a sole proprietorship, partnership, limited liability company, corporate trust, corporation or other business: (i) the income of which is taxed directly to the business or its owners under this chapter; and (ii) that has a facility located in the commonwealth which develops or manufactures medical devices.—~~

~~“Medical device tax credit”, the tax credit established under this section that a medical device company generated but was unable to claim as of the close of the last taxable year for which a return was filed because of limited tax liability.~~

~~“Private financial assistance”, the proceeds of the sale of available tax credits under this section.~~

~~“User fees”, the monetary amount actually paid by a medical device company to the United States Food and Drug Administration during the taxable year for pre-market approval to market new technologies developed or manufactured in the commonwealth or for a clearance under section 510(k) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 360e and 360, to market upgrades, changes or enhancements to existing technologies that are developed or manufactured in the commonwealth as stipulated in United States Public Law 107-250, federal Medical Device User Fee and Modernization Act.~~

~~(b) There shall be allowed to any medical device company as a credit against any tax liability imposed under this chapter an amount equal to 100 per cent of the cost of user fees paid by that medical device company during the taxable year for which the tax is due.~~

~~(c) The department shall establish a medical device tax credit transfer program to allow medical device companies doing business in the commonwealth with unused medical device tax credits to transfer those credits for use by a purchasing company in exchange for private financial assistance to be provided by that company to assist in the funding of costs incurred by the medical device companies. The private financial assistance shall be used to fund expenses incurred in connection with the operation of the medical device company in the commonwealth, including costs associated with fixed assets, such as the construction, acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures, and any other expenses determined by the department to be necessary to carry out the purposes of the program. A medical device company that wishes to participate in the program shall file an application with the department on a form prescribed by the department that sets forth the medical device tax credit amounts eligible for transfer, the use to which the medical device company intends to put the private financial assistance to be provided, the identity of the purchasing company, the amount of the financial assistance to be provided and such other information as the department may require. No medical device tax credits may be surrendered unless the purchasing company provides financial assistance in an amount equal to at least 75 per cent of the medical device tax credit amounts eligible to transfer.~~

~~The department shall review the application and, if the proposed transfer meets the requirements of this section, the department shall, upon receipt of a notarized statement signed under the pains and penalties of perjury by an authorized representative of the medical device company that the purchasing company has provided the specified financial assistance, issue a certificate to the purchasing company reflecting the medical device tax credit amounts transferred, a copy of which shall be attached to each tax return by a purchasing company in which the medical device tax credits are used. The purchasing company shall treat the medical device tax credit amounts purchased under the program as a credit against its tax liability under this chapter. The purchasing company must use the medical device tax credit amounts so treated in tax returns filed within 5 years of the issuance of the certificate, after which period the credits will expire. The purchasing company may not use the medical device tax credit amounts to reduce the income tax to less than the amount due under section 4. No medical device company surrendering medical device tax credits under the program may use the benefits to reduce its tax liability under this chapter.~~

~~(d) The commissioner shall promulgate rules and regulations relative to the administration and enforcement of this section.~~

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 53.** Section 1 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out the definition of “Commissioner” and inserting in place thereof the following definition:-

“Building contractor”, any general contractor, subcontractor or repairman who is engaged in the business of constructing or improving real property.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 54.** Said section 1 of said chapter 62C, as so appearing, is hereby further amended by inserting after the definition of “Code” the following 2 definitions:—

“Commissioner”, the commissioner of revenue.

“Materialman”, a person primarily engaged in the retail sale of building material, tools and equipment to building contractors for the improvement of real property and authorized by law to file a mechanics lien upon real property for improvements related to the property. For the purposes of this definition, “primarily engaged” shall mean sales of 50 per cent or more of total sales to building contractors.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 55.** Subsection (h) of section 16 of said chapter 62C, as so appearing, is hereby amended by adding the following 3 sentences:— A materialman shall file a return with the commissioner each month. Each return shall be filed within 50 days after the expiration of the period covered by the return. The department may require each materialman electing to remit sales and use tax under this section to file an application with the department stating his intention to remit sales and use tax pursuant to this section.

**SECTION 56.** Section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the word “manufacturing”, in lines 4, 14, 26, 37, 40, 55, 70, 76, 91, 99, 108, and 113, the following words:— or marine science technology.

**SECTION 57.** Said section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the definition of “Local jobs created” the following definition:—

“Marine science technology company,” a business engaged in research, exploration, operations, monitoring, or defense in marine settings. This term shall include contract manufacturers engaged in the production of these products for a marine science technology company.

**SECTION 58.** Said section 67D of said chapter 62C, as so appearing, is hereby further amended by inserting after the word “respectively”, in line 68, the following words:— or direct manufacturing or professional services performed by an employee of a marine science technology company during a calendar year that consists of research, exploration, operations, monitoring, or defense in a marine setting.

This section was returned by the Governor with an amendment [for message, see House, No. 5107]

~~**SECTION 59.** Chapter 63 of the General Laws is hereby amended by inserting after section 31K the following section:—~~

~~Section 31L. (a) As used in this section the following words shall, unless the context otherwise requires, have the following meanings:—~~

~~“Department”, the department of revenue.~~

~~“Medical device”, an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including a component part or accessory, which is recognized in the official National Formulary or the United States Pharmacopoeia, or any supplement thereto, intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in humans or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of a human or other animals and which is not dependent upon being metabolized for the achievement of its primary intended purposes.~~

~~“Medical device company”, (1) a domestic corporation organized under or subject to chapter 156B or chapter 156D, (2) a limited liability company organized under chapter 156C and otherwise subject to this chapter, or (3) a corporation, organization or association, established, organized or chartered under laws other than those of the commonwealth and otherwise subject to this chapter and, in each case, which has a usual place of business within the commonwealth wherein medical devices are developed or manufactured.~~

~~“Medical device tax credit”, the tax credit established pursuant to this section that the medical device company generated but was unable to claim as of the close of the last taxable year for which a return was filed because of~~

limited tax liability.

~~“Private financial assistance”, the proceeds of the sale of available tax credits pursuant to this section.~~

~~“User fees”, the monetary amount actually paid by a medical device company to the United States Food and Drug Administration during the taxable year for a pre-market approval to market new technologies developed or manufactured in the commonwealth or for a clearance pursuant to section 510(k) of the Federal Food, Drug, and Cosmetic Act 21 U.S.C. 360e and 360 to market upgrades, changes or enhancements to existing technologies that are developed or manufactured in the commonwealth as stipulated in United States Public Law 107-250, the Medical Device User Fee and Modernization Act.~~

~~(b) There shall be allowed to any medical device company as a credit against the tax liability imposed under this chapter an amount equal to 100 per cent of the cost of user fees paid by such medical device company during the taxable year for which the tax is due.~~

~~(c) The department shall establish a medical device tax credit transfer program to allow medical device companies doing business in the commonwealth with unused medical device tax credits to transfer such credits for use by a purchasing company in exchange for private financial assistance to be provided by such company to assist in the funding of costs incurred by the medical device companies. The private financial assistance shall be used to fund expenses incurred in connection with the operation of the medical device company in the commonwealth, including costs associated with fixed assets, such as the construction and acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures, and any other expenses determined by the department to be necessary to carry out the purposes of the program. A medical device company that wishes to participate in the program shall file an application with the department on a form prescribed by the department that sets forth the medical device tax credit amounts eligible for transfer, the use to which the medical device company intends to put the private financial assistance to be provided the identity of the purchasing company, the amount of the financial assistance to be provided, and such other information as the department may require. No such medical device tax credits may be surrendered unless the purchasing company provides financial assistance in an amount at least equal to 75 per cent of the medical device tax credit amounts eligible to transfer. The department shall review such application and, if the proposed transfer meets the requirements of this section the department shall issue, upon receipt of a notarized statement signed under the pains and penalties of perjury by an authorized representative of the medical device company that the purchasing company has provided the specified financial assistance, a certificate to the purchasing company reflecting the medical device tax credit amounts transferred, a copy of which shall be attached to each tax return by a purchasing company in which such medical device tax credits are used. The purchasing company shall treat the medical device tax credit amounts purchased under the program as a credit against its excise under this chapter. The purchasing company must use the medical device tax credit amounts in tax returns filed within 5 years of the issuance of the certificate, after which period the credits will expire. The purchasing company may not use the medical device tax credit amounts to reduce the excise tax to less than the amount due under subsection (b) of section 32, or subsection (b) of section 39. No medical device company surrendering medical device tax credits under the program may use the benefits to reduce its tax liability under this chapter.~~

~~(d) The commissioner shall promulgate rules and regulations relative to the administration and enforcement of this section.~~

**SECTION 60.** The definition of “Manufacturing corporation” in paragraph (1) of subsection (1) of section 38 of said chapter 63, as so appearing, is hereby amended by adding the following sentence:- Any operation manufacturing, in substantial part, value-added agricultural products shall be considered a manufacturing corporation.

