FILED ON: 7/24/2020

HOUSE . . . . . No. 4879

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act enabling partnerships for growth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith finance improvements to the commonwealth's economic infrastructure and promote economic opportunity, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public 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 a program of economic development and job creation, the sums set forth in sections 2 and 2A, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds; provided, however, that the amounts specified in an item or for a particular project may be adjusted in order to facilitate projects authorized in this act. These sums shall be in addition to any amounts previously authorized and made available for these purposes.

SECTION 2.

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Office of the Secretary

7002-8000 For the program administered by the Massachusetts Development Finance Agency for site assembly, site assessment, predevelopment permitting and other predevelopment and marketing activities that enhance a site's readiness for commercial, industrial or mixed-use development; provided, that a portion of the funds shall be used to facilitate the expansion or replication of successful industrial parks ……..….. $15,000,000

7002-8001 For the Massachusetts Growth Capital Corporation, established in section 2 of chapter 40W of the General Laws, for a program to provide matching grants to community development financial institutions certified by the United States Treasury or community development corporations certified under chapter 40H of the General Laws to enable the community development financial institution or community development corporation to leverage federal or private investments for the purpose of making loans to small businesses, including, but not limited to, businesses owned by women, veterans, minorities and immigrants ……..... $35,000,000

7002-8002 To provide funds to the Massachusetts Broadband Incentive Fund established in section 6C of chapter 40J of the General Laws for capital repairs and improvements to broadband infrastructure owned by the Massachusetts Technology Park Corporation established by section 3 of chapter 40J ……..…… $5,000,000

7002-8003 For the Massachusetts Technology Park Corporation established by section 3 of chapter 40J for matching grants that support collaboration among manufacturers located in the commonwealth and institutions of higher education, nonprofits and other public or quasi-public entities; provided, that eligible grantees shall include, but not be limited to, participants in the Manufacturing USA Institutes established under the National Network for

Manufacturing Innovation; and provided further, that grants shall be awarded and administered consistent with the strategic goals and priorities of the advanced manufacturing collaborative established by section 10B of chapter 23A ……...…….. $10,000,000

7002-8004 For projects receiving assistance from the Scientific and Technology Research and Development Matching Grant Fund established by section 4G of chapter 40J of the General Laws; provided, that not less than $2,000,000 shall be expended for the University of Massachusetts Amherst for capital improvements to the marine station in Gloucester; provided further, that use of funds may include the following purposes: (a) capital improvements, equipment and faulty start-up costs at the marine station, and (b) capital equipment and other start-up costs for a sustainable seafood production center of excellence including, but not limited to, acquiring, expanding, improving or leasing a facility on Gloucester Harbor in Gloucester; and provided further, that the University of Massachusetts Amherst shall provide a 50 per cent match to these funds ……. $47,000,000

7002-8027 For a competitive program of grants or other financial assistance to support economic development, job creation and housing and climate resilience initiatives, including nature-based solutions projects, that incorporate these elements, for the public purpose of promoting economic opportunity and prosperity in small towns or rural areas of the commonwealth; provided, that such financial assistance may be offered to a municipality or other public entity, a community development corporation, nonprofit entity or for-profit entity; provided further, that such financial assistance must support a project located in a municipality with a population of fewer than 7,000 year-round residents or a population density of not more than 500 persons per square mile; provided further, that financial assistance offered pursuant to this line item may be administered by the executive office through a contract with the

Massachusetts Development Finance Agency established by section 2 of chapter 23G; and provided further, that the administering agency may establish additional program requirements through regulations or policy guidelines …….. $10,000,000

7002-8028 For the Massachusetts Growth Capital Corporation established in section 2 of chapter 40W of the General Laws, to provide matching grants to low- and moderate-income entrepreneurs to acquire, expand, improve or lease a facility, to purchase or lease equipment or to meet other capital needs of a business with not more than 20 employees and annual revenues not exceeding $2,500,000; provided, that preference shall be given to businesses located in low- or moderate-income areas or owned by women, veterans, minorities or immigrants; provided further, that not less than $5,000,000 shall be given to minority-owned businesses …… $15,000,000

7002-8029 For a competitive grant program administered by the Massachusetts office of travel and tourism to improve facilities and destinations visited by in-state and out-of-state travelers, with the goals of increasing visitation, enticing repeat visitation and increasing the direct and indirect economic impacts of the tourism industry in all regions of the commonwealth; provided, that grants shall support the design, repair, renovation, improvement, expansion and construction of facilities owned by municipalities or nonprofit entities; provided further, that all grantees shall provide a match based on a graduated formula determined by the Massachusetts office of travel and tourism; and provided further, that grant recipients shall be required to measure and report on return-on-investment data after the expenditure of grant funds ……..…… $10,000,000

7002-8031 For a program to provide assistance to projects that will improve, rehabilitate or redevelop blighted, abandoned, vacant or underutilized properties to achieve the public purposes of eliminating blight, increasing housing production, supporting economic development projects, increasing the number of commercial buildings accessible to persons with disabilities and conserving natural resources through the targeted rehabilitation and reuse of vacant and underutilized property; provided, that such assistance shall take the form of a grant or a loan provided to a municipality or other public entity, a community development corporation, nonprofit entity or for-profit entity; provided further, that eligible uses of funding shall include, but not be limited to, improvements and additions to or alterations of structures and other facilities necessary to comply with requirements of building codes, fire or other life safety codes and regulations pertaining to accessibility for persons with disabilities, where such code or regulatory compliance is required in connection with a new commercial, residential or civic use of such structure or facility, and also shall include the targeted removal of existing underutilized structures or facilities to create or activate publicly-accessible recreational or civic spaces; provided further, that funding shall be awarded on a competitive basis in accordance with guidelines developed by the agency; provided further, that financial assistance offered pursuant to this line item may be administered by the executive office through a contract with the Massachusetts Development Finance Agency established by section 2 of chapter 23G; provided further, that the executive office or the Massachusetts Development Finance Agency may establish additional program requirements through regulations or policy guidelines; provided further, that program funds may be used for the reasonable costs of administering the program; and provided further, that such costs shall not exceed 5 per cent of the total assistance made during the fiscal year ……..…….. $40,000,000

7002-8032 For grants and technical assistance to be made to municipalities and regional applicants, to support planning and locally-driven initiatives related to community development, housing production, workforce training and economic opportunity, childcare and early education initiatives and climate resilience initiatives, including nature-based solutions projects, that incorporate these elements, across the commonwealth within individual communities, regions or a defined subset of communities therein; provided, that funds shall be expended for culturally competent and multi-lingual technical assistance and training to small businesses; and provided further, that preference for these funds shall be given to businesses located in low- or moderate-income areas and owned by women, veterans, minorities or immigrants ……..…… $10,000,000

7002-8033 For an employment social enterprise capital grant program to be administered by the executive office of housing and economic development, in consultation with the executive office of labor and workforce development, for the development of eligible facilities for nonprofit employment social enterprises that sell goods and services and enhance economic development; provided, that eligible applicants shall be nonprofit organizations with a demonstrated history of operating employment social enterprises targeting individuals facing significant barriers to employment; provided further, that grants shall support costs associated with the acquisition of real property, and design, construction, repair, rehabilitation or renovation of an eligible facility, and costs directly related to the development of an eligible facility; provided further, that the employment social enterprises shall employ low-income individuals, with priority to targeted populations who experience complex needs and barriers to employment that require intensive interventions; and provided further, that eligible organizations provide the following services for targeted individuals as an integrated part of their paid employment in a

social enterprise: (i) outreach to targeted populations; (ii) on-the-job training and skill development, including worksite supervision and performance coaching; (iii) supportive services provided for at least 1 year, including, but not limited to, case management aimed at helping to overcome barriers to employment; (iv) assistance to obtain external employment; and (v) job retention services which includes follow up with beneficiaries for at least 1 year and employers to support job retention and advancement…….…… $10,000,000

7002-8034 For the Commonwealth Zoological Corporation established in section 2 of chapter 92B of the General Laws, for costs associated with the preparation of plans, studies and specifications, repairs, construction, renovations, improvements, maintenance, asset management and demolition and other capital improvements including those necessary for the operation of facilities operated by Zoo New England, including the Franklin Park Zoo and the Walter D. Stone Memorial Zoo; provided, that not less than $2,500,000 shall be used for construction and be required to have a one-to-one match; and provided further, that Zoo New England shall provide a matching amount equal to $1 for every $1 disbursed from this item……... $10,000,000

7002-8035 For the Massachusetts Growth Capital Corporation established in section 2 of chapter 40W of the General Laws, to provide working capital loans to small businesses severely impacted by the 2019 novel coronavirus pandemic; provided, that funds shall include, but not be limited to, employee payroll and benefit costs, mortgage interest, rent, utilities and interest on other debt obligations; provided further, that loan amounts dispersed under this item shall not require repayment if the loan recipient: (i) expends the entirety of the loan payment on employee payroll and benefit costs, mortgage interest, rent, utilities and interest on other debt obligations and not less than 60 per cent of the loan payment on payroll and benefit costs; (ii)

maintains the same or greater number of employees as the period prior to the governor's March 10, 2020 declaration of a state of emergency relative to the 2019 novel coronavirus pandemic; and (iii) maintains employee wage or annual salary levels at not less than 75 per cent as the period prior to the governor's March 10, 2020 declaration of a state of emergency relative to the 2019 novel coronavirus pandemic; provided further, that priority in awarding grants shall be given to: (i) businesses that serve areas of the commonwealth particularly impacted by the outbreak of the 2019 novel coronavirus pandemic; and (ii) businesses that have not received aid from federal programs related to the 2019 novel coronavirus; provided further, that not less than $20,000,000 shall be made available to minority-owned, women-owned and veteran-owned businesses; provided further, that not later than April 1, 2021, the Massachusetts Growth Capital Corporation shall submit a report to the house and senate committees on ways and means detailing: (i) loan recipients; (ii) loan amounts by recipient; and (iii) any additional criteria considered in the awarding of loans and in determining loan forgiveness…$30,000,000

SECTION 2A.

JUDICIARY

Trial Court

1102-5702 For costs associated with information technology capital improvements at the trial court to support the provision of virtual mediation services pursuant to section 109 of this act ….$15,000,000

TREASURER AND RECEIVER GENERAL

Massachusetts Cultural Council

0640-0303 For a competitive grant program to be administered by the Massachusetts cultural council to: (i) promote artists, among all disciplines and sectors, including, arts, humanities and sciences, in creating new mediums to showcase their art, including showcasing their work in a variety of media formats and platforms, including, video, audio and interactive platforms; and (ii) promote local museums in the commonwealth, to showcase their exhibits and events by using remote access, including, video, audio and interactive platforms; provided, that funds may be used to assist artists to enhance and expand remote media platforms in response to the outbreak of the 2019 novel coronavirus, also known as COVID-19; provided further, that the funds may be used to increase remote access to enhance and provide remote programming and operations by local museums; provided further, that the Massachusetts cultural council shall determine the criteria to evaluate applications for the grant program; provided further, that the criteria shall promote remote access to cultural experiences, including new operation and programming models within the arts, humanities and sciences; provided further, that the criteria shall include, but not be limited to, the commitment by the artists and museums to improve and diversify access to remote cultural experiences, the artists and museums having the knowledge and skill to develop and implement the remote media platforms; and provided further, that the criteria shall prioritize local artists and local museums in the commonwealth, including, small to mid-sized museums….$5,000,000

0640-0304 For a competitive grant program to be administered by the Massachusetts cultural council, in consultation with the department of elementary and secondary education, to assist public school districts in providing access to cultural experiences in the community, including arts, humanities and sciences, through the use of information technology to provide remote experiences; provided, that the funds may be used to reimburse the costs incurred by

school districts providing remote cultural experiences in response to the outbreak of the 2019 novel coronavirus, also known as COVID-19; provided further, that the Massachusetts cultural council, in consultation with the department of elementary and secondary education, shall determine criteria used to evaluate applications for the grant program; provided further, that the criteria shall promote access to cultural experiences, including, arts, humanities and sciences, for public school districts; and provided further, that the criteria shall include, but not be limited to, school districts using creative means to educate students during the outbreak of COVID-19 in place of school field trips and the ease of student access to the remote cultural experience…..$5,000,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-0059 For state financial assistance in the form of grants or loans to accelerate and support the creation of low- and moderate-income housing in close proximity to transit nodes; provided, that the program shall be administered to achieve the following public benefits: (1) maximize the amount of affordable residential and mixed-use space in close proximity to transit nodes, resulting in higher density, compact development and pedestrian-friendly, inclusive and connected neighborhoods; (2) increase mass transit ridership; (3) decrease traffic congestion and reduce greenhouse gas emissions; and (4) increase economic opportunity for disadvantaged populations by making it easier for residents of affordable housing to access public transportation, including transportation supporting commutes to employment centers; provided further, that entities eligible to receive financial assistance shall include governmental bodies, community development corporations, local housing authorities, community action

agencies, community-based or neighborhood-based nonprofit housing organizations, other nonprofit organizations and for-profit entities; provided further, that financial assistance provided pursuant to this section shall be made on a competitive basis, with preference for projects in communities that are most impacted by the 2019 novel coronavirus pandemic; provided further, that funds may be used to assist units occupied by and affordable to persons with incomes up to, but not exceeding, 110 per cent of the area median income, as defined by the United States Department of Housing and Urban Development, with priority given to projects that provide higher and deeper levels of affordability; provided further, that not less than 25 per cent of the occupants of housing in projects assisted by this item shall be persons whose income is not more than 60 per cent of the area median income, as so defined; provided further, that financial assistance offered pursuant to this line item may be administered by the department through a contract with the Massachusetts Housing Partnership Fund, established in section 35 of chapter 405 of the acts of 1985, which in turn may directly offer financial assistance for the purposes set forth herein, or may enter into subcontracts with nonprofit organizations established pursuant to chapter 180 of the General Laws for those purposes; provided further, that the department may provide financial support to nonprofit and for-profit developers that enter into binding agreements to set aside residential units in market-rate transit-oriented housing, over and above any units required to be set aside under local zoning or approvals, for rent or sale to income-qualified households at affordable rents or sale prices, as applicable; and provided further, that the department may establish additional program requirements through regulations or policy guidelines $50,000,000

7004-0064 For financial assistance to accelerate and support the creation and preservation of sustainable and climate-resilient affordable multifamily housing; provided, that

such financial assistance shall be made to achieve the following public benefits: (1) incorporate efficient, sustainable and climate-resilient design practices in affordable residential development, to support positive climate mitigation outcomes; (2) reduce greenhouse gas emissions and reliance on fossil fuels; (3) increase resiliency of existing housing developments to mitigate impacts of climate change, including flooding and extreme temperatures; and (4) enhance emergency preparedness, including sustainable means of power generation to allow for sheltering vulnerable populations in place; provided further, that financial assistance shall be made available on a competitive basis to community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based nonprofit housing organizations, other nonprofit organizations and for-profit entities; provided further, that funds may be used to assist units occupied by and affordable to persons with incomes up to, but not exceeding, 110 per cent of the area median income, as defined by the United States Department of Housing and Urban Development, with priority given to projects that provide higher and deeper levels of affordability; provided further, that not less than 25 per cent of the occupants of housing in projects assisted by this item shall be persons whose income is not more than 60 per cent of the area median income, as so defined; provided further, that financial assistance provided pursuant to this section may be administered by the department through contracts with the Massachusetts Housing Partnership Fund, established in section 35 of chapter 405 of the acts of 1985, the Massachusetts Housing Finance Agency, established in chapter 708 of the acts of 1966, or both, which authorities may directly offer financial assistance for the purposes set forth herein, or may enter into subcontracts with nonprofit organizations established pursuant to chapter 180 for those purposes; and provided further, that the administering agency

may establish additional program requirements through regulations or policy guidelines

…… $10,000,000

7004-0065 For state financial assistance to cities and towns, or to agencies, boards, commissions, authorities, departments or instrumentalities within cities or towns, or to community development corporations or nonprofit organizations, to assist in the revitalization of neighborhoods and communities with properties in blighted or substandard conditions by subsidizing the purchase price, borrowing costs or costs of demolition or renovation of up to 50 units of residential rental housing or 1 to 4 units of home ownership residential housing that have been cited for building or sanitary code violations or that are subject to cancellation of commercial property insurance due to substandard property conditions or are otherwise blighted or substandard; provided, that contracts entered into by the department of housing and community development for those projects may include, but shall not be limited to, projects providing for demolition, renovation, remodeling, reconstruction, redevelopment and hazardous material abatement, including asbestos and lead paint, and for compliance with state codes and laws and for adaptations necessary for compliance with the Americans with Disabilities Act of 1990; provided further, that preference shall be given to community development corporations and local nonprofit organizations, to organizations sponsoring projects that secure private funds, and to projects with the greatest impact on community stabilization in weak markets, including, but not limited to, rural communities and communities that have been disproportionately affected by the 2019 novel coronavirus pandemic, disinvestment, foreclosure and abandonment; provided further, that such rehabilitated housing shall remain affordable for such period as shall be established by the department through guidance, taking into account differences in market conditions and the type of restrictions best suited to promoting community stabilization in

different markets; and provided further, that an amount not to exceed 2 per cent of the amount expended may pay for administrative costs directly attributable to the purposes of this program, including costs of support personnel …… $40,000,000

SECTION 3. Section 7 of chapter 4 of the General Laws, appearing in the 2018 Official Edition, is hereby amended by striking out the Tenth clause and inserting in place thereof the following clause:-

Tenth, "Illegal gaming," a banking or percentage game played with cards, dice, tiles, dominoes, or an electronic, electrical or mechanical device or machine for money, property, checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the state lottery commission, under sections 24, 24A and 27 of chapter 10; (ii) a game conducted under chapter 23K; (iii) sports wagering conducted under chapter 23N; (iv) pari-mutuel wagering on horse races under chapters 128A and 128C and greyhound races under said chapter 128C; (v) a game of bingo conducted under chapter 271; and (vi) charitable gaming conducted under said chapter 271.