**SECTION 61.** Said paragraph (1) of said subsection (1) of said section 38 of said chapter 63, as so appearing, is hereby further amended by adding the following definition:-

“Value-added agricultural products” shall be defined as any products of “farming” or “agriculture”, as defined in section 1A of chapter 128, which have increased in market value due to some process other than packaging. Value-added agricultural products shall include, but not be limited to, the following: cheese, butter, buttermilk, yogurt, cream, ice cream, fruit preserves, fruit juices, fruit sauces, fruit syrups, dried fruit, seeded fruits, peeled or chopped

fruit and vegetables, processed fruit and vegetables, salads, maple syrup, maple candy, honey and all apicultural products, horticulture nursery and greenhouse products, topiary plants, bacon, sausage, lard, dried or smoked meat, and wool as well as fish, seafood, and other aquatic products.

**SECTION 62.** Subsection (a) of section 38N of said chapter 63, as so appearing, is hereby amended by striking out the second, third and fourth paragraphs and inserting in place thereof the following paragraph:-

As used in this paragraph, "EACC" means the economic assistance coordinating council established by section 3B of chapter 23A. A credit allowed under this section may be taken only after the taxpayer completes a report signed by an authorized representative of the corporation, and files the report with the EACC within 2 years after the initial project certification by the EACC and annually thereafter. The EACC shall certify that property eligible for the credit is a certified project within the economic opportunity area as defined in said section 3E of said chapter 23A and wholly within an area designated as an economic target area pursuant to section 3D of said chapter 23A, and that the certified project reasonably satisfies the employment projections specified in the original project proposal. Based upon the information provided in the report and its own independent investigation, the EACC shall determine whether the certified project is in compliance with the definition of certified project set forth in this section and whether the project has a reasonable chance of increasing employment opportunities as advanced in the initial proposal as certified by the EACC. If the EACC determines that the certified project is no longer in compliance, then the EACC shall revoke certification of the project as provided in section 3F of said chapter 23A and notification of decertification shall be given to the commissioner of revenue who shall disallow any future credits under this section. If the project is considered decertified for reasons of fraud or material misrepresentation, as determined by the EACC and the commissioner of revenue, the commissioner shall have a cause of action against the controlling business of the project for the value of any economic benefits received, including, but not limited to, the amount of the tax credit allowed under this section. Nothing in this section shall limit the authority of the commissioner to make adjustments to a corporation's liability upon audit.

**SECTION 63.** Section 38Q of said chapter 63, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) A domestic or foreign corporation or limited liability corporation or nonprofit organization which commences and diligently pursues an environmental response action on or before August 5, 2011 and which achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated thereunder which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998 and January 1, 2012 for any property it owns or leases for business purposes and which is located within an economically-distressed area as defined in section 2 of chapter 21E; provided, however that these costs shall be not less than 15 per cent of the assessed value of the property prior to remediation; provided further, that the site shall have been reported to the department of environmental protection; and provided further, that a credit of 50 per cent of such costs shall be allowed for any such corporation which achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the Massachusetts Contingency Plan provided in 310 CMR 40.00, which does not include an activity and use limitation. Only a domestic or foreign corporation, limited liability corporation or nonprofit organization that is an eligible person, as defined in section 2 of said chapter 21E, and not subject to any enforcement action brought pursuant to said chapter 21E, shall be allowed a credit.

Any credit allowed under this subsection may be taken only after a response action outcome statement or remedy operation status submittal has been filed with the department of environmental protection as set forth in said Massachusetts Contingency Plan.

**SECTION 64.** Said section 38Q of said chapter 63, as so appearing, is hereby further amended by adding the following 2 subsections:—

(g) All or any portion of tax credits issued in accordance with this section may be transferred, sold or assigned to a taxpayer with a liability under this chapter or chapter 62 or to a nonprofit organization. A corporation or nonprofit organization desiring to make a transfer, sale or assignment shall submit to the commissioner a statement which



describes the amount of the Massachusetts environmental response action tax credit for which such transfer, sale or assignment of Massachusetts environmental response action tax credit is eligible. Such a corporation or nonprofit organization shall provide appropriate information so that the environmental response action tax credit can be properly allocated. The commissioner shall issue a certificate to the party receiving the environmental response tax credit reflecting the amount of tax credit received, a copy of which shall be attached by the party receiving the environmental response tax credit to each tax return in which the tax credits are used.

(h) The commissioner shall annually, not later than September 1, file a report with the house and senate committees on ways and means, the joint committee on community development and small businesses and the joint committee on economic development and emerging technologies identifying the total amount of tax credits claimed pursuant to this section and the total amount of tax credits transferred, sold or assigned pursuant to this section in the preceding fiscal year.

**The Governor disapproved the following section [for message, see House, No. 5101]**

**The Legislature overrode the Governor's veto.**

**SECTION 65.** Subparagraph (i) of paragraph (1) of subsection (b) of section 38R of said chapter 63, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The commissioner, in consultation with the Massachusetts historical commission, shall authorize annually, for the 6 year period beginning January 1, 2006, and ending December 31, 2011, under this section together with section 6J of chapter 62, an amount not to exceed \$50,000,000 per year.

**SECTION 66.** Chapter 138 of the General Laws is hereby amended by inserting after section 18B the following section:—

Section 18C. (a) The commission may issue to an individual who is both a citizen and resident of the commonwealth or to a corporation organized under the laws of the commonwealth whose directors are all citizens of the United States and a majority of them residents of the commonwealth, or to a limited liability company or limited liability partnership organized under the laws of the commonwealth whose members are all citizens of the United States and a majority of them residents of the commonwealth, a license to import alcoholic beverages into the commonwealth for use only in connection with the manufacture of food products, including ice cream. Nothing in this section shall authorize the holder of an importer's license issued under this section to sell alcoholic beverages as he is licensed to import only, or to export alcoholic beverages from the commonwealth into any other state or into a foreign country. A vote in a city or town pursuant to section 11 shall not prevent the granting or renewal of a license under this section. All alcoholic beverages purchased by a licensee under this section, and all alcoholic beverages shipped into the commonwealth pursuant to any such purchase, shall be warehoused at the warehouse facilities of the licensee and held in his physical possession at the warehouse. An importer under this section shall keep such records as the commission may prescribe and shall file with the commission, as often as it may require, duplicates or copies of those records. The commission shall have, at all times through its designated officers or agents, access to all books, records and other documents of each licensed importer relating to the licensee's importer business.

(b) The annual license fee for each importer under this section shall be computed based on the gallonage imported by the importer as follows:

5000 gallons or less per year: \$22 per year

More than 5000 gallons but not more than 20,000 gallons per year: \$44 per year

More than 20,000 gallons but not more than 100,000 gallons per year: \$82 per year

More than 100,000 gallons but not more than 200,000 gallons per year: \$110 per year

More than 200,000 gallons but not more than 1,000,000 gallons per year: \$110 per year

Each additional 1,000,000 gallons per year: \$111 per year.

(c) An applicant for an importer license under this section shall, at the time of filing an application, pay a fee based on a reasonable estimate of the amount of alcoholic beverages to be imported during the year covered by the license. A person holding an importer license under this section shall report annually at the end of the year covered by the license the amount of alcoholic beverages imported during that year. If the total amount actually imported exceeds the estimated amount on which the fee was based, the licensee shall pay an additional fee based on the excess.

**SECTION 67.** Section 21 of said chapter 138, as so appearing, is hereby amended by striking out, in lines 6 and 10, the words “section seventy-six” and inserting in place thereof the words:- sections 18C and 76.

**SECTION 68.** Section 29 of chapter 151A of the General Laws, as so appearing, is hereby amended by striking out, in line 125, the words “the Social Security Act or”.

**SECTION 69.** Paragraph (6) of subsection (d) of said section 29 of said chapter 151A, as so appearing, is hereby amended by adding the following sentence:— Payments received under the Social Security Act shall not be subject to this paragraph.

**SECTION 70.** The first paragraph of section 9 of chapter 161A of the General Laws, as so appearing, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:— Beginning on July 1, 2001, a city or town that is also a member of a regional transit authority or that at any time joins a regional transit authority shall have 100 per cent of the amount assessed for the operation of the regional transit authority credited against its share of the assessment made under this section; provided, however, that the amount credited shall not exceed the total amount of the assessment.