SECTION 4. Section 1 of chapter 23G of the General Laws, as so appearing, is hereby amended by striking out the definition "Equity investments" and inserting in place thereof the following definition:-

"Equity investments", (i) investments that result in the agency holding an ownership interest in any company; (ii) a membership interest that constitutes voting rights in a company; (iii) an interest in real estate or other assets; (iv) a grant or loan designated pursuant to a competitive process administered by the agency, provided to governmental subdivisions, community development corporations, community action agencies, for-profit entities, private

property owners, nonprofit entrepreneur support organizations and business operators for design, construction or improvement of buildings or real estate to spur economic development; (v) a transaction which in substance falls into any of these categories even though it may be structured as some other form of business transaction, including, but not limited to, a lease of real estate for such duration as the agency deems appropriate in light of the amount of the equity to be invested; and (vi) an equity security; provided, however, that “equity investments” shall not include any of the foregoing if the interest is taken as security for a loan.

SECTION 5. Subsection (c) of section 6 of chapter 23I of the General Laws, as so appearing, is hereby amended by striking out, in lines 70 to 71 and in lines 87 to 89, inclusive, in each instance, the words "minority students at schools where at least 80 per cent of the student population is eligible for free or reduced lunch" and inserting in place thereof the following words:- minority students attending schools in which at least 25 per cent of the student population is considered economically disadvantaged as measured by the department of elementary and secondary education.

SECTION 6. Section 17 of said chapter 23I, as so appearing, is hereby amended by striking out, in line 23, the figure "2" and inserting in place thereof the following figure:- 1.

SECTION 7. The General Laws are hereby amended by inserting after chapter 23M the following chapter:-

CHAPTER 23N.

AUTHORIZATION AND REGULATION OF SPORTS WAGERING

Section 1. This chapter shall be known and may be cited as the “Massachusetts Sports Wagering Act”.

Section 2. Notwithstanding any provision of law to the contrary, the operation of sports wagering and ancillary activities are lawful when conducted in accordance with the provisions of this chapter and the rules and regulations of the commission.

Section 3. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Adjusted gross sports wagering receipts”, an operator’s total gross receipts from sports wagering, excluding sports wagers made with promotional gaming credits, less the total of all winnings paid to wagerers in such games, which shall include the cash equivalent of any merchandise or thing of value awarded as a prize, and all excise taxes paid pursuant to federal law.

“Category 1 license”, a license issued by the commission that permits the operation of sports wagering through a mobile application and other digital platforms approved by the commission and in person at a gaming establishment as defined in section 2 of chapter 23K.

“Category 2 license”, a license issued by the commission that permits the operation of sports wagering in person at a race track as defined in section 1 of chapter 128A.

“Category 3 license”, a license issued by the commission that permits the operation of sports wagering through a mobile application and other digital platforms approved by the commission.

"Collegiate sport or athletic event", a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level.

"Commission", the Massachusetts gaming commission established in section 3 of chapter 23K.

"Governmental authority", any governmental unit of a national, state or local body exercising governmental functions, other than the United States government.

"License", any license, applied for or issued by the commission under this chapter, including, but not limited to: (i) an operator license; or (ii) an occupational license.

"National criminal history background check system", the criminal history record system maintained by the Federal Bureau of Investigation, based on fingerprint identification or any other method of positive identification.

"Occupational license", a license required by an employee of an operator when the employee performs duties directly related to the operation of sports wagering in the commonwealth in a supervisory role.

"Operator" or "sports wagering operator", any entity permitted under this chapter to offer sports wagering to persons in the commonwealth through a category 1 license, category 2 license or category 3 license.

"Operator license", a category 1 license, category 2 license or category 3 license to operate sports wagering.

"Official league data", statistics, results, outcomes and other data relating to a sporting event that is obtained pursuant to an agreement with the relevant sports governing body, or with an entity expressly authorized by the relevant sports governing body to provide such data to sports wagering operators, which authorizes the use of such data for determining the outcome of tier 2 sports wagers on such sporting event.

"Professional sport or athletic event", an event at which 2 or more persons participate in a sports event and receive compensation in excess of actual expenses for their participation in such event.

"Promotional gaming credit", a sports wagering credit or other item issued by an operator to a patron to enable the placement of a sports wager.

"Qualified gaming entity", an entity that: (i) holds a gaming license as defined in section 2 of chapter 23K; (ii) holds a license to conduct a racing meeting as defined in section 1 of chapter 128A; or (iii) has offered fantasy sports contests in the commonwealth pursuant to 940 C.M.R. 34.00 for at least 1 year at the time of enactment of this act and has been permitted to offer sports wagering in at least 2 other jurisdictions in the United States by the relevant regulatory body in those jurisdictions.

"Sports event" or "sporting event", any professional sport or athletic event, collegiate sport or athletic event, motor race event, electronic sports event, competitive video game event or any other event authorized by the commission under this chapter.

"Sports governing body", an organization that is headquartered in the United States and prescribes final rules and enforces codes of conduct with respect to a sporting event and participants therein.

"Sports wagering", the business of accepting wagers on sporting events or portions of sporting events, other events, the individual performance statistics of athletes in a sporting event or other events or a combination of any of the same by any system or method of wagering approved by the commission including, but not limited to, mobile applications and other digital platforms; provided, that sports wagering shall not include the acceptance of any wager with an outcome dependent on the performance of an individual athlete in any collegiate sport or athletic event, including but not limited, to in-game or in-play wagers; provided, further that sports wagering shall not include any acceptance of wagers on a high school or youth sporting event; provided further, that sports wagering shall not include fantasy contests as defined in section 135 of chapter 219 of the acts of 2016. Sports wagering shall include, but is not limited to, single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets and straight bets.

"Sports wagering account", a financial record established by an operator for an individual patron in which the patron may deposit by any method approved by the commission and withdraw funds for sports wagering and other authorized purchases, and to which the operator may credit winnings or other amounts due to or authorized by that patron. Such account may be established and funded by the patron electronically through an approved mobile application or digital platform.

"Tier 1 sports wager", a sports wager that is determined solely by the final score or outcome of a sporting event and is placed before the sporting event has begun.

"Tier 2 sports wager", a sports wager that is not a tier 1 sports wager.

"Wager", a sum of money or thing of value risked on an uncertain occurrence.

Section 4. (a) The commission shall have the authority to regulate the conduct of sports wagering under this chapter.

(b) The commission shall examine the rules and regulations implemented in other states where sports wagering is authorized and shall, as far as practicable, adopt a similar regulatory framework through promulgation of rules and regulations.

(c) The commission shall have the authority to promulgate rules and regulations necessary for the implementation, administration and enforcement of this chapter. The commission may promulgate emergency rules and regulations in accordance with applicable procedures for the promulgation of emergency rules and regulations.

(d) The commission may promulgate rules and regulations including, but not limited to, those governing the acceptance of wagers on a sports event, other event or a series of sports events; types of wagering receipts which may be used; methods of issuing receipts; methods of accounting to be used by operators; types of records to be kept; types of systems for wagering; protections for patrons placing wagers; and promotion of social responsibility and responsible gambling; provided, that such regulations shall include a requirement that all mobile applications and digital platforms authorized for sports wagering include prominently upon each entry into the application or platform, the following statement: “If you or someone you know has a gambling problem and wants help, call the Massachusetts Council on Compulsive Gambling hotline at 1-800-426-1234.”

(e) The commission shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses and shall maintain a record of all licenses issued under this chapter. The commission may accept applications, evaluate qualifications of applicants,

undertake initial review of licenses and issue temporary licenses upon the effective date of this chapter.

(f) The commission shall levy and collect all fees, surcharges, civil penalties and taxes on adjusted gross sports wagering receipts imposed by this chapter, except as otherwise provided under this chapter.

(g) The commission shall have the authority to enforce this chapter and any rule or regulation of the commission and may request that the attorney general bring an action to enforce this chapter or any rule or regulation of the commission by civil action or petition for injunctive relief.

(h) The commission may hold hearings, administer oaths and issue subpoenas or subpoenas duces tecum in order to enforce this chapter and the rules and regulations of the commission.

(i) The commission may exercise any other powers necessary to effectuate this chapter and the rules and regulations of the commission.

Section 5. (a) No person shall engage in any activity in connection with sports wagering in the commonwealth unless all necessary licenses or temporary licenses have been obtained in accordance with this chapter and rules and regulations of the commission.

(b) The commission shall not grant an operator license, other than a temporary license pursuant to subsection (c) of section 6, until it determines that each person who has control of the applicant meets all qualifications for licensure. The following persons are considered to have control of an applicant:

(1) Each person who owns 10 per cent or more of a corporate applicant and who has the ability to control the activities of the corporate applicant; provided, however, that a bank or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business shall not be considered to have control of an applicant;

(2) Each person who holds a beneficial or proprietary interest of 10 per cent or more of a non-corporate applicant's business operation and who has the ability to control the activities of the non-corporate applicant; and

(3) At the commission's discretion, any executive, employee or agent having the power to exercise significant influence over decisions concerning the applicant's sports wagering operations in the commonwealth.

(c) Each controlling person pursuant to subsection (b) shall submit to the commission an application in a form determined by the commission, and each such controlling person who is a natural person shall submit to the commission: (i) fingerprints for a national criminal records check by the department of the state police and the Federal Bureau of Investigation; and (ii) a signed authorization for the release of information by the department of the state police and the Federal Bureau of Investigation; provided, however, that a controlling person who is a natural person that has submitted to a national criminal records check in any jurisdiction within the previous year shall not be required to submit to another national criminal records check if such person submits to the commission the results of such previous national criminal records check. Any applicant convicted of any disqualifying offense shall not be licensed.

(d) Each person licensed under this chapter shall give the commission written notice within 30 days of any change to any material information provided in the application for a license or renewal.

(e) No commission employee shall be an applicant for any license issued under this chapter.

Section 6. (a) A licensed qualified gaming entity may operate sports wagering upon the approval of the commission.

(b)(1) The commission shall issue a category 1 license to any holder of a gaming license, as defined in section 2 of chapter 23K, that meets the requirements of this chapter and the rules and regulations of the commission.

(2) The commission shall issue a category 2 license to any holder of a license to conduct a racing meeting, as defined in section 1 of chapter 128A, that meets the requirements of this chapter and the rules and regulations of the commission.

(3) The commission shall issue a category 3 license to any entity that has offered fantasy sports contests in the commonwealth pursuant to 940 C.M.R. 34.00 for at least 1 year at the time of enactment of this act, has been permitted to offer sports wagering in at least 2 other jurisdictions in the United States by the relevant regulatory body in those jurisdictions and meets the requirements of this chapter and the rule and regulations of the commission.

(c)(1) A qualified gaming entity may submit to the commission a request for a temporary license for the immediate commencement of sports wagering operations. Such request shall include an initial license fee of $50,000 payable to the commission.

(2) Upon receiving a request for a temporary license, the executive director of the commission shall review the request. If the executive director determines that the entity requesting the temporary license is a qualified gaming entity and has paid the sports wagering initial license fee, the commission shall authorize the qualified gaming entity to conduct sports wagering for a period of 2 years under a temporary license or until a final determination on its operator license application is made.

(3) All sports wagering conducted under authority of a temporary license shall comply with the house rules adopted under section 9.

(d) Upon application by a qualified gaming entity and payment of a $250,000 application fee, the commission shall grant an operator license to a qualified gaming entity that provides for the right to conduct sports wagering; provided, that the qualified gaming entity meets the requirements for licensure under this chapter and the rules and regulations of the commission. Such license shall be issued for a 5-year period, and may be renewed for 5-year periods upon payment of a $100,000 renewal fee; provided, that an operator continues to meet all requirements under this chapter and the rules and regulations of the commission.

(e) An operator shall submit to the commission such documentation or information as the commission may require demonstrating that the operator continues to meet the requirements of this chapter and the rules and regulations of the commission. An operator shall submit required documentation or information no later than 5 years after issuance of its operator license and every 5 years thereafter, or within lesser periods based on circumstances specified by the commission.

Section 7. (a) All persons employed by an operator to perform duties directly related to the operation of sports wagering in Massachusetts in a supervisory role shall maintain a valid occupational license issued by the commission. The commission shall issue such occupational license to a person who meets the requirements of this section.

(b) An occupational license authorizes the licensee to be employed in the capacity designated by the commission while the license is active. The commission may establish, by rule or regulation, job classifications with different requirements based on the extent to which a particular job impacts, or has the potential to impact, the lawful operation of sports wagering.

(c) An applicant for an occupational license shall submit any required application forms established by the commission and shall pay a nonrefundable application fee of $100. An employer may pay an application fee on behalf of an applicant.

(d) Each occupational license holder shall annually pay to the commission a license fee of $100 by March 1 and submit a renewal application on the form required by the commission. An employer may pay an application fee on behalf of the licensed employee.

Section 8. (a) The commission may deny a license to any applicant, reprimand any licensee or suspend or revoke a license, if the applicant or licensee:

(1) has knowingly made a false statement of a material fact to the commission;

(2) has had a license revoked by any governmental authority responsible for regulation of gaming activities;

(3) has been convicted of a crime of moral turpitude, a gambling-related offense or a theft or fraud offense;

(4) has not demonstrated to the satisfaction of the commission financial responsibility sufficient to adequately meet the requirements of the proposed enterprise; or

(5) is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business.

(b) The commission may deny, suspend or revoke an operator license or reprimand any licensee if the applicant or licensee has not met the requirements of this chapter.

Section 9. (a) Each operator shall adopt comprehensive house rules for game play governing sports wagering transactions with its patrons. The house rules shall specify the amounts to be paid on winning wagers and the effect of sports event schedule changes. The commission shall approve house rules prior to implementation.

(b) The house rules, together with any other information the commission deems appropriate, shall be accessible to any patrons of the sports wagering system. The operator shall make copies readily available to patrons.

Section 10. (a) Sports wagering operators shall employ commercially reasonable methods to:

(1) prohibit the operator, directors, officers, owners and employees of the operator, and any relative living in the same household as such persons, from placing bets with the operator;

(2) prohibit athletes, coaches, referees, team owners, employees of a sports governing body or its member teams and player and referee union personnel from wagering on any sporting event of their sport’s governing body; provided, that in determining which persons are excluded

from placing wagers under this subsection, operators shall use lists of such persons that the sports governing body may provide to the commission;

(3) prohibit any individual with access to non-public confidential information held by the operator from placing wagers with the operator;

(4) prohibit persons from placing wagers as agents or proxies for others; and

(5) maintain the security of wagering data, customer data and other confidential information from unauthorized access and dissemination; provided, however, that nothing in this chapter shall preclude the use of internet or cloud-based hosting of such data and information or disclosure as required by court order, other law or this chapter.

(b) A sports governing body may submit to the commission in writing, by providing notice in such form and manner as the commission may require, a request to restrict, limit or exclude a certain type, form or category of sports wagering with respect to sporting events of such body, if the sports governing body believes that such type, form or category of sports wagering with respect to sporting events of such body is contrary to public policy, unfair to consumers, may undermine the perceived integrity of such body or sporting events of such body or affects the integrity of such body or sporting events of such body. The commission shall request comment from sports wagering operators on all such requests. After giving due consideration to all comments received, the commission shall, upon a demonstration of good cause from the requestor, grant the request. The commission shall respond to a request concerning a particular event before the start of the event, or if it is not feasible to respond before the start of the event, no later than 7 days after the request is made; provided, that if the commission determines that the requestor is more likely than not to prevail in successfully

demonstrating good cause for its request, the commission may provisionally grant the request of the sports governing body until the commission makes a final determination as to whether the requestor has demonstrated good cause. Absent such a provisional grant by the commission, sports wagering operators may continue to offer sports wagering on sporting events that are the subject of such a request during the pendency of the consideration of the applicable request.

(c) The commission shall designate a state law enforcement entity to have primary responsibility for conducting, or assisting the commission in conducting, investigations into abnormal betting activity, match fixing and other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain.

(d) The commission and sports wagering operators shall use commercially reasonable efforts to cooperate with investigations conducted by sports governing bodies or law enforcement agencies, including but not limited to, using commercially reasonable efforts to provide or facilitate the provision of anonymized account-level betting information and audio or video files relating to persons placing wagers. All disclosures under this section are subject to the obligation of a sports wagering operator to comply with all federal, state and local laws and regulations, including but not limited to, laws and regulations relating to privacy and personally identifiable information.