**SECTION 71.** Section 3 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

Any city or town, or group or combination of cities or towns, other than a city or town included in the Massachusetts Bay Transportation Authority in which the Authority operates a fixed bus service, may, upon compliance with this section and with the approval of a city manager in the case of a city under a Plan E form of government, the mayor and city council in the case of all other cities, or the board of selectmen in the case of a town, be made into a body politic and corporate and a political subdivision of the commonwealth under the name of the municipality within the new authority having the greatest population, or under any other appropriate regional name agreed to by a majority of the member municipalities, and followed by the words “Transit Authority”.

**SECTION 72.** Said section 3 of said chapter 161B, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

Any city or town, or group or combination of cities or towns, other than a city or town included in the Massachusetts Bay Transportation Authority in which the Authority operates fixed route bus service or is in an authority established pursuant to section 14 may, with the approval of a city manager in the case of a city under a Plan E form of government, the mayor and city council in the case of all other cities, or the board of selectmen in the case of a town and subject to the approval of the advisory board to a regional transit authority, join an authority which is not separated from the city or town or group or combination of cities and towns by more than 1 other municipality.

**SECTION 73.** Section 25A of chapter 166 of the General Laws, as so appearing, is hereby amended by inserting after the word “telegraph,” in line 10 the following words:- wireless communication,.

*This section was returned by the Governor with an amendment [for message, see House, No. 5108]*

~~**SECTION 74.** Said section 25A of said chapter 166, as so appearing, is hereby amended by inserting after the definition of “Usable Space” the following definition:-~~

~~“Wireless provider”, any person, firm or corporation other than a utility, which provides telecommunications service.~~

~~A utility shall provide a wireless provider with nondiscriminatory access to any pole or right-of-way used or useful, in whole or in part, owned or controlled by it for the purpose of installing a wireless attachment. Notwithstanding this~~

~~obligation, a utility may deny a wireless provider access to its poles, ducts, conduits, or rights-of-way, on a nondiscriminatory basis only for reasons of inadequate capacity, safety, reliability and generally applicable engineering standards; but upon denial of access for reasons of inadequate capacity, the utility shall, at the expense of the wireless provider, expand the capacity of its poles, ducts, conduits, or rights-of-way to allow access by the wireless provider where such capacity may be reasonably expanded by rearrangement or replacement. This paragraph shall not apply to municipal lighting plants.~~

**SECTION 75.** Said section 25A of said chapter 166, as so appearing, is hereby further amended by inserting after the word “services”, in line 31, the following words:- and wireless telecommunications services.

**SECTION 76.** Section 11 of chapter 614 of the acts of 1968, as most recently amended by section 4 of chapter 268 of the acts of 1980, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— In the discretion of the authority, any revenue bonds issued under the provisions of this act may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank chartered or incorporated in the United States and having the powers of a trust company or bank.

**SECTION 77.** Said section 11 of said chapter 614, as most recently amended by said section 4 of said chapter 268, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following:— Any bank or trust company or such savings bank which may act as depository of the proceeds of bonds or of such revenues or other moneys may furnish such indemnity bonds or pledge such securities as may be required by the authority.

**SECTION 78.** Section 25 of chapter 175 of the acts of 1998, as most recently amended by section 8 of chapter 45 of the acts of 2005, is hereby further amended by striking out the figure “2008” and inserting in place thereof the following figure:— 2010.

**SECTION 79.** Sections 1 to 13B, inclusive, of chapter 208 of the acts of 2000 are hereby repealed.

**NO SECTION 80.**

**SECTION 81.** Section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out item 4401-1100 and inserting in place thereof the following item:-

4401-1100

Notwithstanding any general or special law to the contrary, the department of transitional assistance may expend reimbursements received from the United States Department of Agriculture for food stamp employment and training programs as provided in section 2B of chapter 18 of the General Laws; provided, that the department shall expend the equivalent of \$3,000,000 in such revenue received from employment and training services provided by or under contract with said department, the department of mental health, the department of mental retardation and the Massachusetts rehabilitation commission, plus any federal funds received for food stamp outreach and any federal bonuses, on employment and training services provided to recipients and former recipients of transitional aid to families with dependent children.. \$20,000,000

**SECTION 82.** Item 7002-0100 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided, that the department of workforce development shall provide the funds necessary to carry out the activities of the workforce development task force, established pursuant to section 11 of chapter 23H of the General Laws.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 83.** Said section 2 of said chapter 45 is hereby further amended by striking out item 7003-0605 and inserting in place thereof the following:—

7003-0605

For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy and for programs designed

to assist small and mid-sized manufacturing companies; provided, that not less than \$306,666 shall be made available for the operation and maintenance of the Innovation Program at the Massachusetts Manufacturing Extension Partnership; provided further, that not less than \$250,000 shall be made available for the Supply Chain Initiative at the Massachusetts Manufacturing Extension Partnership; and provided further that not less than \$150,000 shall be made available for the Regional Employment Board of Hampden County for a pilot program for precision machining training..... 1,556,666

**SECTION 84.** Item 7003-0702 of said section 2 of said chapter 45 is hereby further amended by striking out the words “that not less than \$300,000 shall be expended to provide employment, training and job placement by Year Up of Boston” and inserting in place thereof the following words:— that not less than \$600,000 shall be expended to provide employment, training and job placement by Year Up of Boston.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 85.** Said item 7003-0702 of said section 2 of said chapter 45 is hereby further amended by adding the following words:— and provided further, that not less than \$200,000 shall be transferred to the Falmouth Economic and Development Corporation for the creation of the Regional Technology Development Center of Cape Cod.

**SECTION 86.** Said section 2 of said chapter 45 is hereby further amended by striking out item 7003-0803 and inserting in place thereof the following item:—

7003-0803

For one-Stop Career Centers chartered by local workforce investment boards are a major source of information, training and labor exchange and job placements in Massachusetts. Each career center shall inform unemployed or underemployed residents and individuals with low educational skill levels or limited English proficiency who seek assistance from the center of the full range of education and training programs that are available to them and recipients of transitional aid to families with dependent children benefits who seek assistance from the center, the availability of jobs in the professions for which such programs prepare participants, and the average wage rates in such professions within the commonwealth; provided, that such information shall encompass certified nurses aide training programs, job availability and wage rates. The department of workforce development shall conduct an annual evaluation of the use of one-stop career centers including, but not limited to, the numbers of individuals and employers served in each region; the services provided by each one stop career center; the number of persons served by and costs of operating the connecting unemployment insurance claimant initiative in one-stops; the costs of providing each person served the range of one stop career services; provided further, the department shall provide an analysis of the level of funds needed to adequately support the services at one-stop career centers. The director shall annually, by September 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the status of the evaluation herein required and the allocation of said funds. Said appropriation shall support the operations of existing one-stop career centers..... 6,000,000

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 87.** Item 7004-0099 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that not less than \$75,000 shall be expended for an urban renewal plan for the city of Gardner.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 88.** Item 7007-0900 of said section 2 of said chapter 45 is hereby amended by inserting after the words “the commonwealth’s lost international market share” the following words:— ; provided further that not less than \$90,000 of said grant shall be used for the development of a joint marketing and branding program in conjunction with the Massachusetts International Trade Council to promote and market Massachusetts as a location for foreign direct investment and international business opportunity.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 89.** Said item 7007-0900 of said section 2 of said chapter 45 is hereby further amended by adding the following words:- ; provided further, that not less than \$250,000 shall be expended for Sail Boston and Sail Massachusetts 2007 public safety and marketing expenses, subject to 1:1 matching requirements; provided further, that not less than \$350,000 shall be expended for fixed and public safety costs for the Head of the Charles Regatta; provided further; that not less than \$1,000,000 shall be expended for Old Sturbridge Village to implement its strategic plan for the upgrade of technology, transportation, exhibits and visitor activities; provided further, that not less than \$1,000,000 shall be transferred to the city of Pittsfield to assist with the development of the Pittsfield Cinema Center; provided further, that not less than \$500,000 shall be transferred to the Shirley Shaker Village for the preservation of its deteriorating buildings; provided further, that not less than \$250,000 shall be expended for an educational tourism program, modeled on the Campus Visit Partnership program in Pennsylvania, subject to 1:1 matching requirements; provided further, that not less than \$300,000 shall be transferred to the city of Pittsfield for the restoration of Pittsfield's Historic Gateway; provided further, that not less than \$250,000 shall be expended for restoration of the schooner Ernestina; provided further, that not less than \$100,000 shall be transferred to the Hancock Shaker Village; provided further, that a one-time grant of \$500,000, subject to a 1:1 match, be awarded to the North Shore Music Theatre for restoration of the theatre; provided further, that not less than \$200,000 shall be expended for the reconstruction of the pier facilities at the Maritime Heritage Center in the city of Gloucester; provided further, that \$75,000 shall be transferred to the Plymouth County Convention and Visitors Bureau for the implementation of a new website; provided further, that \$50,000 shall be transferred to the Thornton W. Burgess Society for the construction of a new education building; provided further, that \$250,000 shall be transferred to the Boston Harbor Island Alliance for costs associated with the new visitor contact station known as the Harbor Park Pavilion on Parcel 14 of the Rose Kennedy Greenway; provided further, that not less than \$150,000 shall be expended for City Stage in the city of Springfield; and provided further, that not less than \$100,000 shall be expended for certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill center; provided further, that \$15,000 shall be transferred to the town of Spencer for the installation of markers at historic sites; provided further, that not less than \$200,000 shall be expended for the repair of Victorian street lighting within the state-recognized historic district of downtown Melrose; provided further, that not less than \$250,000 shall be expended for the Hopkinton Athletic Association for facilitation, promotion, and coordination of trade and tourism activities in connection with the international "Running for the Human Race" project; provided further that not less than \$150,000 shall be expended for the creation of an economic development plan in the city of Gloucester; provided further, that \$100,000 shall be expended for the purposes of a federally-funded grant entitled, the Essex National Heritage Commission Cooperative Agreement; and provided further, that not less than \$250,000 shall be expended for the Plimoth Plantation for the creation of a new brand identity.