(e) Sports wagering operators shall immediately report to the commission any information relating to:

(1) criminal or disciplinary proceedings commenced against the sports wagering operator in connection with its operations;

(2) abnormal betting activity or patterns that may indicate a concern with the integrity of a sporting event or events;

(3) any potential breach of the internal rules and codes of conduct pertaining to sports wagering of a relevant sports governing body;

(4) any other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain, including match fixing; and

(5) suspicious or illegal wagering activities, including use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, using agents to place wagers and using false identification.

Sports wagering operators shall immediately report information relating to conduct described in paragraphs (2), (3) and (4) of this subsection to the relevant sports governing body.

(f) The commission and sports wagering operators shall maintain the confidentiality of information provided by a sports governing body for purposes of investigating or preventing the conduct described in paragraphs (2), (3) and (4) of subsection (e), unless disclosure is required by this chapter, the commission, other law or court order or unless the sports governing body consents to disclosure.

(g) With respect to any information provided by a sports wagering operator to a sports governing body relating to conduct described in paragraphs (2), (3) and (4) of subsection (e), a sports governing body:

(1) shall only use such information for integrity purposes and shall not use the information for any commercial or other purpose; and

(2) shall maintain the confidentiality of such information, unless disclosure is required by this chapter, the commission, other law or court order or unless the sports wagering operator consents to disclosure; provided, that the sports governing body may make disclosures necessary to conduct and resolve integrity-related investigations and may publicly disclose such information if required by its integrity policies or if deemed by the sports governing body in its reasonable judgment to be necessary to maintain the actual or perceived integrity of its sporting events, and subject in all cases to the sports governing body's compliance with federal, state and local laws and regulations, including but not limited to, laws and regulations relating to privacy and personally identifiable information. Prior to any such public disclosure that would identify the sports wagering operator by name, the sports governing body shall provide such sports wagering operator with notice of such disclosure and an opportunity to object to such disclosure.

(h) Sports wagering operators shall maintain records of all wagers placed by its patrons, including personally identifiable information of the patron, amount and type of the bet, the time the bet was placed, the location of the bet, including the IP address if applicable, the outcome of the bet and records of abnormal betting activity for 3 years after a sporting event occurs and video camera recordings in the case of in-person wagers for at least 1 year after a sporting event occurs, and shall make such data available for inspection upon request of the commission or as required by court order.

(i) A sports wagering operator shall use commercially reasonable efforts to maintain in real time and at the account level, anonymized information for each patron, including the amount and type of bet, the time the bet was placed, the location of the bet, including the IP address if applicable, the outcome of the bet and records of abnormal betting activity. The commission may request such information in the form and manner as it requires. Nothing in this section shall

require a sports wagering operator to provide any information prohibited by federal, state or local laws or regulations, including but not limited to, laws and regulations relating to privacy and personally identifiable information.

(j) If a sports governing body has notified the commission and demonstrated a need for access to the information described in subsection (i) for wagers placed on sporting events of such sports governing body for integrity monitoring purposes, and demonstrated the capability to use such data for the purpose of effectively monitoring the integrity of sporting events of such sports governing body, a sports wagering operator shall share, in a commercially reasonable frequency, form and manner, with the sports governing body or its designee the same information the sports wagering operator is required to maintain under subsection (i) with respect to sports wagers on sporting events of such sports governing body. A sports governing body and its designee shall only use information received under this section for integrity-monitoring purposes and shall not use information received under this section for any commercial or other purpose. Nothing in this section shall require a sports wagering operator to provide any information that is prohibited by federal, state or local laws or regulations, including but not limited to, laws and regulations relating to privacy and personally identifiable information.

(k) A sports wagering operator shall conduct a background check on each newly hired employee, and a single background check on any employee hired prior to the effective date of this act. Background checks shall search for criminal history, charges or convictions involving corruption or manipulation of sporting events and association with organized crime.

Section 11. (a) All operators licensed under this chapter to conduct sports wagering shall:

(1) employ a monitoring system utilizing software to identify irregularities in volume or changes in odds that could signal suspicious activities and promptly report such information to the commission for further investigation. System requirements and specifications shall be developed according to industry standards and implemented by the commission as part of the minimum internal control standards;

(2) promptly report to the commission any facts or circumstances related to the operation of a sports wagering licensee which constitute a violation of state or federal law and promptly report to the appropriate state or federal authorities any suspicious betting over a threshold set by the operator that has been approved by the commission;

(3) conduct all sports wagering activities and functions in a manner that does not pose a threat to the public health, safety or welfare of the residents of the commonwealth;

(4) keep current in all payments and obligations to the commission;

(5) prevent any person from tampering with or interfering with the operation of any sports wagering;

(6) ensure that mobile sports wagering occurs only using a commission-approved mobile application or other digital platform to accept wagers initiated within the commonwealth;

(7) maintain sufficient cash and other supplies to conduct sports wagering at all times; and

(8) maintain daily records showing the gross sports wagering receipts and adjusted gross sports wagering receipts of the licensee from sports wagering and shall timely file with the commission any additional reports required by rule, regulation or this chapter.

(b) Sports wagering operators may use any data source for determining:

(1) the results of any and all tier 1 sports wagers on any and all sporting events; and

(2) the results of any and all tier 2 sports wagers on sporting events of an organization that is not headquartered in the United States.

(c) A sports governing body may notify the commission that it desires sports wagering operators to use official league data to settle tier 2 sports wagers on sporting events of such sports governing body. Such notification shall be made in the form and manner as the commission may require. Within 5 days of receipt of such notification, the commission shall notify each sports wagering operator of the requirement to use official league data to settle tier 2 sports wagers. If a sports governing body notifies the commission of its desire to supply official league data, a sports wagering operator may use any data source for determining the results of tier 2 sports wagers on sporting events of such sports governing body.

(d) Within 60 days of the commission notifying a sport wagering operator of the requirement to use official league data to settle tier 2 sports wagers pursuant to subsection (c), or such longer period as may be agreed between the sports governing body and the applicable sports wagering operator, a sports wagering operator shall use only official league data to determine the results of tier 2 sports wagers on sporting events of that sports governing body, unless:

(1) the sports governing body or its designee cannot provide a feed of official league data to determine the results of a particular type of tier 2 sports wager, in which case a sports wagering operator may use any data source for determining the results of the applicable tier 2

sports wager until such time a data feed becomes available from the sports governing body on commercially reasonable terms and conditions; or

(2) a sports wagering operator can demonstrate to the commission that the sports governing body or its designee will not provide a feed of official league data to the sports wagering operator on commercially reasonable terms and conditions.

(e) In evaluating whether official league data is offered on commercially reasonable terms and conditions for purposes of paragraphs (1) and (2) of subsection (d), the commission may consider factors, including but not limited to:

(1) the availability of official league data to a sports wagering operator from more than 1 authorized source;

(2) market information, including but not limited to, price and other terms and conditions regarding the purchase by sports wagering operators of comparable data for the purpose of settling sports wagers in the commonwealth and other jurisdictions;

(3) the nature and quantity of data, including the quality and complexity of the process used for collecting such data; and

(4) the extent to which a sports governing body or its designee has made data used to settle tier 2 wagers available to sports wagering operators and any terms and conditions relating to the use of that data.

(f) Notwithstanding anything to the contrary set forth herein, including but not limited to, subsection (d), during the pendency of the determination of the commission as to whether a sports governing body or its designee may provide official league data on commercially

reasonable terms, a sports wagering operator may use any data source to determine the results of tier 2 sports wagers. The determination shall be made within 120 days of the sports wagering operator notifying the commission that it requests to demonstrate that the sports governing body or its designee will not provide a feed of official league data to the sports wagering operator on commercially reasonable terms.

(g) A sports governing body may enter into commercial agreements with a sports wagering operator or other entity in which such sports governing body may share in the amount bet or revenues derived from sports wagering on sporting events of such sports governing body. A sports governing body shall not be required to obtain a license or any other approval from the commission to lawfully accept such amounts or revenues.

Section 12. (a) Holders of category 1 and category 2 licenses may accept wagers on sports events and other events authorized under this chapter in person at authorized facilities.

(b) Holders of category 1 and category 3 licenses may accept wagers on sports events and other events authorized under this chapter from individuals physically located within the commonwealth using mobile applications or digital platforms approved by the commission, through the patron's sports wagering account. The branding for each mobile application or digital platform shall be determined by the operator. All bets authorized under this section must be initiated, received and otherwise made within the commonwealth. Consistent with the intent of the federal Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. section 5361 to 5367, inclusive, the intermediate routing of electronic data related to a lawful intrastate wager authorized under this chapter shall not determine the location or locations in which the wager is initiated, received or otherwise made.

(c) An operator may accept wagers placed by other operators, and may place wagers with other operators; provided, that any operator that places a wager with another operator shall inform the operator accepting the wager that the wager is being placed by an operator and shall disclose its identity.

(d) A person placing a wager shall be at least 21 years of age.

(e)(1) The commission or operator may ban any person from participating in the play or operation of any sports wagering consistent with rules and regulations promulgated by the commission. A list of all excluded patrons shall be kept by the commission and provided to each licensee, and no patron on the exclusion list shall be permitted to conduct sports wagering under this chapter.

(2) The commission shall establish a list of self-excluded persons from sports wagering. A person may request such person's name to be placed on the list of self-excluded persons by filing a statement with the commission acknowledging that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person shall not collect any winnings or recover any losses resulting from any sports wagering. The commission shall adopt further regulations for the self-excluded persons list including procedures for placement, removal and transmittal of such list to sports wagering operators. The commission may revoke, limit, condition, suspend or fine a sports wagering operator if the operator knowingly or recklessly fails to exclude or eject from its premises any person placed on the list of self-excluded persons.

(f) No licensed employee may place a sports wager through any mobile application or digital platform owned or operated by their employer.

(g) No licensed employee may place a sports wager at any facility owned or operated by their employer.

(h) Sections 24, 24A and 27 of chapter 10 of the General Laws shall not apply to an operator conducting sports wagering in accordance with this chapter.

Section 13. (a)(1) For the privilege of holding a license to operate sports wagering under this chapter, the commonwealth shall impose and collect an excise equal to 15 per cent of the operator's adjusted gross sports wagering receipts from the operation of sports wagering, hereinafter "privilege tax". The accrual method of accounting shall be used for purposes of calculating the amount of the tax owed by the licensee.

(2) Annually not later than October 15, each sports wagering operator shall submit to the commission the number of sports events or other events that took place at sports stadiums or other sports facilities physically located in the commonwealth and the adjusted gross sports wagering receipts collected from each such event. The commission shall impose and collect an excise equal to 1 per cent of the operator's adjusted gross sports wagering receipts from such events. Annually, no later than December 31, the commission shall proportionately distribute the amounts received to each sports facility based on the amount collected at each such facility during the previous calendar year. A sports facility shall use such funds only for the purpose of sports wagering security and integrity and shall report annually to the commission the amounts spent and purposes of such spending in a form prescribed by the commission.

(b)(1) The tax levied and collected pursuant to paragraph (1) of subsection (a) shall be due and payable to the commission in monthly installments on or before the 15th calendar day following the calendar month in which the adjusted gross sports wagering receipts were received.

(2) The operator shall complete and submit the return for the preceding month by electronic communication to the commission, on or before the 15th of each month, in the form prescribed by the commission that provides:

(i) the total gross sports wagering receipts and adjusted gross sports wagering receipts from operation of sports wagering during that month;

(ii) the tax amount for which the sports wagering licensee is liable; and

(iii) any additional information necessary in the computation and collection of the tax on adjusted gross sports wagering receipts required by the commission.

(3) The tax amount shown to be due shall be remitted by electronic funds transfer simultaneously with the filing of the return.

(4) When adjusted gross receipts for a month is a negative number because the winnings paid to patrons wagering on the operator's sports wagering exceed the operator's total gross receipts from sports wagering by patrons, the commission shall allow the operator to carry over the negative amount to returns filed for subsequent months. The negative amount of adjusted gross receipts shall not be carried back to an earlier month and taxes previously received by the commission will not be refunded, except if the operator surrenders its license and the operator's last return reported negative adjusted gross receipts.

(c) The tax on adjusted gross sports wagering receipts imposed by this section shall be in lieu of all other state and local taxes and fees imposed on the operation of, or the proceeds from operation of sports wagering.

Section 14. There shall be established and set up on the books of the commonwealth a Sports Wagering Fund which shall receive revenues collected pursuant to sections 6 and 13. The commission shall be the trustee of the fund and shall transfer monies in the fund as follows:

(1) 40 per cent to the Workforce Investment Trust Fund established in section 2IIIII of chapter 29;

(2) 30 per cent to the Distressed Restaurant Trust Fund;

(3) 10 per cent to the Youth Development and Achievement Fund established in section 15;

(4) 10 per cent to the Gaming Local Aid Fund established in section 63 of section 23K;

(5) 9 per cent to the Public Health Trust Fund established in section 58 of section 23K; and

(6) 1 per cent to the Players' Benevolence Fund established in section 2JJJJJ of chapter 29.

Section 15. There shall be established and set up on the books of the commonwealth a fund to be known as the Youth Development and Achievement Fund. The fund shall be credited any monies transferred under section 14 and all monies credited to or transferred to the fund from any other fund or source. Expenditures from the fund shall be subject to appropriation and shall be expended equally for the following purposes:

(1) For the purposes of providing financial assistance to students from the commonwealth enrolled in and pursuing a program of higher education in any approved public or independent

college, university, school of nursing or any other approved institution furnishing a program of higher education; and

(2) For the purposes after school and out of school activities including, but not limited to, youth athletics and other activities that improve student health, literacy programs, academic tutoring, art, theater and music programs and community service programs.

Section 16. The commission may impose on any person who violates this chapter a civil penalty not to exceed $2,000 for each violation or $5,000 for violations arising from the same series of events. Such penalty shall be imposed on all individuals and is not limited to individuals licensed under this chapter.

Section 17. (a) Any person, other than an operator under this chapter, who engages in accepting, facilitating or operating a sports wagering operation is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $10,000 or confined in jail for not more than 90 days, or both fined and confined.

(b) Any person convicted of a second violation of subsection (a) is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $50,000, or confined in jail for not more than 6 months, or both fined and confined.

(c) Any person convicted of a third or subsequent violation of subsection (a) is guilty of a felony, and upon conviction thereof, shall be fined not less than $25,000 nor more than $100,000 or imprisoned in a state correctional facility for not less than 1 year nor more than 5 years, or both fined and confined.

SECTION 8. Chapter 23N is hereby amended by striking section 14 and inserting in place thereof the following section:-

Section 14. Tax payments collected under section 13 shall be transferred as follows:

(1) 40 per cent to the Workforce Investment Trust Fund established in section 2IIIII;

(2) 25 per cent to the Youth Development and Achievement Fund established in section 15;

(3) 25 per cent to the Gaming Local Aid Fund established in section 63 of chapter 23K;

(4) 9 per cent to the Public Health Trust Fund established in section 58 of chapter 23K;

(5) 1 per cent to the Players' Benevolence Fund established in section 2JJJJJ.

SECTION 9. Subsection (b) of section 6A of chapter 25C of the General Laws, as so appearing, is hereby amended by striking out, in line 18, the word "(f)" and inserting in place thereof the following word:- (h).

SECTION 10. Said section 6A of said chapter 25C is hereby further amended by adding the following 2 subsections:-

(g) Subsection (b) shall not be construed to affect or modify any obligations or authority in chapter 159C.

(h) Subsection (b) shall not be construed to affect the authority of the department to administer federal programs supported by the federal Universal Service Fund, including the Lifeline program, the E-rate program or the Connect America Fund.

SECTION 11. Chapter 29 of the General Laws is hereby amended by inserting after section 2HHHHH, added by section 4 of chapter 142 of the acts of 2019, the following 2 sections:-

Section 2IIIII. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Workforce Investment Trust Fund, in this section called the fund. There shall be credited to the fund any sports wagering revenue transferred by section 14 of chapter 23N. Monies transferred to the fund shall be continuously expended, without regard for fiscal year, exclusively for carrying out the purposes of this section. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(b) The fund shall be administered by the secretary of housing and economic development. Money in the fund shall be competitively granted to develop and strengthen workforce opportunities for low-income communities and vulnerable youth and young adults in the commonwealth, including providing opportunities and strategies to promote stable employment and wage growth.

(c) Eligible grant recipients shall provide opportunities which: (i) target at risk youth, including resources to empower youth to succeed in the workforce; (ii) provide job skills trainings, including programs offering trainings in multiple languages and areas for development, including education and hands on skills; and (iii) promote adult literacy, including strategies to master reading and writing and providing digital formats to increase accessibility. The secretary

of housing and economic development shall establish criteria to evaluate applications for the grant program; provided, the criteria shall include, but shall not be limited to, at risk populations.

(d) Annually, not later than October 1, the board shall provide a report of the grants given and a breakdown of expenditures made by the fund. The report shall be posted on the website of the executive office of housing and economic development.

Section 2JJJJJ. (a) There shall be a Players' Benevolence Fund to be administered by the Massachusetts gaming commission established in section 3 of chapter 23K. The fund shall be credited with: (i) funds collected under section 14 of chapter 23N; (ii) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (iii) interest earned on money in the fund; and (iv) funds from private sources including, but not limited to, gifts, grants and donations received by the commonwealth that are specifically designated to be credited to the fund. All amounts credited to the fund shall be used without further appropriation for the purpose of making distributions to charitable organizations as recommended pursuant to subsection (c). Any unexpended balance in the fund at the close of a fiscal year shall not revert to the General Fund and shall be available for expenditure in subsequent fiscal years.