**SECTION 90.** Said section 2 of said chapter 45 is hereby further amended by striking out item 7007-1300 and inserting in place thereof the following item:-

7007-1300

For the operation of the Massachusetts International Trade Council, for the purpose of enhancing global market penetration for product exports, service exports and technology transfer by Massachusetts businesses and institutions, and for the promotion of Massachusetts as a location for foreign direct investment; provided that not more than \$100,000 shall be used for trade show programs enhancing regional small and medium enterprise participation at foreign trade shows in concert with regional economic development agencies; provided further, that not more than \$60,000 shall be applied as a 25 per cent match to the European Commission's Research and Innovation Fund for the operation of a technology commercialization center in Massachusetts; provided further, that not more than \$100,000 shall be used for the establishment of two additional foreign trade representative agency offices; provided further, that not more than \$120,000 shall be spent toward the establishment of a foreign direct investment foundation to coordinate the resources of public and private institutions in promoting Massachusetts as a location for foreign direct investment; provided further, that not more than \$180,000 shall be used to plan and implement two Massachusetts foreign trade missions to be coordinated with

Massachusetts based industry councils or associations; provided further, that not more than \$50,000 shall be spent for a trade mission coordinator and industry council liaison; provided further, that not more than \$30,000 will be transferred to the Donahue Institute at the University of Massachusetts to study the feasibility of establishing a Center for International Trade at the University in conjunction with United States Department of Education programs; provided further, that not more than \$25,000 shall be used for the implementation of bilateral technology transfer programs with foreign regional economic development entities; and provided further, that not more than \$120,000 to be transferred to the Massachusetts Export Center to develop and implement a regionally based support program to assist high potential export industry clusters.....

1,895,000

Tourism Fund.....50.6%  
General Fund.....49.4%

**The Governor disapproved the following section [for message, see House, No. 5101]**

**The Legislature overrode the Governor's veto.**

**SECTION 91.** Said section 2 of said chapter 45 is hereby further amended by striking out item 7027-0019 and inserting in place thereof the following item:—

7027-0019

For school to career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of education, in cooperation with the department of workforce development, and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job..... 7,129,687

**This section was returned by the Governor with an amendment [for message, see House, No. 5109]**

~~**SECTION 92.** Said section 2 of said chapter 45 is hereby further amended by striking out item 7027-0016 and inserting in place thereof the following item:-~~

~~7027-0016~~

~~For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that the department of education shall make available a payment of \$734,400 for the state's matching grant for the CS-squared program at the Commonwealth Corporation; provided further, that the department of~~

~~education shall make available a payment of \$1,092,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; provided further, that the department of education shall make available a payment of \$42,975 to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program; provided further, that \$250,000 shall be expended for a pilot program that targets at-risk youth, Amer-I-Can and provided further, that of this \$250,000, funds may be expended for the administration of this program in Springfield; provided further, that not less than \$50,000 shall be expended for the Diploma Plus Program at Cape Cod Community College; provided further, that \$1,500,000 shall be expended for a workforce development program within the city of Boston at the John D. O'Bryant High School, designed to operate in collaboration with the medical and academic institutions located in Boston's Longwood area of said city and the Medical Academic Scientific Community Organization; provided further, that \$250,000 shall be expended for the costs associated with the planning and design of a new Essex North Shore Agricultural and Technical School in the town of Danvers; and provided further, that not less than \$350,000 shall be made available to Junior Achievement of Eastern Massachusetts for the expansion and delivery of in-school and after-school community based workforce development programs for at-risk and under-served students in Massachusetts; provided further, that \$350,000 shall be expended for a pilot program targeting Roxbury/Mission Hill/Dorchester residents, including veterans, for a workforce development recruiting and training program center at Roxbury Community College in collaboration with community based organizations and medical and academic institutions in the Longwood area of the city and the Medical Academic and Scientific Community Organization Inc. .... 4,619,566~~

**SECTION 93.** Said section 2 of said chapter 45 is hereby further amended by striking out item 7035-0002 and inserting in place thereof the following item:-

7035-0002

For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, and English language learning, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, and that are selected competitively by the department of education; provided, that such grants shall support the successful transition of students from the most basic levels of literacy and English language proficiency to levels of skills and ability needed for parents to assume their role as full partners in their children's education, as citizens, and to successfully transition to community college certificate and degree granting programs and employment opportunities and advancement in the workplace; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by the department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that the department shall consult with the community colleges, workforce boards and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; provided further that these funds shall be used to expand access to these services, reduce the waiting lists for such services and better connect these services to skills and occupational training including workplace based and worker education programs and pathways to higher education, integrated family literacy and family support and citizenship preparation; provided further, there shall be established the Adult Basic Education Advisory Committee which shall provide general oversight and make recommendations to the commissioner and the board of education regarding how funding for this program shall be apportioned. The Committee shall be appointed by the commissioner and shall include a minimum of 1 representative of the Massachusetts Coalition for Adult Education, 1 representative of the Massachusetts Workforce Board Association, 1

representative of the Massachusetts Alliance for Adult Literacy, 1 representative of the ABE Directors Council, 1 representative of the Massachusetts Institute for a New Commonwealth, 1 representative of the Massachusetts AFL-CIO to be selected by the President of the Massachusetts AFL-CIO; 1 representative appointed by the commissioner of the department of workforce development, and 1 representative of the board of higher education. The commissioner shall convene the advisory committee at least quarterly; and provided further that not more than 7.5 per cent of the funds appropriated herein may be expended for administrative purposes..... \$32,322,628

**SECTION 94.** Notwithstanding any general or special law to the contrary, the comptroller shall transfer, not less than 10 days after the effective date of this act, the amount of \$10,000,000 from the General Fund to the Emerging Technology Fund, established pursuant to section 27 of chapter 23G of the General Laws.

This section was returned by the Governor with an amendment [for message, see House, No. 5110]

~~**SECTION 95.** Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer \$30,000,000 from the General Fund to the Brownfields Redevelopment Fund established pursuant to section 29A of chapter 23G of the General Laws; provided however, that not more than \$1,200,000 of this amount shall be used by the Massachusetts Development Finance Agency to fund a pilot program for grants, not to exceed \$350,000 per project, to be used for asbestos and lead paint abatement; provided, however, that not more than \$200,000 of said \$1,200,000, shall be used to study the efficacy, the continued need for, and the potential costs of extending said pilot program; and provided further, that the Massachusetts Development Finance Agency shall provide a detailed written report of its findings following said study no later than July 31, 2007 to the house and senate chairs of the committee on ways and means, the chairs of the joint committee on community development and small business and the chairs of the joint committee on economic development and emerging technologies.~~

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 96.** Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$13,000,000 from the General Fund to the Massachusetts Cultural Facilities Fund established pursuant to section 42 of chapter 23G of the General Laws.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 97.** Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer from the General Fund to the Workforce Competitiveness Trust Fund established pursuant to section 2WWW of chapter 29 of the General Laws an amount equal to the workforce training contributions required by section 14L of chapter 151A of the General Laws and collected in each fiscal year pursuant to said requirements; provided, however, that said transfer shall not be less than \$11,000,000; provided, further, that not less than \$1,000,000 shall be provided for grants to providers of workforce development and job skills training services for projects benefiting older adults.

**SECTION 98.** Notwithstanding any other general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer \$4,000,000 from the General Fund to the Massachusetts Science, Technology, Engineering and Mathematics Grant Fund established pursuant to section 2MMM of chapter 29 of the General Laws.

**SECTION 99.** Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$1,500,000 from the General Fund to the Educational Rewards Grant Program Fund established pursuant to section 2SSS of chapter 29 of the General Laws.