(b) There shall be a Players' Benevolence Fund advisory committee. The advisory committee shall consist of 9 members: 1 of whom shall be appointed by the governor and who shall serve as chair; 1 of whom shall be the state treasurer, or a designee; 1 of whom shall be appointed by the senate president; 1 of whom shall be appointed by the speaker of the house of representatives; 1 of whom shall be a designee of the National Football League Players' Association, 1 of whom shall be a designee of the Major League Baseball Players' Association; 1

of whom shall be a designee of the National Basketball Players' Association; 1 of whom shall be a designee of the National Hockey League Players' Association; and 1 of whom shall be a designee of the Major League Soccer Players' Association.

(c) The advisory committee shall convene at least annually and make recommendations to the commission for distributions from the Players' Benevolence Fund in a method to be determined by said committee. The committee shall recommend to the commission a distribution schedule for funds deposited in the Players' Benevolence Fund to organizations that benefit current and former professional sports players or their charitable foundations. In developing its recommendations, the advisory committee shall consider charitable organizations, including but not limited to, organizations involved in medical research related to athletic participation, delivery of literacy and other academic assistance to disadvantaged and underserved youth populations, financial literacy and education.

(d) Annually, not later than July 1, the commission shall report to the clerks of the house of representatives and senate on the fund's activities. The report shall include, but not be limited to: (i) the source and amounts of funds received; and (ii) the amounts and purpose of expenditures from the fund, including the name of each organization to which funds were distributed.

SECTION 12. Subsection (a) of section 4 of chapter 30B of the General Laws, as so appearing, is hereby amended by adding the following words:- or section 6.

SECTION 13. Said section 4 of said chapter 30B, as so appearing, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Quotations shall not be modified or disclosed until the award of the contract after submission; however, the procurement officer shall waive minor informalities or allow the person submitting quotations to correct the minor informality. The procurement officer shall award the contract to the responsible and responsive person offering the needed quality of supply or service at the lowest quotation. A contract requiring payment to the governmental body of a net monetary amount shall be awarded to the responsible and responsive person offering the needed quality of supply or service at the highest quotation.

SECTION 14. Section 6 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 2, the words "$50,000 utilizing" and inserting in place thereof the following words:- $50,000, except as permitted pursuant to subsection (a) of section 4, utilizing.

SECTION 15. Section 4A of chapter 40 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

By a majority vote of their legislative bodies, and with the approval of the mayor, board of selectmen or other chief executive officer, any contiguous cities and towns may enter into an agreement to allocate public infrastructure costs, municipal service costs and local tax revenue associated with the development of an identified parcel or parcels or development within the contiguous communities generally; provided, that the agreement shall be approved by the department of revenue.

SECTION 16. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby amended by inserting after the introductory paragraph the following 8 definitions:-

"Accessory dwelling unit", a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable

dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including but not limited to additional size restrictions, owner-occupancy requirements and restrictions or prohibitions on short-term rental of accessory dwelling units.

"As of right", development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver or other discretionary zoning approval.

"Eligible locations", areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts.

"Lot", an area of land with definite boundaries that is used or available for use as the site of a building or buildings.

"Mixed-use development", development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses;

"Multi-family housing", a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

"Natural resource protection zoning", zoning ordinances or by-laws enacted principally to protect natural resources by promoting compact patterns of development and concentrating development within a portion of a parcel of land so that a significant majority of the land remains permanently undeveloped and available for agriculture, forestry, recreation, watershed management, carbon sequestration, wildlife habitat or other natural resource values.

"Open space residential development", a residential development in which the buildings and accessory uses are clustered together into 1 or more groups separated from adjacent property and other groups within the development by intervening open land. An open space residential development shall be permitted only on a plot of land of such minimum size as a zoning ordinance or by-law may specify which is divided into building lots with dimensional control, density and use restrictions for such building lots varying from those otherwise permitted by the ordinance or by-law and open land. The open land may be situated to promote and protect maximum solar access within the development. The open land shall either be conveyed to the city or town and accepted by said city or town for park or open space use, or be made subject to a recorded use restriction enforceable by said city or town or a non-profit organization the principal purpose of which is the conservation of open space, providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.

SECTION 17. Said section 1A of said chapter 40A, as so appearing, is hereby further amended by striking out the definition of "Transfer of development rights" and inserting in place thereof the following definition:-

"Transfer of development rights", the regulatory procedure whereby the owner of a parcel may convey development rights, extinguishing those rights on the first parcel, and where the owner of another parcel may obtain and exercise those rights in addition to the development rights already existing on that second parcel.

SECTION 18. Section 5 of said chapter 40A, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a vote of a simple majority of all members of the town council or of the city council where there is a commission form of government or a single branch or of each branch where there are 2 branches or by a vote of a simple majority of town meeting:

(1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;

(2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9; (c) accessory dwelling units in a detached

structure on the same lot; or (d) a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9;

(3) zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or (b) modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law; and

(4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R. Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote. If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

SECTION 19. Section 9 of said chapter 40A, as so appearing, is hereby amended by inserting after the word “interests,” in line 34, the following words:- ; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of

development rights to be permitted as of right, without the need for a special permit or other discretionary zoning approval.

SECTION 20. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by striking out, in lines 39 and 43, the word “cluster” each time it appears and inserting in place thereof in each instance the following words:- open space residential.

SECTION 21. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by inserting, after the word “control,” in line 47, the following words:- ; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing open space residential developments to be permitted as of right, without the need for a special permit or other discretionary zoning approval.

SECTION 22. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

Zoning ordinances or by-laws may also provide that special permits may be granted for reduced parking space to residential unit ratio requirements after a finding by the special permit granting authority that the public good would be served and that the area in which the development is located would not suffer a substantial adverse effect from such diminution in parking.

SECTION 23. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by inserting after the twelfth paragraph the following paragraph:-

A special permit issued by a special permit granting authority shall require a simple majority vote for any of the following: (a) multifamily housing that is located within 1/2 mile of a commuter rail station, subway station, ferry terminal or bus station; provided, that not less than 10 per cent of the housing shall be affordable to and occupied by households whose annual income is less than 80 per cent of the area wide median income as determined by the United States Department of Housing and Urban Development and affordability is assured for a period of not less than 30 years through the use of an affordable housing restriction as defined in section 31 of chapter 184; (b) mixed-use development in centers of commercial activity within a municipality, including town and city centers, other commercial districts in cities and towns and rural village districts; provided, that not less than 10 per cent of the housing shall be affordable to and occupied by households whose annual income is less than 80 per cent of the area wide median income as determined by the United States Department of Housing and Urban Development and affordability is assured for a period of not less than 30 years through the use of an affordable housing restriction as defined in section 31 of chapter 184; or (c) a reduced parking space to residential unit ratio requirement, pursuant to this section; provided, that a reduction in the parking requirement will result in the production of additional housing units.

SECTION 24. Section 2 of chapter 40G, as so appearing, is hereby amended by striking out, in lines 23 through 25, inclusive, the words “1 person appointed by the governor who is a cabinet secretary or officer of the commonwealth having experience appropriate to the functions of MTDC” and inserting in place thereof the following words:- the executive director of the Massachusetts Technology Park Corporation established by chapter 40J.

SECTION 25. Section 6B of chapter 40J, as so appearing, is hereby amended by inserting after the word “development”, in line 33, the following words:- , or a designee.

SECTION 26. Section 2 of chapter 40R of the General Laws, as amended by section 12 of chapter 5 of the acts of 2019, is hereby amended by inserting after the word “is”, in line 4, the following words:- equal to or.

SECTION 27. Said section 2 of said chapter 40R, as so amended, is hereby further amended by striking out the definition of “Approving authority”.

SECTION 28. Said section 2 of said chapter 40R, as so amended, is hereby further amended by inserting after the definition of “Open space” the following definition:-

“Plan approval authority”, a unit of municipal government designated by the city or town to review projects and issue approvals under section 11.

SECTION 29. Section 3 of said chapter 40R, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “have”, in line 4, the following word:- safe.

SECTION 30. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by inserting after the word “frequent”, in line 5, the following word:- pedestrian.

SECTION 31. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by striking out, in line 14, the words “by a city or town”.

SECTION 32. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by inserting after the word “use”, in line 19, the following words:-

; provided, however, that a smart growth zoning district or starter home zoning district ordinance or by-law shall be adopted by a simple majority vote of all the members of the town council, or of the city council where there is a commission form of government or a single

branch, or of each branch where there are 2 branches, or by a simple majority vote of a town meeting.

SECTION 33. Section 6 of said chapter 40R, as so appearing, is hereby amended by striking out, in lines 55 to 56, the words “the comprehensive housing plan, housing production plan or housing production summary submitted as part of”.

SECTION 34. Subsection (a) of said section 6 of said chapter 40R, as so appearing, is hereby amended by striking out clause (8) and inserting in place thereof the following clause:-

(8) A proposed smart growth zoning district or starter home zoning district shall not impose restrictions on age or any other occupancy restrictions on the district as a whole or any portion thereof or project therein. Applicants may pursue the development of specific projects within a smart growth zoning district that are exclusively for the elderly, the disabled or for assisted living; provided, that the department shall adopt regulations limiting the percentage of units in the district that qualify the city or town for density bonus payments under section 9 that may be subject to such restrictions that limit occupancy exclusively for the elderly, the disabled or for assisted living. Not less than 25 per cent of the housing units in a project that limits occupancy exclusively for the elderly, the disabled or for assisted living within a smart growth zoning district shall be affordable housing, as defined in section 2.

SECTION 35. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by striking out, in line 86, the word “approving” and inserting in place thereof the following words:- plan approval.

SECTION 36. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The zoning for a proposed smart growth zoning district or starter home zoning district may provide for mixed use development subject to any limitations that may be imposed by regulations of the department. In a starter home zoning district, mixed use development shall only be permitted if the proposed density achieves a minimum of 4 units per acre.

SECTION 37. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) Any amendment or repeal of a zoning ordinance or by-law affecting an approved smart growth zoning district or starter home zoning district shall not be effective without the written approval by the department. No such amendment or repeal shall be effective until the city or town has made the payment required under subsection (b) of section 14. Each amendment or repeal shall be submitted to the department with an evaluation of the effect on the number of projected units that will remain developable, if any, in relation to the number of units that have been built and the number of units that determined any corresponding zoning incentive payment paid to the city or town. Amendments shall be approved only to the extent that the district remains in compliance with this chapter. If the department does not respond to a complete request for approval of an amendment or repeal within 60 days of receipt, the request shall be deemed approved.

SECTION 38. Section 7 of said chapter 40R, as so appearing, is hereby amended by striking out, in line 14, the word “approving” and inserting in place thereof the following words:- plan approval.

SECTION 39. Said section 7 of said chapter 40R, as so appearing, is hereby further amended by striking out, in lines 17 through 20, inclusive, the words “the city or town’s

comprehensive housing plan, housing production plan, or the housing production summary submitted with the city or town's initial application for approval by the department, as applicable,".

SECTION 40. Section 9 of said chapter 40R, as amended by section 13 of chapter 5 of the acts of 2019, is hereby further amended by striking out, in lines 18 through 21, inclusive, the words ", and consistent with either the city or town's comprehensive housing plan or housing production plan, if any, or the housing production summary submitted in accordance with section 8".

SECTION 41. Section 10 of said chapter 40R, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 3, the words "approving" and inserting in place thereof the following words:- plan approval.

SECTION 42. Said section 10 of said chapter 40R, as so appearing, is hereby further amended by striking out, in lines 6 through 8, inclusive, the words "and is consistent with the city or town's comprehensive housing plan or housing production plan, if any, and any applicable master plan or plans for the city or town".

SECTION 43. Said chapter 40R, as so appearing, is hereby amended by striking out section 11 and inserting in place thereof the following section:-

Section 11. (a) A city or town may incorporate provisions within the smart growth zoning district or starter home zoning district ordinance or by-law that prescribe contents of an application for approval of a project. The ordinance or by-law may require the applicant to pay for reasonable consulting fees to provide peer review of the applications for the benefit of the plan approval authority. Such fees shall be held by the municipality in a separate account and

used only for expenses associated with the review of the development application by outside consultants and any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith. The smart growth zoning district or starter home zoning district ordinance or by-law may provide for the referral of the plan to municipal officers, agencies or boards other than the plan approval authority for comment. Any such board, agency or officer shall provide any comments within 60 days of its receipt of a copy of the plan and application for approval.

(b) An application to a plan approval authority for approval under a smart growth zoning district or starter home zoning district ordinance or by-law shall be governed by the applicable zoning provisions in effect at the time of the submission, while the plan is being processed, during the pendency of any appeal and for 3 years after approval. If an application is denied, the zoning provisions in effect at the time of the application shall continue in effect with respect to any further application filed within 2 years after the date of the denial except as the applicant may otherwise choose.

(c) An application for approval under this section shall be filed by the applicant with the city or town clerk and a copy of the application including the date of filing certified by the town clerk shall be filed forthwith with the plan approval authority. The plan approval authority shall hold a public hearing for which notice has been given as provided in section 11 of chapter 40A. The decision of the plan approval authority shall be made, and a written notice of the decision filed with the city or town clerk, within 120 days of the receipt of the application by the city or town clerk. The required time limits for such action may be extended by written agreement between the applicant and the plan approval authority, with a copy of such agreement being filed in the office of the city or town clerk. Failure of the plan approval authority to take action within

said 120 days or extended time, if applicable, shall be deemed to be an approval of the plan. The applicant who seeks approval of a plan by reason of the failure of the plan approval authority to act within such time prescribed, shall notify the city or town clerk, in writing within 14 days from the expiration of said 120 days or extended time, if applicable, of such approval and that notice has been sent by the applicant to parties in interest. The applicant shall send such notice to parties in interest by mail and each such notice shall specify that appeals, if any, shall be made pursuant to this section and shall be filed within 20 days after the date the city or town clerk received such written notice from the applicant that the plan approval authority failed to act within the time prescribed.

(d) The plan approval authority shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the city or town clerk and that all plans referred to in the decision are on file with the plan approval authority. If 20 days have elapsed after the decision has been filed in the office of the city or town clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the city or town clerk shall so certify on a copy of the decision. If the plan is approved by reason of the failure of the plan approval authority to timely act, the clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

(e) The project shall be approved by the plan approval authority subject only to those conditions that are necessary: (1) to ensure substantial compliance of the proposed project with the requirements of the smart growth zoning district or starter home zoning district ordinance or by-law; or (2) to mitigate any extraordinary adverse impacts of the project on nearby properties. An application may be denied only on the grounds that: (i) the project does not meet the conditions and requirements set forth in the smart growth zoning district or starter home zoning district ordinance or by-law; (ii) the applicant failed to submit information and fees required by the ordinance or by-law and necessary for an adequate and timely review of the design of the project or potential project impacts; or (iii) it is not possible to adequately mitigate extraordinary adverse project impacts on nearby properties by means of suitable conditions.

(f) Any court authorized to hear appeals under section 17 of chapter 40A shall be authorized to hear an appeal from a decision under this section by a party who is aggrieved by such decision. Such appeal may be brought within 20 days after the decision has been filed in the office of the city or town clerk. Notice of the appeal, with a copy of the complaint shall be given to such city or town clerk so as to be received within such 20 days. Review shall be based on the record of information and plans presented to the plan approval authority. To avoid delay in the proceedings, instead of the usual service of process, the plaintiff shall within 14 days after the filing of the complaint, send written notice thereof, with a copy of the complaint, by delivery or certified mail to all defendants, including the members of the plan approval authority, and shall within 21 days after the entry of the complaint file with the clerk of the court an affidavit that such notice has been given. If no such affidavit is filed within such time, the complaint shall be dismissed.

(g) A complaint by a plaintiff challenging the approval of a project under this section shall allege the specific reasons why the project fails to satisfy the requirements of this chapter or other applicable law and allege specific facts establishing how the plaintiff is aggrieved by such decision. The plan approval authority's decision in such a case shall be affirmed unless the court concludes the plan approval authority abused its discretion under subsection (e) in approving the project. The applicant and all members of the plan approval authority shall be named as defendant parties.

(h) A plaintiff seeking to reverse approval of a project under this section shall post a bond in an amount to be set by the court that is sufficient to cover twice the estimated: (i) annual carrying costs of the property owner, or a person or entity carrying such costs on behalf of the owner for the property, as may be established by affidavit; plus (ii) an amount sufficient to cover the defendant's attorneys fees, all of which shall be computed over the estimated period of time during which the appeal is expected to delay the start of construction. The bond shall be forfeited to the property owner in an amount sufficient to cover the property owner's carrying costs and legal fees less any net income received by the plaintiff from the property during the pendency of the court case in the event a plaintiff does not substantially prevail on its appeal.

(i) An applicant for plan approval who appeals from a project denial or conditional approval shall identify in its complaint the specific reasons why the plan approval authority's decision fails to satisfy requirements of this chapter or other applicable law. The plan approval authority shall have the burden of justifying its decision by substantial evidence in the record.

(j) The land court department, the superior court department and the housing court department shall have jurisdiction over an appeal under this section and shall give priority to such an appeal.

(k) The first paragraph of section 16 of chapter 40A shall not apply to applications for projects within a smart growth zoning district or starter home zoning district.