**SECTION 100.** Notwithstanding any other general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer \$1,000,000 from the General Fund to the CITI Fund established pursuant to section 2TTT of chapter 29 of the General Laws.

**SECTION 101.** Notwithstanding any general or special law to the contrary, 10 days after the effective date of this



act, the comptroller shall transfer \$2,500,000 from the General Fund to the Scholar-Internship Match Fund established pursuant to section 2UUU of chapter 29 of the General Laws.

**SECTION 102.** Notwithstanding any other general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$10,000,000 from the General Fund to the Massachusetts Research Center Matching Fund established pursuant to section 4F of chapter 40J of the General Laws.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 103.** Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer \$10,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund established pursuant to section 5 of chapter 23I of the General Laws.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 104.** Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer \$1,000,000 from the General Fund to the Wireless Broadband Development Fund established pursuant to sub-section (b) of section 6B of chapter 40J of the General Laws. Said funds shall be administered by executive director of the wireless and broadband development council, subject to the approval of said council, and in a manner consistent with the duties of the director of wireless and broadband development established pursuant to section 3 of chapter 23A of the General Laws; provided further, that within 9 months of the effective date of this act, said wireless and broadband development council shall submit an initial report to the governor, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, and the chairs of the joint committee on telecommunications, utilities and energy examining the current state of access to wireless, cellular and broadband internet services across the commonwealth. Said report shall include, but not be limited to, the following:

(i) a comprehensive needs assessment for wireless and broadband access in each county and municipality, taking into consideration the needs and demands of businesses, residents, consumers and public safety officials; (ii) an examination and evaluation of programs in communities with existing wireless internet and broadband capabilities; (iii) policy options at the state, county and municipal level to provide expanded or universal wireless access; (iv) the costs and potential funding mechanisms to pay for such policy options, including funding from commonwealth appropriations, county and local appropriations, private assessments or taxes, and other funding options; (v) identification of physical boundaries and "last-mile" areas that would require special solutions in gaining access to wireless and broadband services; (vi) identification of open dark fiber and telecom towers owned by the commonwealth, contracted or non-contracted telecommunications companies in the commonwealth; (vii) identification of any state law or regulation that hinders or affects the expansion of wireless and broadband communications services in the state; (viii) an analysis of best practice initiatives in other cities and states to expand wireless access and a subsequent analysis of which similar approaches would be appropriate in the commonwealth; and (ix) specific steps required to implement any policy options recommended by the council.

**SECTION 105.** Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer not less than \$3,000,000 from the General Fund to the Massachusetts Technology Transfer Center established pursuant to section 45 of chapter 75 of the General Laws; provided, that not less than \$500,000 of this amount shall be made available as a one-time grant to the center for economic analysis and assessment within the McCormack Graduate School of Policy Studies' Center for State and Local Policy, \$100,000 of which shall be expended by the center for economic analysis and assessment to commission a comprehensive manufacturing study from the Northeastern Center for Urban and Regional Policy; provided further, that the center for economic analysis and assessment shall seek a 1-to-1 match of non-state dollars to conduct the study; provided further, that the study shall investigate and document (1) the types of products that are manufactured in the commonwealth today; (2) where the products are made, by city or town; (3) the number of employees at each manufacturing site; (4) manufacturing trends; (5) existing linkages between suppliers and customers; (6) how technology and modern production processes are integrated into operations; (7) the reasons certain manufacturers are successful in the commonwealth; (8) the current impediments to successful manufacturing in the commonwealth; (9)

how educational institutions support manufacturing; (10) and economic development policies that are successful in promoting manufacturing in the commonwealth; provided further, that the study shall be submitted to the house and senate committees on ways and means and the joint committee on economic development and emerging technologies no later than July 1, 2007.

**SECTION 106.** Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer \$2,000,000 from the General Fund to the department of business and technology for grants administered by the department; provided, however, that not less than \$2,000,000 shall be made available for grants to community development corporations, community development financial institutions, or non profit community based organizations for the purpose of providing technical assistance or training programs to businesses with 20 employees or fewer; provided, however, that no single community development corporation, community development financial institution, or non profit community based organization shall receive a grant of more than \$75,000 in any one fiscal year. The department shall annually, on or before December 31, file a report with the house and senate committees on ways and means, and the joint committee on economic development and emerging technologies.

**SECTION 107.** Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out the provisions of section 2B, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, \$200,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Commonwealth Economic Investment Act of 2006, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2030. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

**SECTION 108.** Notwithstanding any general or special law to the contrary, the University of Massachusetts may serve as the sole member of a new corporation to be formed under chapter 180 of the General Laws, to be named the Corporation for Advanced Manufacturing in Massachusetts, hereinafter referred to as the corporation. The corporation shall have all the powers permitted under said chapter 180, including without limitation: (1) receiving, taking title to, holding managing, developing, improving, demolishing, renovating, leasing for terms up to 99 years or otherwise transferring, conveying or dealing with any real or personal property conveyed or transferred to it; (2) operating, providing, managing, contracting or otherwise arranging for services related to advanced manufacturing in the commonwealth; (3) incorporating other corporations; (4) contracting or collaborating with other public and private entities relative to bio-manufacturing and nano-manufacturing; (5) promoting applied research in advanced technologies, including but not limited to bio-manufacturing and nano-manufacturing. The corporation, its directors and officers shall be entitled to all rights, privileges and immunities and shall be subject to all liabilities set forth in said chapter 180. Said corporation shall collaborate with the Massachusetts Life Sciences Center, established pursuant to chapter 23I of the General Laws, in order to develop a strategic plan for the purposes of enhancing advanced manufacturing in the commonwealth and promoting life sciences in Massachusetts.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 109.** Notwithstanding any general or special law to the contrary, there shall be a special commission to study what economic incentive would be created by criteria intended to provide enhanced access to the commonwealth's MassHealth preferred drug list for in-state pharmaceutical companies. The special commission shall consider the potential benefit to the commonwealth of offering such enhanced access to in-state affiliates of out-of-state pharmaceutical companies whether or not those affiliates manufacture drugs in the commonwealth. The commission shall examine the current criteria that the office of Medicaid uses to determine access to the preferred drug list and shall determine whether the office has taken any action that unduly restricts access to drugs that are manufactured by in-state pharmaceutical companies. The commission shall recommend policies for the office that will encourage drug companies to locate facilities in Massachusetts and create jobs, which will provide economic stimulus to the commonwealth. The commission will conduct a cost benefit analysis to determine if there will be a savings or

an added cost to the commonwealth by adding drugs to the Mass Health preferred drug list produced by in-state pharmaceutical companies and shall determine if any added cost could be reduced or eliminated by applying a voluntary price neutralization factor from the pharmaceutical company. The net effect shall be measured against the positive economic impact of corporate investments, jobs and tax revenue generated by said companies. The commission shall also examine the legal implications of implementing preferential access for only in-state pharmaceutical companies to the state's preferred drug list.

The special commission shall consist of: the secretary of the executive office of administration and finance or his designee; the secretary of the executive office of health and human services or his designee; the secretary of the executive office of economic development or his designee; the president of the senate or his designee; the speaker of the house of representatives or his designee; and 2 members of the Massachusetts biotechnology council to be appointed by the governor, 1 of whom shall be a representative of a company with no fewer than 300 employees. The special commission shall report to the general court the results of its investigation and study, together with recommendations and drafts of legislation necessary to carry out any recommendations, by filing the report with the clerks of the senate and the house of representatives on or before December 31, 2006.

**The Governor disapproved the following section [for message, see House, No. 5101]**

**The Legislature overrode the Governor's veto.**

**SECTION 110.** Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Technology Park Corporation, established pursuant to chapter 40J of the General Laws, shall establish a program for the purposes of awarding grants to qualified manufacturers for the purpose of promoting defense industry-related technology development in southeastern Massachusetts. The corporation shall award such grants to qualified manufacturers for the purpose of assisting with the expansion or upgrading of existing manufacturing facilities located in southeastern Massachusetts to promote the development of new technologies and economic activity in the region. The corporation, in consultation with the southeastern regional planning and economic development district, established pursuant to section 9 of chapter 40B of the General Laws, shall develop rules for the administration of the grant program which shall set forth the terms, procedures, standards and conditions which the corporation shall employ to award the grants. The rules shall define qualified manufacturers as manufacturers who manufacture microdisplays for defense and related industries and who employ at least 100 employees in southeastern Massachusetts. The corporation shall submit an annual report no later than December 31st to the house and senate committees on ways and means and to the joint committee on economic development and emerging technologies detailing the operations of the grant program and the amount of jobs created or preserved by said grant.