(l) A project approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within 2 years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the project proponent is actively pursuing other required permits for the project or there is other good cause for the failure to commence construction, or as may be provided in an approval for a multi-phase project.

SECTION 44. Chapter 40R is hereby amended by striking out section 14, as amended by section 14 of chapter 5 of the acts of 2019, and inserting in place thereof the following section:-

Section 14. (a) If, within 3 years, no construction of an approved project has been started within the smart growth zoning district or starter home zoning district, the department shall require the cities and towns to repay to the department all monies paid to the city or town under this chapter for said smart growth zoning district or starter home zoning district. Said 3 years shall commence on the date of the payment of the zoning incentive payment for said smart growth zoning district or starter home zoning district and may be extended by the department for good cause in accordance with the department's regulations. All monies repaid to the department under this section shall be credited to the funding source from which the payment originated.

(b) Within 60 days of receiving written approval by the department of an amendment of a zoning ordinance or by-law affecting an approved smart growth zoning district or starter home zoning district in accordance with subsection (g) of section 6, the city or town shall repay to the department any portion of the zoning incentive payment received in excess of the zoning incentive payment that would have been payable based on the sum of (i) the number of units that have been built and (ii) the number of units, if any, that will remain developable under the smart growth zoning or starter home zoning. The department may include under clause (ii) in the preceding sentence any units that are developable in 1 or more adopted smart growth zoning district or starter home zoning district for which no zoning incentive payment has been paid but for which the city or town is nonetheless eligible if the associated units would have the effect of replacing some or all of the units that will no longer be developable as a result of the proposed amendment or repeal. All monies repaid to the department under this section shall be credited to the funding source from which the payment originated.

SECTION 45. Section 1 of chapter 40S of the General Laws, as so appearing, is hereby amended by striking out, in line 51, the word “properties” and inserting in place thereof the following word:- buildings.

SECTION 46. Said section 1 of said chapter 40S, as so appearing, is hereby further amended by inserting, in line 61, after the figure “40R,” the following words:- including without limitation smart growth zoning districts and starter home zoning districts as defined in section 1 of said chapter 40R.

SECTION 47. The General Laws are hereby amended by inserting after chapter 40W the following chapter:-

CHAPTER 40X.

TOURISM DESTINATION MARKETING DISTRICTS.

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

“Commissioner”, the commissioner of revenue.

“Elector”, a tourism destination marketing district member or the authorized representative of a district member.

“Lead jurisdiction”, the city or town in which the tourism destination marketing district petition is filed.

“Lodging business”, any hotel or motel, as defined in section 1 of chapter 64G, and subject to the excise imposed by chapter 64G.

“Lodging business owner”, the owner of record or the owner's authorized representative, of a lodging business.

“Management entity”, an entity designated in a tourism destination marketing district plan to receive funds to carry out and implement the purposes of the tourism destination marketing district. The tourism destination marketing district plan shall designate a regional tourism council as the management entity. The management entity shall be required to furnish a surety bond conditioned on the faithful performance of its duties.

“Municipal governing body”, the city council or board of aldermen in a city or the board of selectmen or town council in a town.

"Special assessment", a payment for supplemental services or improvements specified by the tourism destination marketing district plan.

"Special assessment formula", a formula used to calculate the special assessment pursuant to section 7.

"Standard government services", governmental functions, programs, activities, facilities, improvements and other services that a municipality is authorized to perform or provide.

"Supplemental services", the provision of programs, activities or information in addition to the standard governmental services provided in the tourism destination marketing district, including, marketing, sales activities or events in addition to other tourism and travel promotion activities.

"Tourism destination marketing district", a district formed pursuant to this chapter, which is a geographic area with clearly defined boundaries. A tourism destination marketing district may include multiple tourism regions served by multiple regional tourism councils; provided, however, that there shall only be 1 regional tourism council designated as the management entity for each tourism destination marketing district. Only those lodging businesses meeting the criteria described in the petition and tourism destination marketing district plan shall be liable for the tourism destination marketing district's special assessment. The geographic regions within a tourism destination marketing district need not be contiguous.

"Tourism destination marketing district committee" or "district committee", a committee selected by the management entity's board of directors responsible for overseeing the ongoing district plan.

"Tourism destination marketing district member" or "district member", a lodging business owner who participates in a tourism destination marketing district.

"Tourism destination marketing district plan" or "district plan", the strategic plan for the tourism destination marketing district that sets forth the supplemental services and programs, budget and special assessment structure, the criteria for inclusion of lodging businesses, and the management entity and tourism destination marketing district committee for the tourism destination marketing district, and is approved by the local municipal governing body as part of the creation of the tourism destination marketing district. The updated tourism destination marketing district plan shall take effect upon the approval of a majority of electors, with each elector's vote having the same weight. Any amendment to the tourism destination marketing district plan under section 9 shall be deemed to be an update of the tourism destination marketing district plan.

Section 2. The rights and powers of the management entity of the tourism destination marketing district approved by a municipal governing body pursuant to section 3 shall include: (i) retaining or recruiting business; (ii) administering and managing the tourism destination marketing district; (iii) promoting economic development; (iv) formulating a special assessment structure; (v) planning and design services; (vi) design, engineer, construct, maintain or operate buildings, facilities, urban streetscapes or infrastructure to further economic development and public purposes; (vii) accumulating interest; (viii) incurring costs or indebtedness; (ix) entering into contracts; (x) suing and being sued; (xi) employing legal and accounting services; (xii) undertaking planning, feasibility and market analyses; (xiii) developing, implementing, and conducting tourism marketing and promotional activities; and (xiv) other supplemental services or programs that would further the purposes of this chapter.

Section 3. (a) The organization of a tourism destination marketing district shall be initiated by a petition of the lodging business owners within the proposed tourism destination marketing district, which shall be filed in the office of the clerk of the municipality that is to serve as the lead jurisdiction. The petition shall contain:-

(i) the signatures of a majority of the tourism destination marketing district members in the proposed tourism destination marketing district;

(ii) a description of and site map delineating the boundaries of the proposed tourism destination marketing district;

(iii) the initial list of lodging businesses to be included in the proposed tourism destination marketing district. Lodging businesses that commence operations after the formation of the tourism destination marketing district and meet the criteria by which lodging businesses are assessed by the tourism destination marketing district shall be included in the tourism destination marketing district pursuant to section 4;

(iv) the proposed tourism destination marketing district plan, which shall set forth the supplemental services and programs, update mechanism, criteria by which lodging businesses are assessed by the tourism destination marketing district, and budget and special assessment structures; and

(v) the identity and address of the management entity and the tourism destination marketing district committee.

A copy of said petition shall be filed with the clerk of the lead jurisdiction and the commissioner within 30 days of receipt of such petition by the clerk of the lead jurisdiction.

(b) All required procedures related to the formation, operation and renewal of the tourism destination marketing district shall only be carried out by the lead jurisdiction. A lead jurisdiction is authorized to form a tourism destination marketing district that includes other cities or towns; provided, however, that the lead jurisdiction may not vote to form a tourism destination marketing district that includes the territorial jurisdiction of another city or town within the tourism destination marketing district's boundaries until it has received consent, by vote, from such other city or town's local municipal governing body.

Section 4. (a) The municipal governing body of the lead jurisdiction shall hold a public hearing within 60 days of the receipt of a petition. Written notification of such hearing shall be sent to each tourism destination marketing district member within the boundary of the proposed tourism destination marketing district at least 30 days prior to such hearing, by mailing notice to the address listed in the business records of the municipalities proposed to be included within the boundaries of the tourism destination marketing district or, if no such records exist, by such other method as determined by the clerk of the municipality. Notification of the hearing shall also be published for 2 consecutive weeks in a newspaper of general circulation in the area, with the first date of publication beginning at least 14 days prior to such hearing listed on the municipality's website. Such public notice shall contain the proposed boundaries of the tourism destination marketing district, the proposed special assessment rate formula, a summary of the supplemental services provided by the petitioners and where the property owner may obtain a full copy of the petition and the management plan.

(b) Prior to the public hearing, the municipal governing body of the lead jurisdiction shall direct the clerk of the lead jurisdiction or the clerk's designee to determine that the establishment criteria and other petition requirements have been met, as set forth in section 3.

(c) At the public hearing, the municipal governing body of the lead jurisdiction shall determine if the petition satisfies the purposes set forth and the establishment criteria of this chapter and shall obtain public comment regarding the tourism destination marketing district plan and the effect the proposed tourism destination marketing district will have on the lodging business owners within the proposed tourism destination marketing district. If it appears that said petition is not in conformity with the purposes and establishment criteria, said local municipal governing body shall dismiss the petition. At the public hearing, the presiding officer or clerk of said local municipal governing body shall read into the record the basis for determining the special assessment pursuant to section 7 and the process by which tourism destination marketing district members may vote not to renew such tourism destination marketing district.

(d) Not more than 45 days after the close of the public hearing, the municipal governing body, in its sole discretion, may approve or disapprove the tourism destination marketing district by majority vote. Upon such declaration, the tourism destination marketing district may commence operations.

(e) Notice of the declaration of the organization of the tourism destination marketing district shall be mailed or delivered to each tourism destination marketing district member within the proposed tourism destination marketing district. The notice shall explain: (i) that membership in the tourism destination marketing district is irrevocable unless as provided in subsection (g) or the dissolution under section 10; (ii) a description of the basis for determining the special assessment; (iii) the criteria by which lodging businesses are assessed by the tourism destination marketing district; (iv) the special assessment rate; and (v) the proposed supplemental services to be provided by the tourism destination marketing.

Such notice shall be published for 2 consecutive weeks in a newspaper of general circulation in the area, the last publication being not more than 14 days after the vote to declare the tourism destination marketing district organized and shall be posted on the municipality's website.

(f) Once established, participation in the tourism destination marketing district shall be permanent until after the discontinuation of the tourism destination marketing district as provided in this section, or until the dissolution of the tourism destination marketing district under section 10. All participating lodging business owners shall make payments in accordance with the special assessment set out in the petition or management plan. Non-participating lodging business owners in the tourism destination marketing district shall become tourism destination marketing district members and shall be assessed on the date that their business meets the criteria by which lodging businesses are assessed by the tourism destination marketing district.

(g) On or before the fifth anniversary of the organization of a newly created tourism destination marketing district and the fifth anniversary thereafter of the date of the most recent renewal of the tourism destination marketing district under this section, the tourism destination marketing district committee shall call a renewal meeting of the tourism destination marketing district members to: (i) review the history of the tourism destination marketing district since its organization or, if applicable, its most recent renewal; (ii) propose an updated tourism destination marketing district plan to succeed the then current tourism destination marketing district plan; and (iii) consider whether to continue the tourism destination marketing district. The meeting shall be held at a location within the tourism destination marketing district. Notice of the meeting shall be given to tourism destination marketing district members at least 30 days prior to the meeting. The tourism destination marketing district shall continue after each renewal

meeting if a majority of tourism destination marketing district members who are not more than 30 days in arrears in any payment due to the tourism destination marketing district and are present at the renewal meeting, in person or by proxy, vote to renew the tourism destination marketing district.

Such renewal shall last for a term of 5 years commencing on the first day of the next fiscal year of the tourism destination marketing district.

(h) If the tourism destination marketing district members elect not to continue the tourism destination marketing district, the tourism destination marketing district committee shall conclude the business of the tourism destination marketing district prior to the sixth anniversary of the tourism destination marketing district's creation, or of the prior renewal vote, as the case may be, and proceed to discontinue the tourism destination marketing district. Notice of the discontinuation vote shall be given to the municipal governing body of the lead jurisdiction, which shall formally declare the tourism destination marketing district dissolved as of such sixth anniversary; provided, however, that the tourism destination marketing district shall not be dissolved until it has received the accounts receivable due to the tourism destination marketing district and until it has satisfied or paid in full all of its outstanding indebtedness, obligations and liabilities, or until funds are on deposit and available therefor, or until a repayment schedule has been formulated and approved by said local municipal governing body.

(i) Except as necessary to conclude the business of the tourism destination marketing district, the tourism destination marketing district shall not incur any new or increased financial obligations after such sixth anniversary. Upon the dissolution of a tourism destination marketing district, the remaining assets shall first be applied to repay obligations of the tourism destination

marketing district, and then in accordance with the tourism destination marketing district plan, as updated.

(j) Nothing in this section shall prevent the filing of a subsequent petition for a similar project.

Section 5. (a) Each tourism destination marketing district shall be governed by a management entity's tourism destination marketing district committee to oversee its operations and ensure the implementation of the tourism destination marketing district plan. The management entity and its tourism destination marketing district committee shall be set forth in the petition and tourism destination marketing district plan. A majority of the membership of the tourism destination marketing district committee shall be lodging business owners paying the tourism destination marketing district assessment.

(b) A tourism destination marketing district plan shall, within the limitations described in section 9, be updated at least once every 5 years by the tourism destination marketing district committee, and a copy thereof shall be mailed or delivered to each tourism destination marketing district member and shall file a copy of such update with the municipal governing body and the commissioner.

Section 6. All lodging businesses described in the petition and located within the proposed tourism destination marketing district shall be considered in the special assessment methodology for the supplemental services and programs as outlined in the tourism destination marketing district plan.

Section 7. (a) By formal approval of a tourism destination marketing district, the municipal governing body of a lead jurisdiction shall adopt the special assessment methodology

for the financing of supplemental services submitted in the tourism destination marketing district plan for the tourism destination marketing district.

(b) The basis of such special assessment may be determined by a formula utilizing any 1 or a combination of the following:

(i) different rates for varying classifications of lodging businesses;

(ii) different rates for different benefit zones; or

(iii) any other formula which meets the objectives of the tourism destination marketing district.

The special assessment shall be equal to a percentage, not to exceed 2 per cent, of the total amount of rent taxable under chapter 64G.

(c) The methodology for determining the tourism destination marketing district special assessment shall be set forth in the original petition as required by section 3.

(d) In addition to receiving funds from the tourism destination marketing district special assessment, the management entity may receive grants, donations or gifts on behalf of the tourism destination marketing district.

Section 8. (a) Assessed lodging businesses shall pay the tourism destination marketing district special assessment to the commissioner at the time provided for filing the return required by section 16 of chapter 62C. All sums received by the commissioner under this chapter shall, at least quarterly, be distributed, credited and paid by the state treasurer upon certification of the commissioner, to each management entity in proportion to the amount of such sums received from the respective tourism destination marketing districts.

(b) The special assessments collected shall be used solely to fund supplemental services identified and approved in the tourism destination marketing district plan for the tourism destination marketing district.

(c) Following establishment of the tourism destination marketing district, if any return by an assessed lodging business is not filed with the commissioner on or before its due date or within any extension of time granted by the commissioner, there shall be added to and become a part of the special assessment a penalty of 1 per cent of the amount required to be shown as the special assessment on such return for each month or fraction thereof during which such failure continues, not exceeding, in the aggregate, 25 per cent of said amount.

(d) If any amount of the special assessment is not paid to the commissioner on or before the date prescribed for payment of such special assessment, determined with regard to any extension of time for payment, there shall be added to the amount shown as the special assessment on such return a penalty of 1 per cent of the amount of such special assessment for each month or fraction thereof during which such failure continues, not exceeding, in the aggregate, 25 per cent of said amount.

(e) An annual audit, certified by a certified public accountant, of the revenues generated, the grants, donations and gifts received, and the expenses incurred by the tourism destination marketing district shall be made within 120 days of the close of the fiscal year, and shall be placed on file with the commissioner. Such accounting shall be a public record.

(f) The commissioner may promulgate rules and regulations for the assessing, reporting, collecting, remitting and enforcement of the special assessment under this section.

Section 9. (a) At any time after the establishment of a tourism destination marketing district pursuant to this chapter, the tourism destination marketing district plan upon which the establishment was based may, upon the recommendation of the management entity's tourism destination marketing district committee be amended by the municipal governing body of the lead jurisdiction after compliance with the procedures set forth in this section; provided, however, that a lead jurisdiction may not approve amendments to the boundaries of a tourism destination marketing district that include the territorial jurisdiction of a city or town not yet included in the tourism destination marketing district without the consent, by vote, from such other city or town's local municipal governing body.

Amendments to the tourism destination marketing district plan shall be subject to the approval of the municipal governing body of the lead jurisdiction for the following: (i) providing for additional supplemental services that affect more than 25 per cent of the total annual budget; (ii) incurring indebtedness; (iii) changing the special assessment methodology, management entity or tourism destination marketing district committee; or (iv) change the tourism destination marketing district boundaries; provided, however, that said municipal governing body, after a public hearing, determines that it is in the public interest to adopt said amendments.

(b) The municipal governing body shall give notice of the public hearing for the amendment to the district plan. Such notice shall be published for 2 consecutive weeks in a newspaper of general circulation in the area, with the first date of publication beginning at least 14 days prior to such hearing, and shall specify the time and the place of such hearing and the amendments to be considered.

(c) The local municipal governing body may, within 30 days of the public hearing and, in its sole discretion, declare the amendments approved or disapproved. If approved, such amendments shall be effective upon the date of such approval.

(d) Upon the adoption of any amendment to the tourism destination marketing district boundaries that increases the size of the tourism destination marketing district, any assessed lodging business owner to be added to the tourism destination marketing district shall be notified of the new boundaries of the tourism destination marketing district in accordance with section 4.