**The Governor disapproved the following section [for message, see House, No. 5101]**

**The Legislature overrode the Governor's veto.**

**SECTION 111.** Notwithstanding any general or special law, rule or regulation to the contrary, a certain parcel of land located on the northerly side of Medford street in the Charlestown section of the city of Boston is hereby eliminated as a Designated Port Area under 301 C.M.R. 25 and 310 C.M.R. 9 and any other applicable provision of the code of Massachusetts regulations. Said parcel is located at 267-281 Medford street in the Charlestown section of the city of Boston, assessor's parcel number 02-02750-000, contains approximately 30,470 square feet of land and is registered under certificate of title number 109069 in the Suffolk county registry of deeds.

Notwithstanding chapter 91 of the General Laws or any other general or special law, rule or regulation to the contrary, no waterways license pursuant to said chapter 91 shall be required for the construction, reconstruction, renovation, use or re-use of any building or structure, which is or may be: (a) constructed on present or former private tidelands filled under the authority of chapter 105 of the acts of 1852, chapter 481 of the acts of 1855 and chapter 334 of the acts of 1893; (b) located more than 500 feet from the current high water mark of the Mystic River; and (c) located on the parcel at 267-281 Medford street in the Charlestown section of the city of Boston.

**SECTION 112.** Notwithstanding any general or special law to the contrary, the department of conservation and recreation shall enter into a memorandum of agreement hereinafter referred to as MOA with the Boston Island Alliance, a duly authorized nonprofit organization dedicated to promoting awareness and usage of the Boston harbor islands national park area, to assist in the development and improvement of the Boston harbor islands. Notwithstanding sections 38A½ to 38O, inclusive, of chapter 7 and sections 44A to 44J, inclusive, of chapter

149 of the General Laws, and in accordance with procurement and construction guidelines as approved by the division of capital asset management and as set forth in the MOA, the MOA may extend for an initial period of not more than 30 years and may authorize the Boston Island Alliance to provide the following services: procurement, undertaking studies and designs, obtaining permits and entering into and managing contracts for construction and operations. The MOA may allow for the Boston Island Alliance to accept funds and directed grants from the department or on behalf of the department from another agency and such other services as the department shall determine to be appropriate. The MOA may permit the Boston Island Alliance to retain funds generated by its activities pursuant to the MOA so long as such funds are used for the further purposes and promotion of the islands owned by the commonwealth within the Boston harbor islands national park area.

**SECTION 113.** Notwithstanding any general or special law to the contrary, not more than 15 days after the effective date of this act, the executive director of the Boston Harbor Alliance shall begin filing semi-annual reports on the progress of the new visitor contact station with the chairpersons of the house and senate committees on ways and means, the chairpersons of the joint committee on economic development and emerging technologies and the chairpersons of the joint committee on environment, natural resources and agriculture.

**SECTION 114.** (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

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

“Assessment parcel,” a portion of the northpoint development district upon which a project component of the northpoint project shall be developed as more fully described in, or determined in accordance with, the assessment plan.

“Assessment plan,” a detailed plan, as it may exist from time to time, as more fully described in paragraph (h) of this section, for assessment of the costs of infrastructure improvements financed by the agency in accordance with this section upon the benefited assessment parcels within the northpoint development district.

“Authority”, the Massachusetts Bay Transportation Authority established pursuant to section 2 of chapter 161A of the General Laws.

“Bonds”, when used in reference to the agency, any bonds, notes, debentures, interim certificates, or other financial undertakings for the purpose of raising capital, including, but not limited to, lines of credit, forward purchase agreements, investment agreements and other banking or financial arrangements, issued by or entered into by the agency pursuant to section 8 of chapter 23G of the General Laws.

“City,” the city of Cambridge.

“Construction”, means and includes both construction and acquisition and the term “to contract” means and includes both to construct and acquire.

“Costs”, the cost of construction, the cost of acquisition of all lands, structures, rights of way, franchises, easements and other property rights and interests and related riparian or water rights, the cost of demolishing, removing or relocating any buildings, structures or utilities on any lands to which such buildings, structures or utilities may be moved or relocated, the cost of all labor, materials, machinery and equipment, financing charges, interest on all bonds prior to and during the Northpoint project and for a period not exceeding one year after completion thereof, the cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, other expenses necessary or incidental to determining the feasibility or practicability of the Northpoint project, administrative expenses, and such other expenses as may be necessary or incidental to the Northpoint, the financing thereof, placing of the same in operation and the issuance of bonds under this section, including but not limited to the establishment and funding of reserves to secure such bonds.

“Developer,” NorthPoint Cambridge Land Company, LLC, and any successor thereto.

“Development plan,” the northpoint final development master plan approved by the planning board of the city by a notice of decision issued March 11, 2003, as such plan may be amended or supplemented from time to time.

“Financing Document”, an instrument entered into by the agency with one or more other persons pertaining to the issue or securing of bonds or the application to the purposes of the agency of proceeds of bonds or other funds of the agency. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement, security agreement, letter of credit, reimbursement agreement, or currency or interest rate swap agreement. A financing document may also be an agreement between the agency and a lending institution which has agreed to make a loan to a user to finance a project.

“Improvement”, includes reconstruction, remodeling, rehabilitation, extension, enlargement and “to improve” includes to reconstruct, to remodel, to rehabilitate, to extend, to enlarge and to improve.

“Infrastructure assessments,” amounts assessed by the agency upon assessment parcels within the northpoint development district as provided in paragraph (i) of this section to defray the costs of public infrastructure improvements financed by the agency in accordance with this section.

“Land exchange agreement,” the development and land exchange agreement dated as of November 1, 2000, between the authority and Guilford Transportation Industries, Inc. as such agreement may be amended or supplemented from time to time.

“Northpoint development district,” the several contiguous parcels of real property owned or leased by the developer in the city and in the cities of Somerville and Boston within which the northpoint project is being and shall be developed, as more fully described in the assessment plan.

“Northpoint project,” the acquisition, construction, expansion, improvement and equipping of industrial, commercial, research and development, residential and other facilities, or any combination thereof, including facilities to be owned or leased by governmental entities, and all lands, buildings, and other structures, equipment and property forming a part thereof, located or to be located within the northpoint development district, and all public infrastructure improvements within or adjacent to the northpoint development district necessary or desirable for such project, as more fully described in the development plan and the land exchange agreement.

“Person”, any natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, societies, associations, and partnerships and subordinate instrumentalities of any one or more political subdivisions of the commonwealth.

“Project component,” one or more buildings or structures to be acquired, constructed, rehabilitated or otherwise improved as a single unit or under common ownership or use as part of the northpoint project, as more fully described in, or determined in accordance with, the assessment plan.

“Public infrastructure improvements,” facilities serving an essential governmental function owned or to be owned by the city or an agency or instrumentality thereof or the authority or any other agency or instrumentality of the commonwealth, as more fully described in the development plan and the land exchange agreement, including without limitation streets, sidewalks, street lighting, landscaping, water and wastewater facilities, storm drainage systems, bridges, culverts, tunnels, rail and other transportation facilities, including the transit facilities described in the land exchange agreement, parking facilities, including garages, parks, playgrounds, and recreational facilities, and all similar facilities within or adjacent to the northpoint development district, and all real property or rights therein, and buildings, structures, equipment and other property forming a part thereof.

“Revenues”, any receipts, fees, rentals or other payments or income received or to be received on account of obligations to the agency under a financing document including, without limitation, income on account of the leasing, mortgaging, sale or other disposition of a project or proceeds of a loan made by the agency in connection with any project and also including amounts in reserves or held in other funds or accounts established in connection with the issuance of bonds and the proceeds of any investments thereof, proceeds of foreclosure and any other fees, charges or

other income received or receivable by the agency other than the industrial mortgage established pursuant to section 4 of chapter 23G of the General Laws with respect to a project or the financing thereof.

(c) In addition to the powers granted pursuant to chapter 23G and chapter 40D of the General Laws, the agency is hereby authorized to borrow money and issue and secure its bonds for the purpose of financing public infrastructure improvements within or adjacent to the northpoint development district as provided in, and subject to, the provisions of this section. For this purpose, except as otherwise provided herein, the provisions of said chapters 23G and 40D of the General Laws, as applicable to the agency, shall apply to bonds issued under this section, except that the provisions of section 12 of said chapter 40D shall not apply to bonds issued hereunder or to the public infrastructure improvements financed thereby. Public infrastructure improvements financed by the agency hereunder shall constitute a project within the meaning of section 1 of said chapter 23G and section 1 of said chapter 40D but shall not be considered facilities to be used in a commercial enterprise or an economic development project pursuant to said section 1 of said chapter 23G. The agency shall not be obligated to pay the principal or purchase price of, or premium, if any, or interest on bonds issued pursuant to this section except from the infrastructure assessments and other amounts pledged therefore pursuant to the provisions of said chapter 23G and said chapter 40D and this section, and neither the faith and credit of the agency nor the faith and credit or taxing power of the commonwealth or of any political subdivision thereof is pledged to the payment of the principal or purchase price of, or premium, if any, or interest on such bonds.

(d) In consideration of the financing of the public infrastructure improvements by the agency as provided in this section, the developer shall undertake the public infrastructure improvements included in the development plan and the land exchange agreement and, upon completion thereof, shall convey such public infrastructure improvements to the city, or to an agency or instrumentality of the city, or to the authority or another political subdivision, agency or instrumentality of the commonwealth. Notwithstanding any general or special law to the contrary, except as otherwise provided in the land exchange agreement or any other agreement pertaining to the public infrastructure improvements the provisions of sections 38A to 38O, inclusive, of chapter 7, section 39M of chapter 30, chapter 30B, sections 44A to 44M, inclusive, of chapter 149 of the General Laws or any other general or special law, regulation, ordinance or by-law providing for the advertising, bidding or awarding of contracts for design or construction or improvement to property shall not apply to the design and construction of any public infrastructure improvements in accordance with the provisions of this section or the procurement by the city, the authority or any other governmental entity of such infrastructure improvements or any agreement for the maintenance, repair or improvement thereof described in paragraph (f) of this section.

(e) The authority is hereby authorized to convey to the developer certain properties owned by said authority and described in the land exchange agreement in exchange for the public infrastructure improvements to be constructed for such authority by the developer and to lease to the developer certain portions of such public infrastructure improvements as more particularly described in the land exchange agreement. The provisions of subsections (b) and (c) of section 5 of chapter 161A of the General Laws shall not apply to said transfer and lease.

(f) Except as otherwise provided in the development plan or the land exchange agreement, the developer shall be solely responsible for all costs and expenses related to: (i) developing, holding, operating and maintaining all lands and other properties within the northpoint development district, including the costs and expenses of maintaining all public infrastructure improvements included thereon prior to their conveyance to the city, the authority or other applicable governmental entity; and (ii) the agency's issuance of bonds pursuant to this section and otherwise carrying out its obligations and duties pursuant to this section. Notwithstanding the foregoing, the city, the authority and any other governmental entity to which any of the public infrastructure improvements financed hereunder shall be conveyed may enter into an agreement with the developer for the maintenance, repair and improvement by the developer of all or any portion of such public infrastructure improvements for such period subsequent to the conveyance thereof by the developer, and with such other terms and conditions, as the parties shall deem appropriate and desirable.

(g) The developer shall be entitled to receive, hold and expend all income and other receipts derived by it from its interest in the lands and properties included within the northpoint development district and, except as otherwise provided in the development plan and the land exchange agreement or other agreement between the developer and the city or the authority, shall be solely responsible for the payment of all taxes, including infrastructure assessments,

payable with respect to or on the developer's operations on such lands and properties. The developer may mortgage, sell, lease or otherwise encumber or dispose of all or any part of the lands and other properties included within the northpoint development district, subject to the liens thereon for property taxes payable to any municipality pursuant to chapter 59 of the General Laws and for infrastructure assessments payable to the agency pursuant to this section.

(h) Prior to the issuance of bonds by the agency to finance public infrastructure improvements pursuant to paragraph (c) of this section, the developer shall file for approval by the agency an assessment plan allocating the costs of the public infrastructure improvements financed by such bonds among the assessment parcels for all or such portion of the project components within the northpoint development district as shall be specified in the assessment plan. Except as otherwise provided in the assessment plan, the costs of the public infrastructure improvements shall be deemed to be the principal, interest and premium, if any, payable on such bonds, or any bonds issued by the agency to the refund the same, plus all costs and other expenses incurred by the agency in assessing and collecting infrastructure assessments hereunder and otherwise administering the assessment plan. The assessment plan shall at a minimum: (i) indicate the boundaries of the northpoint development district; (ii) describe the public infrastructure improvements to be designed, installed, constructed, improved, altered, enlarged, repaired, remodeled or reconstructed as part of the northpoint project, including the estimated cost thereof; (iii) describe any bonds to be issued in accordance with this section to finance any public infrastructure improvements included in the northpoint project, and the debt service thereon and the agency's costs and expenses in assessing and collecting infrastructure assessments hereunder and otherwise administering the assessment plan, or the manner of determining the same; (iv) describe the boundaries of each assessment parcel within the northpoint development district, or the manner of determining the boundaries of each assessment parcel; and (v) subject to the provisions of paragraph (k) of this section, describe the methodology for calculation of infrastructure assessments to be levied by the agency upon such assessment parcels, or the manner of determining such methodology, to recover the costs of the public infrastructure improvements financed by the agency.

(i) In consideration of the special benefit and advantage received by the northpoint development district from the construction of the public infrastructure improvements included in the development plan and the land exchange agreement, and the financial assistance provided hereunder by the agency, following the issuance by the agency of any bonds to finance costs of said public infrastructure improvements the agency shall fix, and in each fiscal year thereafter charge and collect, a special assessment, herein referred to as an infrastructure assessment, upon each assessment parcel identified in the assessment plan in an amount equal to such assessment parcel's allocable share of the costs of the public infrastructure improvements as determined in accordance with the assessment plan. Infrastructure assessments collected by the agency shall be applied by the agency to pay the principal, interest and premium, if any, payable on bonds issued by the agency to finance such public infrastructure improvements, and to pay or reimburse the agency for all costs and other expenses incurred by the agency in assessing and collecting such infrastructure assessments and in administering the assessment plan and otherwise in performing its obligations and duties pursuant to this section. In addition to the provisions of the bond sections pertaining to the security of bonds issued thereunder, bonds issued by the agency pursuant to this section may be secured by a pledge of the infrastructure assessments received or to be received by the agency as provided herein and the financing document therefor.

(j) Liens imposed by the city or any other municipality for the payment of property taxes on the northpoint development district under chapter 59 of the General Laws shall have priority in payment over any lien securing payment of any infrastructure assessment hereunder. Except as otherwise provided herein or in the assessment plan, infrastructure assessments pursuant to this section shall be collected by or on behalf of the agency and secured in the same manner as betterments and other special assessments owed to a city or town in the commonwealth and shall be subject to the same penalties and to the same lien priority and sale procedures in case of delinquency as is provided in the General Laws for such betterments and special assessments, provided that the owner of an assessment parcel shall not be personally liable for the infrastructure assessment thereon. In addition to the powers of collection otherwise granted to the agency pursuant to chapter 23G and chapter 40D of the General Laws, the agency shall have and may avail itself of such provisions of the General Laws relative to the assessment, apportionment, division, fixing, reassessment, revision and collection of property taxes, betterments and other special assessments by cities and towns, and the establishment of liens therefor and interest thereon, and the procedures set forth in sections 5 and 6 of chapter 254 of the General Laws for the foreclosure of liens arising under section 6 of chapter 183A of the General Laws, as the agency shall deem necessary and appropriate for purposes of the assessment and collection of infrastructure

assessments under this section.

(k) The infrastructure assessments established by the agency pursuant to paragraph (i) of this section with respect to assessment parcels included in the northpoint development district shall be initially fixed in respect of the aggregate thereof so as to provide revenues in each fiscal year following the issuance by the agency of any bonds for the purposes provided in paragraph (c) of this section at least equal to the principal, interest and premium, if any, payable on such bonds in such fiscal year, plus all costs and other expenses (i) incurred by the agency in assessing and collecting such infrastructure assessments and in administering the assessment plan and otherwise in performing its obligations and duties pursuant to this section and (ii) otherwise incurred in connection with the financing of public infrastructure improvements hereunder. The agency shall allocate such principal, interest and premium, if any, and costs and expenses among all of the assessment parcels within the northpoint development district identified in the assessment plan by such methods as shall be set forth in the assessment plan, which methods may include allocation by length of frontage, or type of project component, including classification of assessment parcels among residential, commercial, industrial and open space uses, or by the square footage of an assessment parcel or a project component, or according to the value of the assessment parcel as determined by such method as the agency shall deem appropriate, or by such other methods as the agency determines shall result in fairly allocating the costs of the public infrastructure improvements financed by such bonds to the real estate in the northpoint development district. Infrastructure assessments established by the agency shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the city or the commonwealth or any other political subdivision thereof and shall not be subject to the provisions of sections 20A and 21C of chapter 59 of the General Laws. Subject to the provisions of the assessment plan, the agency shall establish a schedule for the payment of infrastructure assessments levied by the agency, including provisions relative to the mandatory or optional prepayment of any infrastructure assessments, and a schedule of fees and charges payable by the owner of any assessment parcel as a consequence of any delinquency or default in the payment of any infrastructure assessment thereon.