Section 10. (a) Any tourism destination marketing district established or extended pursuant to this chapter may be disestablished by declaration of the local municipal governing body of the lead jurisdiction in either of the following circumstances:

(i) if said local municipal governing body finds there has been misappropriation of funds, malfeasance or a violation of law in connection with the management of the tourism destination marketing district, it shall hold a hearing on disestablishment. Notice of the hearing shall be mailed to all tourism destination marketing district members within the tourism destination marketing district and shall be published in a newspaper of general circulation in the area at least 14 days prior to such hearing; or

(ii) during the operation of the tourism destination marketing district, there shall be a 30-day period each year in which the tourism destination marketing district may be dissolved by petition to the local municipal governing body and a subsequent decision by the local municipal governing body to authorize the dissolution. The 30-day period shall begin each successive year on the anniversary of the date the local municipal governing body formally approved the tourism destination marketing district. In order to be considered by the local municipal governing body, a

petition to dissolve a tourism destination marketing district shall contain the signatures of a majority of the electors. The local municipal governing body shall hold a public hearing within 30 days of receipt of a completed petition on the issue of dissolution. Notice of the hearing shall be mailed to all tourism destination marketing district members within the tourism destination marketing district and shall be published in a newspaper of general circulation in the area at least 14 days prior to such hearing.

Following the public hearing, the local municipal governing body may declare the tourism destination marketing district dissolved; provided, however, that no tourism destination marketing district shall be dissolved until it has satisfied or paid in full all of its outstanding indebtedness, obligations and liabilities; or until funds are on deposit and available therefor; or until a repayment schedule has been formulated and municipally approved therefor. In addition, the tourism destination marketing district shall be prohibited from incurring any new or increased financial obligations.

(b) Any liabilities, either current or future, incurred as a result of action to accomplish the purposes of the tourism destination marketing district plan shall not be an obligation of the municipality. Said liabilities shall be paid for entirely from special assessment revenue gained from the assessed lodging businesses in the tourism destination marketing district.

(c) Upon the dissolution of a tourism destination marketing district, any remaining revenues derived from the sale of assets acquired with special assessments collected shall be refunded to the lodging businesses owners in the tourism destination marketing district in which special assessments were charged by applying the same methodology used to calculate the special assessment in the fiscal year in which the tourism destination marketing district is

dissolved in amounts proportionate to each lodging business's share of the total special assessments collected in the fiscal year in which the tourism destination marketing district is dissolved or in accordance with the tourism destination marketing district plan, as updated.

Section 11. The validity of an assessment levied pursuant to this chapter shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the formal approval of the tourism destination marketing district by the local municipal governing body of the lead jurisdiction. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after entry of judgment.

SECTION 48. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by adding the following clause:-

Fifty-ninth. Up to 100 per cent of the assessed value of real estate in agricultural, horticultural or agricultural and horticultural use, as those terms are set forth in sections 1 and 2 of chapter 61A; provided, that the real estate or portion thereof in agricultural, horticultural or agricultural and horticultural use is less than 2 acres in area; provided further, that gross sales of agricultural, horticultural or agricultural and horticultural products resulting from such uses together total not less than $500 in the previous year. The exemption provided in this clause shall apply only to the portion of real estate in agricultural, horticultural or agricultural and horticultural use. This clause shall take effect in any city or town upon acceptance of this section; provided, that such city or town has a population of at least 50,000 inhabitants or meets the definition of a gateway municipality under section 3A of chapter 23A. The legislative body of any city or town that accepts this clause shall establish and may thereafter modify the percentage of the assessed value exempt from taxation.

SECTION 49. Paragraph (5) of subsection (q) of section 6 of chapter 62 of the General Laws, as so appearing, is hereby further amended by striking out, in lines 896 through 898, inclusive, the words “The total amount of credits that may be authorized by DHCD in a calendar year pursuant to this subsection and section 38BB of chapter 63 shall not exceed $10,000,000 and” and inserting in place thereof the following words:- DHCD may authorize up to $30,000,000 in credits annually under this subsection and section 38BB of chapter 63. In addition, DHCD may authorize (i) any unused credits for the preceding calendar years under this subsection or said section 38BB of said chapter 63; and (ii) any credits under this subsection or said section 38BB of said chapter 63 returned to DHCD by a certified housing development project. The total amount of credits authorized during a year.

SECTION 50. Said paragraph (5) of said subsection (q) of said section 6 of said chapter 62, as so appearing, is hereby further amended by inserting, in line 900, after the words “chapter 63;” the following word:- and.

SECTION 51. Said paragraph (5) of said subsection (q) of said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out, in lines 903 through 905, inclusive, the words “Any portion of the $10,000,000 annual cap not awarded by the DHCD in a calendar year shall not be applied to awards in a subsequent year.”

SECTION 52. Said paragraph (5) of said subsection (q) of said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out, in line 906, the words “The DHDC” and inserting in place thereof the following word:- DHCD.

SECTION 53. Paragraph (1) of subsection (v) of said section 6 of said chapter 62, as so appearing, is hereby amended by inserting, in line 1158, after the words “NAICS code 31-33”

the following words:- and other expansion industries new to apprenticeship the secretary of labor and workforce development identifies as critical to a regional labor market economy.

SECTION 54. Section 6I of said chapter 62, as so appearing, is hereby amended by striking out, in line 70, the figure “$20,000,000” and inserting in place thereof the following figure:- $40,000,000.

SECTION 55. Said section 6I of said chapter 62, as so appearing, is hereby further amended by striking out the figure “$40,000,000”, inserted by section 54, and inserting in place thereof the following figure:- $20,000,000.

SECTION 56. Subsection (b) of section 31H of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out the figure “$20,000,000” and inserting in place thereof the following figure:- $40,000,000.

SECTION 57. Said section 31H of said chapter 63, as so appearing, is hereby further amended by striking out the figure “$40,000,000”, inserted by section 56, and inserting in place thereof the following figure:- $20,000,000.

SECTION 58. Subdivision (5) of section 38BB of said chapter 63, as so appearing, is hereby amended by striking out, in lines 42 through 44, inclusive, the words “The total amount of credits that may be authorized by DHCD in a calendar year under this section and subsection (q) of section (6) of chapter 62 shall not exceed $10,000,000 and” and inserting in place thereof the following:- DHCD may authorize up to $30,000,000 in credits annually under this section and subsection (q) of section (6) of chapter 62. In addition, DHCD may authorize: (i) any unused credits for the preceding calendar years under this section or said subsection (q) of said section (6) of said chapter 62; and (ii) any credits under this section or said subsection (q) of said section

(6) of said chapter 62 returned to DHCD by a certified housing development project. The total amount of credits authorized during a year.

SECTION 59. Said subdivision (5) of said section 38BB of said chapter 63, as so appearing, is hereby further amended by inserting, in line 46, after the words “chapter 62;” the following word:- and.

SECTION 60. Said subdivision (5) of said section 38BB of said chapter 63, as so appearing, is hereby further amended by striking out, in lines 50 through 52, inclusive, the words “Any portion of the $10,000,000 annual cap not awarded by DHCD in a calendar year shall not be applied to awards in a subsequent year.”

SECTION 61. Subsection (a) of section 38HH of said chapter 63, as so appearing, is hereby amended by adding, in line 18, after the words “NAICS code 31-33” the following words:- and other expansion industries new to apprenticeship, the secretary of labor and workforce development identifies as critical to a regional labor market economy.

SECTION 62. Chapter 63 of the General Laws is hereby amended by inserting after section 38HH the following section:-

Section 38II. (a) The purpose of this section shall be to attract capital investment to businesses in rural areas of the commonwealth in order to promote the retention and expansion of existing jobs, stimulate the creation of new jobs, and attract new business and industry to rural areas of the commonwealth.

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

"Affiliate", an entity that directly or indirectly through 1 or more intermediaries, controls, is controlled by, or is under common control with another entity. An entity is controlled by another entity if: (i) the controlling entity holds, directly or indirectly, the majority voting or ownership interest in the controlled entity; or (ii) has control over the day-to-day operations of the controlled entity by contract or by law.

"Closing date", the date on which a rural growth fund has collected all of the amounts specified by subsection (c).

"Credit-eligible capital contribution", an investment of cash by a person subject to tax under this chapter in a rural growth fund that equals the amount specified on a tax credit certificate issued by the MOBD under paragraph (5) of subsection (c) of this section; provided, however, that the investment shall purchase an equity interest in the rural growth fund or purchase, at par value or premium, a debt instrument that has a maturity date at least 5 years from the closing date.

"MOBD", the Massachusetts office of business development established in section 1 of chapter 23A.

"Investment authority", the amount stated on the notice issued under paragraph (5) of subsection (c) certifying the rural growth fund; provided, however, that at least 60 per cent of a rural growth fund's investment authority shall be comprised of credit-eligible capital contributions.

"Jobs created", newly created positions of employment that were not previously located in the commonwealth at the time of the initial rural growth investment in the rural business concern and that require a minimum of 35 hours worked each week, measured each year by

subtracting the number of employment positions at the time of the initial rural growth investment in the rural business concern from the monthly average of employment positions for the applicable year. The monthly average shall be calculated by adding together the number of employment positions existing on the last day of each month of the applicable year and dividing by 12. Such number shall not be less than zero.

"Jobs retained", positions requiring a minimum of 35 hours worked each week that existed prior to the initial rural growth investment. Retained jobs shall be counted each year based on the monthly average of employment positions for the applicable year. The monthly average shall be calculated by adding together the number of employment positions existing on the last day of each month of the applicable year and dividing by 12. Such number shall not exceed the initial amount of retained jobs reported and shall be reduced each year if employment at the rural business concern drops below such number.

"Principal business operations", the principal operations of a business are located at the place or places where at least 80 per cent of its employees work or where employees that are paid at least 80 per cent of its payroll work; provided, however, that an out-of-state business that has agreed to relocate employees using the proceeds of a rural growth investment to establish its principal business operations in a rural area in the commonwealth shall be deemed to have its principal business operations in this new location if it satisfies this definition within 180 days after receiving the rural growth investment, unless the MOBD agrees to a later date.

"Rural area", a municipality with population densities of less than 500 residents per square mile, according to the latest decennial census of the United States.

"Rural business concern", a business that, at the time of the initial investment in the company by a rural growth fund: (i) has less than 250 employees and not more than $10,000,000 in revenue for the preceding taxable year; (ii) has its principal business operations in 1 or more rural areas in the commonwealth; and (iii) is engaged in industries related to manufacturing, plant sciences, services or technology or other industries as MOBD may approve, or, if not engaged in such industries, the MOBD makes a determination that the investment will be highly beneficial to the economic growth of the commonwealth.

"Rural growth fund", an entity certified by the MOBD under subsection (c).

"Rural growth investment", any capital or equity investment in a rural business concern or any loan to a rural business concern with a stated maturity at least 1 year after the date of issuance.

(c)(1) The MOBD shall accept applications for approval as a rural growth fund; provided, however, that the application shall include:

(i) the total investment authority sought by the applicant under the business plan;

(ii) the following documents and other evidence:

(A) a copy of the applicant's or an affiliate of the applicant's license as a rural business investment company under 7 U.S.C. 2009cc, or as a small business investment company under 15 U.S.C. 681; and evidence sufficient to prove that at least 1 principal in a rural business investment company licensed under 7 U.S.C. 2009cc et seq. or a small business investment company licensed under 15 U.S.C. 681 is, and has been for at least 4 years, an officer or employee of the applicant or of an affiliate of the applicant on the date the application is

submitted; and (B) evidence sufficient to prove, to the satisfaction of the MOBD, that as of the date the application is submitted, the applicant or affiliates of the applicant have invested at least $50,000,000 in non-public companies located in rural areas;

(iii) an estimate of the number of jobs created and jobs retained in the commonwealth as a result of the applicant's rural growth investments;

(iv) a business plan that includes a revenue impact assessment projecting state and local tax revenue to be generated by the applicant's proposed rural growth investments prepared by a nationally recognized third-party independent economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant's business plan over the 10 years following the date the application is submitted to the MOBD; provided, however, that the dynamic forecasting model shall consider the economic impact of retained jobs as well as created jobs in the business plan;

(v) a signed affidavit from each investor stating the amount of credit-eligible capital contributions each taxpayer commits to make; and

(vi) a non-refundable application fee of $5,000.

(2) The MOBD shall make an application determination within 30 days of receipt in the order in which the applications are received. The MOBD shall deem applications received on the same day to have been received simultaneously. The MOBD shall not approve more than $100,000,000 in investment authority and not more than $60,000,000 in credit-eligible capital contributions under this section. If a request for investment authority exceeds this limitation, the MOBD shall reduce the investment authority and the credit-eligible capital contributions for that application as necessary to avoid exceeding the limit. If multiple applications received on the

same day request a combined investment authority that exceeds this limitation, the MOBD shall proportionally reduce the investment authority and the credit eligible capital contributions for those applications as necessary to avoid exceeding the limit.

(3) The MOBD shall deny an application submitted under this section if any of the following are true:

(i) the application is incomplete or the application fee is not paid in full;

(ii) the applicant does not satisfy all the criteria described in clause (ii) of paragraph (1);

(iii) the revenue impact assessment submitted under clause (iv) of paragraph (1) does not demonstrate that the applicant's business plan, and associated created and retained jobs, will result in a positive economic impact on the commonwealth over a 10-year period that exceeds the cumulative amount of tax credits that would be issued to the applicant’s investors under subsection (d) if the application were approved;

(iv) the credit-eligible capital contributions described in affidavits submitted under clause (v) of paragraph (1) do not equal at least 60 per cent of the total amount of investment authority sought under the applicant’s business plan; or

(v) the MOBD has already approved the maximum amount of investment authority and credit eligible capital contributions allowed under paragraph (2).

(4) If the MOBD denies an application, the applicant may provide additional information to the MOBD to complete, clarify or cure defects in the application identified by the MOBD within 15 days of the notice of denial for reconsideration and determination. If the applicant completes, clarifies or cures its application within 15 days after the date of the notice of denial,

the application shall be considered complete as of the original date of submission. If the applicant fails to provide the information to complete, clarify or cure its application within the 15-day period, the application remains denied and must be resubmitted in full with a new date of submission. The MOBD shall review and reconsider such applications within 30 days and before any pending application submitted after the original submission date of the reconsidered application.

(5) The MOBD shall not deny a rural growth fund application or reduce the requested investment authority for reasons other than those described in paragraphs (2) and (3). Upon approval of an application, the MOBD shall provide a written approval to the applicant as a rural growth fund specifying the amount of the applicant's investment authority and a tax credit certificate to each investor whose affidavit was included in the application specifying the amount of the investor's credit-eligible capital contribution.

(6) After receiving the approval issued under paragraph (5), a rural growth fund shall:

(i) within 60 days:

(A) collect the credit-eligible capital contributions from each taxpayer issued a tax credit certificate under paragraph (5), and

(B) collect 1 or more investments of cash that, when added to the contributions collected under subclause (A), equal the rural growth fund's investment authority; provided, however, that at least 10 per cent of the rural growth fund's investment authority shall be comprised of equity investments contributed by affiliates of the rural growth fund, including employees, officers and directors of such affiliates; and

(ii) within 65 days, send to the MOBD documentation sufficient to prove that the amounts described in clause (i) have been collected.

(7) If the rural growth fund fails to fully comply with paragraph (6), the rural growth fund's approval shall lapse and the corresponding investment authority and credit-eligible capital contributions under said paragraph (6) shall not count toward the limits on the program size prescribed in paragraph (2). The MOBD shall first award lapsed investment authority pro rata to each rural growth fund that was awarded less than the requested investment authority under said paragraph (2), which a rural growth fund may allocate to its investors at its discretion. Any remaining investment authority may be awarded by the MOBD to new applicants.

(d) (1) There is hereby allowed a nonrefundable tax credit for taxpayers that made a credit-eligible capital contribution to a rural growth fund and were issued a tax credit certificate under paragraph (5) of subsection (c). The credit may be claimed against the tax imposed by this chapter. The credit may not be sold, transferred or allocated to any other entity other than an affiliate subject to the tax imposed by this chapter.

(2) On the closing date, the taxpayer shall earn a vested credit equal to the amount of the taxpayer's credit-eligible capital contribution to the rural growth fund as specified on the tax credit certificate. The taxpayer may claim up to 25 per cent of the credit authorized under this subsection for each of the taxable years that includes the third, fourth, fifth or sixth anniversary of the closing date, exclusive of amounts carried forward pursuant to paragraph (3).

(3) If the amount of the credit for a taxable year exceeds the tax otherwise due for that year, the excess shall be carried forward to ensuing taxable years until fully used. A taxpayer

claiming a credit under this section shall submit a copy of the tax credit certificate with the taxpayer's return for each taxable year for which the credit is claimed.

(e)(1) The MOBD shall revoke a tax credit certificate issued under subsection (c) if any of the following occurs with respect to a rural growth fund before it exits the program in accordance with paragraph (4):

(i) the rural growth fund in which the credit-eligible capital contribution was made does not invest 100 per cent of its investment authority in rural growth investments in the commonwealth within 2 years of the closing date; provided, however, that, for the purpose of satisfying the requirements of this clause, the maximum amount of rural growth investments that a rural growth fund may count with respect to a single rural business concern, including amounts invested in affiliates of the rural business concern, may not exceed the greater of $5,000,000 or 20 per cent of the rural growth fund's investment authority;

(ii) the rural growth fund, after satisfying clause (i), fails to maintain rural growth investments equal to 100 per cent of its investment authority until the sixth anniversary of the closing date; provided, however, that an investment shall be considered to be "maintained" even if the investment is sold or repaid if the rural growth fund reinvests an amount equal to the capital returned or recovered by the fund from the original investment, exclusive of any profits realized, in other rural growth investments in the commonwealth within 12 months of the receipt of such capital; provided further, that amounts received periodically by a rural growth fund shall be treated as continually invested in rural growth investments if the amounts are reinvested in 1 or more rural growth investments by the end of the following calendar year; provided, further, that, for purposes of satisfying the requirements of this clause, the maximum amount of rural

growth investments that a rural growth fund may count with respect to a single rural business concern, including amounts invested in affiliates of the rural business concern, may not exceed the greater of $5,000,000 or 20 per cent of the rural growth fund's investment authority;

(iii) the rural growth fund, before exiting the program in accordance with paragraph (4), makes a distribution or payment that results in the rural growth fund having less than 100 per cent of its investment authority invested in rural growth investments in the commonwealth or available for investment in rural growth investments and held in cash and other marketable securities; or

(iv) the rural growth fund makes a rural growth investment in a rural business concern that directly or indirectly through an affiliate owns, has the right to acquire an ownership interest, makes a loan to, or makes an investment in the rural growth fund, an affiliate of the rural growth fund or an investor in the rural growth fund; provided, however, that this clause does not apply to investments in publicly traded securities by a rural business concern or an owner or affiliate of such concern; and provided further, that a rural growth fund shall not be considered an affiliate of a rural business concern solely as a result of its rural growth investment.

(2) Before revoking 1 or more tax credit certificates under this subsection, the MOBD shall notify the rural growth fund of the reasons for the pending revocation. The rural growth fund shall have 90 days from the date the notice was received to correct any violation outlined in the notice to the satisfaction of the MOBD and avoid revocation of the tax credit certificate.

(3) If tax credit certificates are revoked under this subsection, the associated investment authority and credit-eligible capital contributions shall not count toward the limit on total investment authority and credit-eligible capital contributions described in paragraph (2) of

subsection (c). The MOBD shall first award reverted authority pro rata to each rural growth fund that was awarded less than the requested investment authority under paragraph (5) of subsection (c). The MOBD may award any remaining investment authority to new applicants.

(4) On or after the sixth anniversary of the closing date, a rural growth fund may apply to the MOBD to exit the program and no longer be subject to the provisions of this section. The MOBD shall respond to the application within 30 days of receipt. In evaluating the application, the fact that no tax credit certificates have been revoked and that the rural growth fund has not received a notice of revocation that has not been cured under paragraph (2) shall be sufficient evidence to prove that the rural growth fund is eligible to exit. The MOBD shall not unreasonably deny an application submitted under this paragraph. If the application is denied, the notice shall include the reasons for the denial.

(5) The MOBD shall not revoke a tax credit certificate after the rural growth fund's exit from the program.

(6) Once a rural growth fund has been determined to be eligible to exit under paragraph (4), if the number of jobs created and jobs retained by the rural business concerns that received rural growth investments from the rural growth fund, calculated pursuant to reports filed by the rural growth fund pursuant to subsection (g), is less than the number projected in the rural growth fund's business plan filed as part of its application for certification under subsection (c), then the commonwealth shall receive a percentage of any distribution or payment made to the equity holders of the rural growth fund in excess of the rural growth fund's investment authority and an amount equal to any projected increase in the equity holders' federal or state tax liability, including penalties and interest, related to the equity holders' ownership, management or

operation of the fund; such percentage shall be equal to the percentage shortfall of the number of jobs created and retained relative to the projected jobs created and retained, as such number of jobs is certified under subsection (g) of this section; provided, however, that all reports filed by a rural growth fund under subjection (g) shall be taken into account to arrive at a summation of jobs created and retained.

(7) If the rural growth fund's rural growth investments achieved a 20 per cent or greater internal rate of return, the commonwealth shall receive 15 per cent of any distribution or payment made to the equity holders of the rural growth fund in excess of the rural growth fund's investment authority and an amount equal to any projected increase in the equity holders' federal or state tax liability, including penalties and interest, related to the equity holders' ownership of the fund. Any amounts payable to the state pursuant to paragraph (6) of this subsection shall be in addition to amounts due under this paragraph.

(8) All amounts payable to the commonwealth pursuant to paragraph (6) and (7) shall be subject to appropriation for purposes of supporting rural school aid.

(f) A rural growth fund, before making a rural growth investment, may request from the MOBD a written opinion as to whether the business in which it proposed to invest is a rural business concern. The MOBD, not later than the 15 business day after the date of receipt of the request, shall notify the rural growth fund of its determination. If the MOBD fails to notify the rural growth fund by the 15 business day of its determination, the business in which the rural growth fund proposes to invest shall be considered a rural business concern.

(g)(1) Each rural growth fund shall submit a report to the MOBD on or before the fifth business day after the second anniversary of the closing date. The report shall provide documentation as to the rural growth fund's rural growth investments and include:

(i) a bank statement evidencing each rural growth investment;

(ii) the name, location and industry of each business receiving a rural growth investment, including either the determination letter set forth in subsection (f) or evidence that the business qualified as a rural business concern at the time the investment was made;

(iii) the number of jobs created or jobs retained as a result of the rural growth fund's rural growth investments as of the last day of the preceding 2 calendar years; provided, however, that job numbers shall be certified by each rural business concern's independent certified public accountant that is licensed to do business in the commonwealth or by the rural growth fund's nationally recognized independent certified public accounting firm. MOBD shall publish a list of nationally recognized independent certified public accounting firms, which shall include at least 10 firms, within 12 months of certifying the first rural growth fund and shall periodically update such list as MOBD deems appropriate; and

(iv) any other information required by the MOBD.

(2) On or before the last day of February of each year following the year in which the report required under paragraph (1) is due, the rural growth fund shall submit an annual report to the MOBD, which shall include the following:

(i) the number of jobs created or jobs retained as a result of the rural growth fund's rural growth investments as of the last day of the preceding calendar year, which number shall be independently certified in accordance with clause (iii) of paragraph (1);

(ii) the average annual salary of the positions described in clause (i); and

(iii) any other information required by the MOBD.

(h) The MOBD shall promulgate regulations necessary to implement the provisions in this section.

SECTION 63. Section 1 of chapter 137 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the figure "23K", in line 3, the following words:- or sports wagering conducted pursuant to chapter 23N.

SECTION 64. Section 2 of said chapter 137, as so appearing, is hereby amended by inserting after the figure "23K", in line 3, the following words:- or an operator who offers sports wagering pursuant to chapter 23N.

SECTION 65. Section 3 of said chapter 137, as so appearing, is hereby amended by inserting after the figure "23K", in line 7, the following words:- or sports wagering conducted pursuant to chapter 23N.

SECTION 66. Sections 19B, 19C, 19D, and 19E of chapter 159 of the General Laws are hereby repealed.

SECTION 67. Section 37 of chapter 159 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word "thereof," , in line 3, the following words:- by electronic medium as defined by the department,.

SECTION 68. Section 1 of chapter 159C of the General Laws, as so appearing, is hereby amended by adding the following 2 definitions:-

"Voice service", (a) any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Federal Communication Commission under section 251(e)(1) of the Communications Act of 1934, codified at 47 U.S.C. section 251(e)(1); and (b) includes:

(i) transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine; and

(ii) without limitation, any service that enables real-time, two-way voice communications, including any service that requires internet protocol-compatible customer premises equipment, commonly known as CPE, and permits outbound calling, whether or not the service is one-way or two-way voice over internet protocol.

"Voice service provider", a person that provides voice service to a subscriber or end user.

SECTION 69. Section 5 of said chapter 159C, as so appearing, is hereby amended by striking out, in lines 12 to 14, inclusive, the words "telephone company, subject to the authority of the department of telecommunications and energy", and inserting in place thereof the following words:- voice service provider.

SECTION 70. Said section 5 of said chapter 159C, as so appearing, is hereby further amended by striking out, in lines 18 and 19, the words "telephone company" and inserting in place thereof, in each instance, the following words:- voice service provider.

SECTION 71. Section 6 of said chapter 159C, as so appearing, is hereby amended by striking out, in line 2, the words “local exchange company” and inserting in place thereof the following words:- voice service provider.

SECTION 72. Said chapter 159C, as so appearing, is hereby further amended by inserting after section 7 the following section:-

Section 7A. A person shall not, with the intent to deceive, defraud, harass, cause harm, or wrongfully obtain anything of value, including, but not limited to, financial resources or personal identifying information, utilize voice service or engage in conduct that results in the display of misleading, false or inaccurate caller identification information on the receiving party’s telephone or device.

SECTION 73. Section 8 of said chapter 159C, as so appearing, is hereby amended by striking out, in line 4, the figure “$5,000” and inserting in place thereof the following figure:- $25,000.

SECTION 74. Said section 8 of said chapter 159C, as so appearing, is hereby further amended by striking out, in line 5, the figure “$1,500” and inserting in place thereof the following figure:- $5,000.

SECTION 75. Section 8 of said chapter 159C, as so appearing, is hereby further amended by striking out, in line 15, the figure “$5,000” and inserting in place thereof the following figure:- $25,000.

SECTION 76. Section 47E of chapter 164 of the General Laws, as so appearing, is hereby amended by adding the following 2 sentences:- A cooperative or municipal lighting plant

shall, upon commencing operations of a telecommunications system, provide notice to the department of telecommunications and cable. A cooperative or municipal lighting plant that is engaged in the business of operating a broadband telecommunications system shall file annually with the department of telecommunications and cable, on a form prescribed by the department of telecommunications and cable, a statement of its revenues and expenses and a financial balance sheet, each of which shall be open to public inspection.

SECTION 77. Section 20A of chapter 175 of the General Laws, as so appearing, is hereby amended by inserting, in line 4, after the words "(E)" the following words:- , (E1/2).

SECTION 78. Subsection (1) of said section 20A of said chapter 175, as so appearing, is hereby amended by inserting after paragraph (E) the following paragraph:-

(E1/2) (i) Credit shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the conditions set forth in this paragraph.

(a) The assuming insurer shall have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction. A "reciprocal jurisdiction" shall mean jurisdiction that meets 1 of the following:

(1) A jurisdiction outside of the United States that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and European Union, is a member state of the European Union. For purposes of this paragraph, a "covered agreement" shall mean an agreement entered into pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. sections 313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition

for entering into any reinsurance agreement with a ceding insurer domiciled in the commonwealth or for allowing the ceding insurer to recognize credit for reinsurance.

(2) A jurisdiction of the United States that meets the requirements for accreditation under the NAIC financial standard and accreditation program; or

(3) A qualified jurisdiction, as determined by the commissioner pursuant to clause (iii) of paragraph (E) of subsection (1), which is not otherwise described in subclause (1) or (2) of this subparagraph above and which meets certain additional requirements, consistent with the terms and conditions of inforce covered agreements, as specified by the commissioner in regulation.

(b) The assuming insurer shall have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in regulation. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, minimum capital and surplus equivalents (net of liabilities), calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth in regulation.

(c) The assuming insurer shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as applicable, which will be set forth in regulation. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed.

(d) The assuming insurer shall agree and provide adequate assurance to the commissioner, in a form specified by the commissioner pursuant to regulation, as follows:

(1) The assuming insurer shall provide prompt written notice and explanation to the commissioner if it falls below the minimum requirements set forth in subparagraphs (b) or (c), or if any regulatory action is taken against it for serious noncompliance with applicable law;

(2) The assuming insurer shall consent in writing to the jurisdiction of the courts of the commonwealth and to the appointment of the commissioner as agent for service of process. The commissioner may require that consent for service of process be provided to the commissioner and included in each reinsurance agreement. Nothing in this provision shall limit, or in any way alter, the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws;

(3) The assuming insurer shall consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained;

(4) Each reinsurance agreement shall include a provision requiring the assuming insurer to provide security in an amount equal to 100 per cent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and

(5) The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement which involves the commonwealth's ceding insurers and agree to notify the ceding insurer and the commissioner and to provide security in an amount equal to 100 per cent of the assuming insurer's liabilities to the ceding insurer should the assuming insurer enter into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of paragraph (E) of subsection (1) and subsection (2) and as specified by the commissioner in regulation.

(e) The assuming insurer or its legal successor shall provide, if requested by the commissioner, on behalf of itself and any legal predecessors, certain documentation to the commissioner as specified by the commissioner in regulation.

(f) The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth in regulation.

(g) The assuming insurer's supervisory authority shall confirm to the commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction that the assuming insurer complies with the requirements set forth in subparagraphs (b) and (c).

(h) Nothing in this provision precludes an assuming insurer from providing the commissioner with information on a voluntary basis.

(ii) The commissioner shall timely create and publish a list of reciprocal jurisdictions.

(a) The commissioner's list of reciprocal jurisdictions shall include any reciprocal jurisdiction as defined under subclauses (1) and (2) of subparagraph (a) of clause (i) of this

paragraph and shall consider any other reciprocal jurisdiction included on the list of reciprocal jurisdictions published by NAIC. The commissioner may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with criteria to be developed under regulations issued by the commissioner.

(b) The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process set forth in regulations issued by the commissioner, provided that the commissioner shall not remove from the list a reciprocal jurisdiction as defined under subclauses (1) and (2) of subparagraph (a) of clause (i) of this paragraph. Upon removal of a reciprocal jurisdiction from the list, credit for reinsurance ceded to an assuming insurer which has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to this section.

(iii) The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this subsection and to which cessions shall be granted credit in accordance with this subsection. The commissioner may add an assuming insurer to such list if a NAIC-accredited jurisdiction has added such assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the commissioner as required under subparagraph (d) of clause (i) of this paragraph and complies with any additional requirements that the commissioner may impose by regulation, except to the extent that they conflict with an applicable covered agreement.

(iv) If the commissioner determines that an assuming insurer no longer meets 1 or more of the requirements under this subsection, the commissioner may revoke or suspend the

eligibility of the assuming insurer for recognition under this subsection in accordance with procedures set forth in regulation.

(a) While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended or renewed after the effective date of the suspension qualified for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with subsection (2).

(b) If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and consistent with subsection (2).

(v) If subject to a legal process of rehabilitation, liquidation or conservation, as applicable, the ceding insurer or its representative may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

(vi) Nothing in this subsection shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as prohibited by this section or other applicable law or regulation.

(vii) Credit may be taken under this subsection only for reinsurance agreements entered into, amended, or renewed on or after the effective date of the statute adding this subsection, and only with respect to losses incurred and reserves reported on or after the later of: (1) the date on

which the assuming insurer has met all eligibility requirements pursuant to clause (i) of this paragraph; or (2) the effective date of the new reinsurance agreement, amendment, or renewal.

(a) This paragraph does not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this subsection, as long as the reinsurance qualifies for credit under any other applicable provision of this section.

(b) Nothing in this subsection shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

(c) Nothing in this subsection shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement.

SECTION 79. Said subsection (1) of said section 20A of said chapter 175, as so appearing, is hereby further amended by striking out paragraph (F) and inserting in place thereof the following paragraph:-

(F) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of paragraphs (A), (B), (C), (D), (E), or (E1/2) but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or regulation of that jurisdiction.

SECTION 80. Said subsection (1) of said section 20A of said chapter 175, as so appearing, is hereby further amended by striking out, in line 279, the words "(B) or (C)" and inserting in place thereof the following words:- (B), (C) or (E1/2).

SECTION 81. Clause (iv) of paragraph (B) of subsection (5) of said section 20A of said chapter 175, as so appearing, is hereby amended by striking out subparagraphs (a) and (b) and inserting in place thereof the following 3 subparagraphs:-

(a) meets the conditions set forth in paragraph (E1/2) of subsection (1);

(b) is certified in the commonwealth; or

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

SECTION 82. Said chapter 175, as so appearing, is hereby further amended by striking out section 117C and inserting in place thereof the following section:-

Section 117C. (a) The following method of determination of premium rates with respect to credit life insurance and credit accident and health insurance is required only for such insurance written in connection with obligations, other than loans secured by first liens on real property, which are subject to section 12G of chapter 255, section 10 of chapter 255B, section 14A of chapter 255C, or subsection C of section 26 of chapter 255D, for which an identifiable charge is paid by insured persons.

(b) The following are the procedures for determining the maximum premium rates permitted to be charged any account:

A. (1) Minimum loss ratio test: Benefits shall be considered reasonable in relation to the premium charged if the loss ratio equals or exceeds or is reasonably expected to equal or exceed the minimum loss ratio standard specified below. The minimum loss ratio standard is:

(i) for credit life insurance, 50 per cent; and

(ii) for credit accident and health insurance, 55 per cent.

In applying the minimum loss ratio test, the commissioner shall make appropriate adjustment to account for differences in loss ratios that may be expected on single premium credit life insurance plans resulting from changes in the benefit structure.

The rate review will be made each year for all classes of business.