(l) Notwithstanding any general or special law to the contrary, the agency may contract with one or more persons for any services required by the agency regarding the assessment, apportionment, division, fixing, reassessment, revision, collection and enforcement of infrastructure assessments hereunder, and the fees, costs and other expenses thereof shall be included in the calculation of the infrastructure assessments levied by the agency hereunder.

(m) The provisions of this section shall be deemed to provide an exclusive, additional, alternative and complete method for the doing of the things authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the agency by any other law; provided, however, that insofar as the provisions of this section are inconsistent with the provisions of any general or special law, the provisions of this section shall be controlling.

**SECTION 115.** As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Authority”, the Massachusetts Turnpike Authority established by section 1 of chapter 81A of the General Laws.

“Central artery”, as defined in section 3 of chapter 81A of the General Laws.

“Department”, the department of telecommunications and energy, established in section 1 of chapter 25 of the General Laws.

“Usable space”, the total space that would be available for wireless attachments, without regard to attachments previously made, within the tunnels of the central artery project.

“Wireless attachment”, any device, apparatus, appliance or equipment used or useful in providing wireless communications services, including any associated wire or cable, used in the provision of a commercial wireless communications system.

“Wireless provider”, any person, firm or corporation which provides commercial wireless communication services.



Where it has been determined by the general court that an effective and seamless state-of-the-art wireless communications system in the Central Artery tunnels owned or controlled by the authority provides economic benefits to and ensures the safety of citizens of the commonwealth, consistent with its authority pursuant to section 4 of chapter 81A of the General Laws, the authority shall ensure that a wireless communications system is established in the tunnels of the central artery no later than December 31, 2006 through the issuance of licenses, easements or other instruments and by cooperating with and allowing access by wireless providers to said tunnels of the central artery.

In order to effectuate the provision of wireless communications services in the tunnels of the central artery, the department shall have the authority to establish rates and fees and shall open a proceeding to establish the maximum rates and fees which can be charged by the authority to wireless providers for the placement and use of wireless attachments in the central artery tunnels. The department shall determine just and reasonable maximum rates and fees for the placement of wireless attachments and use of space in the tunnels of the central artery by wireless providers by assuring that the authority's recovery does not exceed the cost to the authority of construction, operations and maintenance of the wireless communications system in the tunnels of the central artery. In establishing these rates and fees, the department shall compute the percentage of usable space in the tunnels of the central artery which has been or will be allocated to wireless attachments, and shall consider the number of wireless providers that will be participating in the wireless communications system to be established in the tunnels. The department, after hearing, shall issue its order establishing rates and fees within 180 days of the effective date of this section. The department is hereby authorized to promulgate rules and regulations for the administration and enforcement of this section.

**SECTION 116.** A party entering into a tax increment financing or economic opportunity area agreement shall be responsible for notifying the economic assistance coordinating council and the municipality of any substantial change to the tax increment financing or economic opportunity area agreement. This notice shall be provided to the economic assistance coordinating council and municipality in writing within 90 days of the agreement and shall be provided annually to the department of revenue.

The term "substantial change", as used herein, shall mean the off-shoring of production, outsourcing of functions or relocation of business functions; any operational changes in the nature of products or services; any cessation or pause in operations; any net workforce reduction or change in hiring plans; or any sale, transfer or change in ownership or structure of the company.

A violation of the foregoing shall result in a revocation of the tax increment financing or the economic opportunity area agreement by the municipality or economic assistance coordinating council at its discretion.

**The Governor disapproved the following section [for message, see House, No. 5101]**

**The Legislature overrode the Governor's veto.**

**SECTION 117.** There is hereby established a special commission created for the purpose of studying and making recommendations concerning the development of financial assets as a way to ensure that all people in the state of Massachusetts achieve long-term, sustainable economic security and self-sufficiency and enjoy economic opportunity. The commission shall consist of 2 members of the senate; 2 members of the house of representatives; the treasurer and receiver general or his designee; the secretary of the executive office of administration and finance or his designee; the director of the department of housing and community development or his designee; the secretary of the executive office of health and human services or his designee; the director of the department of economic development or his designee; the chairman of the board of higher education or his designee; 1 shall be a representative of the Massachusetts Community Action Program Directors' Association, 1 shall be a representative of the Massachusetts Association of Community Development Corporations, 1 shall be a representative of the Massachusetts Individual Development Account Solutions; and 13 members appointed by the governor, 1 of whom shall be a representative of the general public who has participated or is participating in an individual development account administered by a community based organization based in Massachusetts, 1 of whom shall be a representative from the general public who manages an existing individual development account program in Massachusetts, 2 of whom shall be representatives of the Massachusetts Bankers Association, 1 of whom shall be a representative of the United Way of Massachusetts Bay, 1 of whom shall be a representative of a private philanthropy or private foundation, 1 of whom shall be a representative of the Women's Educational and Industrial Union, 1 of whom shall be a representative of an Earned Income Tax Credit counseling organization, 1 of whom shall be a representative of the Institute on Assets and

Social Policy at the Heller School for Social Policy and Management at Brandeis University, 1 of whom shall be a representative of a public or private institution of higher education, 1 of whom shall be a representative of the Massachusetts Institute for a New Commonwealth, 1 of whom shall be a representative of the Massachusetts AFL-CIO, and 1 of whom shall be a representative of the Federal Reserve Bank of Boston.

The commission created shall: examine the success of low-income workers of the commonwealth in saving money and building assets, and the reasons why some people have had less success than others; assess the impact of current state policies and private sector practices on saving and asset-building; identify strategies that offer a real promise of significantly increasing the numbers of those who save and build assets and the amounts they accumulate; and, make recommendations, consistent with the state's short- and long-term fiscal condition, for state policies and practices, including action in coordination and collaboration with businesses and financial institutions, labor organizations and community and faith-based organizations, to implement those strategies. The commission, in formulating its recommendations, shall take account of the best policies and practices in other states and jurisdictions, particularly, but not limited to those relating to individual development accounts for low-income and low-asset households.

The focus of the commission shall include, but not be limited to, asset development strategies for low-income and low-asset individuals and families living in Massachusetts. Where relevant, the commission shall consider the impact of labor market, education and training, and family-support policies and practices on opportunities for financial asset-building. The commission shall be empowered to hold regular public meetings, fact-finding hearings and other public forums, as it considers necessary.

The commission shall file its recommendations, together with recommendations for legislation, if any, with the house and senate clerks who shall forward the same to the general court no later than 2 years after the passage of this act.

**SECTION 118.** All rights, duties and obligations previously entered into by MiniFenway Park, Inc. pursuant to chapter 275 of the acts of 1998, as amended by chapter 183 of the acts of 2002, shall be assigned to Kids Replica Ballpark, Inc. pursuant to an agreement between parties and Major League Baseball.

**SECTION 119.** Notwithstanding any special or general law to the contrary, the Massachusetts highway department shall erect and maintain a sign on interstate highway route 93 designating the location of Mini-Fenway Park at exit 8.

**SECTION 120.** Notwithstanding any municipal zoning ordinance or zoning regulation, all buildings, playing fields, and any other supporting structures and improvements shall be constructed on the property authorized and designated under chapter 275 of the acts of 1998; provided that, all buildings, playing fields, and any other supporting structures and improvements to be constructed on said property shall be presented to the city of Quincy and subject to the approval of the department of conservation and recreation.

**SECTION 121.** Notwithstanding any municipal zoning ordinance or zoning regulation, the department of conservation and recreation and the department of capital asset and management shall have the right for a curb cut or curb cuts from Ricciuti drive in the city of Quincy which is adjacent to and abutting the department of conservation and recreation's property.

The Governor disapproved the following section [for message, see House, No. 5101]

**The Legislature overrode the Governor's veto.**

**SECTION 122.** Notwithstanding any general or special law to the contrary, the commissioner of the department of revenue shall promulgate rules or regulations for the administration and enforcement of section 55, which shall take effect on July 1, 2007.

**SECTION 123.** Sections 56, 57 and 58 shall be effective for tax years commencing on or after January 1, 2006.

*Approved (in part) June 24, 2006*

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*Disapproved items*

7004-0099 and 7007-0900 (in section 2) and 7004-0090, 7007-9031, 7007-9033 and 7100-8181 (in section 2A) and sections 3, 6, 7, 14, 15, 24, 35, 37, 39, 41, 49, 53, 54, 55, 65, 83, 85, 87, 88, 89, 91, 96, 97, 103, 104, 109, 110, 111, 117 and 122 and reductions and wording disapprovals in items 7003-0702 (in section 2) and 7004-2051 and 7007-9036 (in section 2A)

Governor returned with recommendations of amendments to sections 21, 25 to 28, inclusive, 31, 52, 59, 74, 92 and 95  
**[see House, No. 5102]**

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