B. (1) Each insurer writing said life insurance and accident and health insurance shall report to the commissioner its claims experience and loss ratio data on said insurance separately for the motor vehicle dealers class of business and for all classes of business combined on the credit insurance supplement forms as specified by the National Association of Insurance Commissioners for inclusion in the annual statement blanks filed pursuant to section 25.

(2) Each insurer writing said life insurance and accident and health insurance shall annually report to the commissioner, on a form prescribed by the commissioner, its claims experience and loss ratio data on said insurance separately for motor vehicle dealers and other than motor vehicle dealers. If the reported experience indicate that claims experience does not meet the minimum loss ratio tests, taking into consideration the credibility of said experience as measured by the credibility table, corrective action shall be required. If corrective action is

indicated, the carrier shall include with its submission its proposed plan for such corrective action.

C. As used in this section the following terms, unless the context clearly requires otherwise, shall have the following meanings:

"Average Number of Life Years", the average number of group certificates in force during the experience period, without regard to multiple coverage, times the number of years in the experience period, or some equivalent calculation, which shall be made separately for credit life insurance and for credit accident and health insurance.

"Credibility factor", the extent to which past experience can be expected to recur in the future. The credibility factor may be based on either the number of claims incurred or on the "average number of life years" for the case during the experience period using the credibility table.

"Credibility table" means the following table:

The above integral numbers represent the lower end of the bracket for each "Z" factor. The upper is 1 less than the lower end for the next higher "Z" factor.

"Earned premiums", the premiums earned at the premium rates actually charged for coverage in force during the experience period.

"Experience", earned premiums, incurred claims, incurred claim count, number of life years insured, and average amount of insurance during the experience period.

“Incurred claims”, total claims paid during the experience period, adjusted for the change in the claim reserve.

“Incurred claim count”, the number of claims incurred during the experience period. This means the total number of claims reported during the experience period, whether paid or in the process of payment. If a debtor has been issued more than one certificate for the same plan of insurance, only 1 claim is counted. If a debtor receives disability benefits, only the initial claim payment for that period of disability is counted.

“Loss Ratio”, the ratio of incurred claims to earned premiums.

SECTION 83. Section 2 of chapter 239 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:- The defendant named in a summary process summons and complaint shall not include any minors, and any such minors’ names so included shall be expunged from any court record and electronic docket entry.

SECTION 84. Section 1 of chapter 271 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words “chapter 23K” and inserting in place thereof the following words:- chapters 23K and 23N.

SECTION 85. Section 2 of said chapter 271, as so appearing, is hereby amended by striking out, in line 4, the words “chapter 23K” and inserting in place thereof the following words:- chapters 23K and 23N.

SECTION 86. Section 3 of said chapter 271, as so appearing, is hereby amended by striking out, in line 1, the words “chapter 23K” and inserting in place thereof the following words:- chapters 23K and 23N.

SECTION 87. Section 5 of said chapter 271, as so appearing, is hereby amended by striking out, in line 1, the words “chapter 23K” and inserting in place thereof the following words:- chapters 23K and 23N.

SECTION 88. Section 5A of said chapter 271, as so appearing, is further amended by inserting after the words “chapter 23K”, in line 32, the following words:- or sports wagering conducted pursuant to chapters 23N.

SECTION 89. Section 5B of said chapter 271, as so appearing, is hereby amended by striking out, in line 58, the words “chapter 23K” and inserting in place thereof the following words:- chapters 23K and 23N.

SECTION 90. Section 8 of said chapter 271, as so appearing, is hereby amended by striking out, in lines 10 to 11, the words “other game of chance that is not being conducted in a gaming establishment licensed under chapter 23K” and inserting in place thereof the following words:- other game that is not being conducted pursuant to chapter 23K and any other sports wagering that is being conducted pursuant to chapter 23N.

SECTION 91. Section 17 of said chapter 271, as so appearing, is hereby amended by inserting after the words “chapter 23K”, in line 27, the following words:- or for the purpose of sports wagering conducted in accordance with chapter 23N.

SECTION 92. Said chapter 271, as so appearing, is hereby further amended by striking out section 17A and inserting in place thereof the following section:-

Section 17A. Except as permitted under chapter 23N, whoever uses a telephone, internet or other communications technology or, being the occupant in control of premises where a

telephone, internet or other communications technology is located or a subscriber for such communications technology, knowingly permits another to use a telephone, internet or other communications technology so located or for which such person subscribes, as the case may be, for the purpose of accepting wagers or bets, or buying or selling of pools, or for placing all or any portion of a wager with another, upon the result of a trial or contest of skill, speed or endurance of man, beast, bird or machine, or upon the result of an athletic game or contest, or upon the lottery called the numbers game, or for the purpose of reporting the same to a headquarters or booking office, or who under another name or otherwise falsely or fictitiously procures telephone, internet or other communications technology service for oneself or another for such purposes, shall be punished by a fine of not more than $2,000 or by imprisonment for not more than 1 year.

SECTION 93. Section 19 of said chapter 271, as so appearing, is hereby amended by inserting after the words “chapter 23K”, in line 19, the following words:- and shall not apply to advertising of sports wagering conducted pursuant to chapter 23N.

SECTION 94. Section 20 of said chapter 271, as so appearing, is hereby amended by inserting at the end thereof the following sentence:- Nothing in this section shall prohibit an operator licensed under chapter 23N from posting, advertising or displaying materials relevant to its sports wagering operations.

SECTION 95. Section 23 of said chapter 271, as so appearing, is hereby amended by inserting after the words “chapter 23K”, in line 31, the following words:- and shall not apply to sports wagering conducted pursuant to chapter 23N.

SECTION 96. Section 27 of said chapter 271, as so appearing, is hereby amended by inserting after the word “thereto”, in line 15, the following words:- ; provided, however, that such provisions shall not apply to sports wagering conducting pursuant to chapter 23N.

SECTION 97. Section 28 of said chapter 271, as so appearing, is hereby amended by inserting after the word “prescribed”, in line 12, the following words:- ; provided, however, that such provisions shall not apply to sports wagering conducting pursuant to chapter 23N.

SECTION 98. Section 42 of said chapter 271, as so appearing, is hereby amended by inserting after the word “both”, in line 4, the following words:- ; provided, however, that such provisions shall not apply to sports wagering conducting pursuant to chapter 23N.

SECTION 99. Section 3 of chapter 614 of the acts of 1968 is hereby amended by inserting after paragraph (p), added by section 3 of chapter 419 of the acts of 1984, the following paragraph:-

(q) “Nonprofit Beneficiary”, Any nonprofit person, as defined in section 1 of chapter 23G of the General Laws, to which the agency is authorized to provide financing.

SECTION 100. Section 5 of said chapter 614 is hereby amended by striking out paragraph (p), as inserted by section 4 of chapter 769 of the acts of 1979, and inserting in place thereof the following 2 paragraphs:-

(q) to make loans from the assets of any existing authority trust to nonprofit beneficiaries in support of such trust;

(r) to do all things necessary and convenient to carry out the purposes of this act.

SECTION 101. Section 100 of chapter 142 of the acts of 2011 is hereby repealed.

SECTION 102. Sections 46, 48, 61 and 63 of chapter 287 of the acts of 2014 are hereby repealed.

SECTION 103. Section 124A of chapter 287 of the acts of 2014 is hereby repealed.

SECTION 104. The second sentence of section 135 of chapter 219 of the acts of 2016 is hereby amended by inserting after the words “includes any fantasy or simulated game or contest” the following words:- , including but not limited to, any fantasy or simulated game or contest based on college or professional sports events.

SECTION 105. The executive office of housing and economic development shall issue guidance to assist local officials in determining the voting thresholds for various zoning amendments. Such guidance shall be assembled in consultation with the department of housing and community development, the Massachusetts attorney general’s municipal law unit, and Massachusetts Housing Partnership.

SECTION 106. The secretary of housing and economic development shall report annually to the clerks of the house of representatives and the senate, the chairs of the joint committee on housing and the chairs of the senate and house committees on ways and means, on the activities and status of the Housing Choice Initiative, as described by the governor in a message to the general court dated December 11, 2017, including progress made towards the production of 135,000 new units by 2025. The report also shall include a list of all cities and towns that qualify as “housing choice” communities, a list and description of grant funds disbursed to such cities and towns and a description of how the funds were used to support the production of new housing.

SECTION 107. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2, 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, $247,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth Economic Development Act of 2020”, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2055. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 108. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $125,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth Economic Development Act of 2020”, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2055. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued

under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 109. As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"COVID-19 emergency", the state of emergency concerning the novel coronavirus disease outbreak declared by the governor pursuant to executive order 591 on March 10, 2020.

"Good-faith effort", an effort by each party upon being present or taking part in the pre-eviction mediation conference as required pursuant to subsection (b), to negotiate and agree upon a reasonable alternative to eviction.

"Notice of eviction rights and responsibilities form", a form developed by the executive office of housing and economic development pursuant to subsection (e) and approved by the chief justice of the housing court.

"Pre-eviction mediation", a conference with the plaintiff and defendant conducted by a housing specialist, as described in section 16 of chapter 185C of the General Laws.

(a) Notwithstanding chapter 186 or chapter 239 of the General Laws, or any other general or special law, rule, regulation or order to the contrary, any notice, including a notice to quit, requesting or demanding a tenant of a residential dwelling unit to vacate the premises shall, as part of said notice, include a notice of eviction rights and responsibilities form. A court having jurisdiction over an action for summary process related to said chapter 239, including the Boston municipal court department, shall not accept for filing a writ, summons or complaint for entry

without a copy of the notice of eviction rights and responsibilities form which has been delivered to the tenant, with proof of delivery of such notice.

(b) Notwithstanding said chapter 186 or said chapter 239, or any other general or special law, rule, regulation or order to the contrary, a court having jurisdiction over an action for summary process related to said chapter 239, including the Boston municipal court department, shall require pre-eviction mediation prior to an eviction hearing or trial for non-payment of rent by a tenant of a residential dwelling unit. An eviction hearing or trial for non-payment of rent by a tenant of a residential dwelling unit shall not proceed unless the court determines that the parties have made a good-faith effort to come to a resolution in a pre-eviction mediation. If the court determines the plaintiff did not act in good-faith, the hearing shall be postponed and rescheduled for a date 2 weeks from the original trial date, at which time the court shall make a new determination as to whether the plaintiff has acted in good-faith. If the court determines the defendant did not act in good-faith at the rescheduled hearing, the hearing or trial shall proceed as scheduled.

(c) Notwithstanding said chapter 186 or said chapter 239, or any other general or special law, rule, regulation or order to the contrary, in an action for nonpayment of rent due to a financial impact from the COVID-19 emergency, a tenant, whether at will or under lease, a tenant shall have the right to prevent the termination of the tenancy by paying or tendering to the landlord or to the landlord’s attorney all rent then due, including, interest and costs of such action, by the day of the hearing or trial; provided, however, that the tenant shall provide documentation and the court shall determine that non-payment of rent was due to a financial impact resulting from the COVID-19 emergency.

(d) Notwithstanding subsections (a), (b) and (c) of this section, pre-eviction mediation shall not be required in an action against a tenant at sufferance if the landlord has acquired new tenants for the residential dwelling for which the action is brought prior to the date of the eviction hearing or trial.

(e) The executive office of housing and economic development shall develop a standard notice of eviction rights and responsibilities form. The form shall include, but not be limited to, the following information: (i) a tenant's right to mediation, including notice that mediation may be required; (ii) a tenant's right to cure, if the eviction is for non-payment of rent; (iii) housing consumer education services; (iv) legal services, including contact information; and (v) how to transfer a case to housing court, if applicable. The notice of eviction rights and responsibilities form shall include, for evictions related to the non-payment of rent, in a fillable format, easy to use by the landlord, to provide the following information: (i) the amount owed and the date by which the amount shall be furnished to avoid eviction; (ii) attempts taken by the landlord to collect payment of rent, including dates and responses from the tenant, if any; (iii) whether the tenant provided notice and documentation to the landlord that non-payment of rent was due to a financial impact resulting from the COVID-19 emergency; and (iv) any agreements between the tenant and landlord for the tenant to repay the landlord for non-payment of rent. The notice shall be made available in the 5 most common languages in the commonwealth, in addition to English.

(f) The executive office of housing and economic development shall issue emergency regulations and guidance as necessary to implement this section.

SECTION 110. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"COVID-19 emergency", the state of emergency concerning the 2019 novel coronavirus disease outbreak declared by the governor pursuant to executive order 591 on March 10, 2020.

"Small business premises unit", a premises occupied by a tenant for commercial purposes; provided, however that "small business premises unit" shall not include a premises occupied by a tenant if the tenant or a party that controls, is controlled by or is in common control with the tenant: (i) operates multi-state; (ii) operates multi-nationally; (iii) is publically traded; or (iv) has no fewer than 150 full-time equivalent employees.

(b) There shall be a Distressed Restaurant Trust Fund. The secretary of the executive office of housing and economic development shall be trustee of the fund and shall expend money in the fund to address the financial impacts of the COVID-19 emergency on distressed restaurants in the commonwealth. There shall be credited to the fund: (i) revenue transferred pursuant to section 14 of chapter 23N; (ii) any interest earned on money in the fund; and (iii) any gifts, grants or private contributions. Money deposited in the fund that is unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

(c) Money in the fund shall be expended for a competitive one-time grant program to assist distressed restaurants in the commonwealth financially impacted by the COVID-19 emergency; said assistance shall include: (i) rental assistance for restaurants in small business premises units; and (ii) mortgage assistance for restaurants located on a property that is owner occupied; provided, that the cost of rent or mortgage payment constitutes 10 per cent or more of a restaurant's revenue, based on the restaurant's 2019 total revenue and rent or mortgage payments; provided, further, the maximum amount each restaurant is eligible for rent or

mortgage expenses under the fund is 7 per cent of the restaurant's 2019 total revenue. Money from the fund shall also be expended to provide other support to restaurants, including: (i) insurance costs; (ii) payroll expenses; (iii) past due payment orders for supplies, goods or services used by the restaurant; and (iv) procuring personal protective equipment. No recipient shall receive more than $15,000 for assistance under said one time grant program for distressed restaurants.

(d) The executive office of housing and economic development shall determine criteria to evaluate financial needs of distressed restaurants; provided, that the criteria shall prioritize small business owners financially impacted by the COVID-19 emergency; provided further, that the criteria shall promote the continued operation of restaurants in diverse locations throughout the commonwealth.

(e) Not later than October 1, 2021 and October 1, 2022, the secretary of the executive office of housing and economic development shall provide a report of the funds used to support distressed restaurants, including a breakdown of expenditures. The report shall be provided the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on tourism, arts and cultural development.

SECTION 111. There is hereby established a special legislative commission pursuant to section 2A of chapter 4 of the General Laws to examine and make recommendations on addressing the recovery of the cultural and creative sector, including the arts, humanities and sciences, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor's March 10, 2020 declaration of a state of emergency pursuant to

executive order 591. The special commission shall review and develop recommendations and best practices for the recovery, promotion and continued growth and vitality of the cultural and creative sector in the commonwealth. The special legislative commission shall meet no fewer than 4 times, in diverse locations throughout the commonwealth.

The commission shall consist of the following 13 members: the house and senate chairs of the joint committee on tourism, arts and cultural development, who shall serve as co-chairs; the chair of the Massachusetts cultural council or a designee; the executive director of MassCreative, Inc. or a designee; 1 member of the commonwealth association of museums; 1 member of the educational theatre association; and 7 members to be appointed by the co-chairs: 2 of whom shall be representatives from 2 different designated cultural districts in the commonwealth; and 5 artists from different disciplines and sectors, including the arts, humanities and sciences. All appointments shall be made not later than 30 days after the effective date of this act. The commission shall convene its first meeting not later than 60 days after the effective date of this act.

The commission shall examine ways to increase recovery and promote remote operations and programming in the commonwealth, including, challenges maintaining and operating programming, including, training staff, developing new creative work regardless of format, barriers in reopening physical locations and maintaining a virtual presence, strategies for increased marketing and strategies for cross-promotional partnerships with other industries, including the hospitality industry.

The chairs of the commission shall work to facilitate information and data requests of the commission members, ensure that the work of the commission incorporates feedback from the

cultural and creative sector statewide and coordinate cooperation throughout the review. The commission shall submit a report of its review and its recommendations, together with drafts of legislation, if any, necessary to carry out the recommendations of the commission by filing the same with the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on tourism, arts and cultural development, not later than June 30, 2021.

SECTION 112. The Massachusetts office of business development shall accept applications for approval as a rural growth fund as required under subsection (c) of section 38II of chapter 63 of the General Laws not more than 90 days after the effective date of this act.

SECTION 113. Section 109 shall take effect on October 17, 2020.

SECTION 114. Section 109 is hereby repealed.

SECTION 115. Section 110 is hereby repealed.

SECTION 116. Section 14 of chapter 23N of the General Laws is hereby repealed.

SECTION 117. Section 12 of chapter 490 of the acts of 1980 is hereby repealed.

SECTION 118. Section 114 shall take effect on June 1, 2021.

SECTION 119. Sections 15 to 23, inclusive, sections 32, 45 and 46, and sections 105 and 106, shall take effect 90 days after enactment.

SECTION 120. Sections 49 to 52, inclusive, section 54, section 56, sections 58 to 60, inclusive, and section 63 shall apply to tax years beginning on or after January 1, 2021.

SECTION 121. Sections 8, 115, and 116 shall take effect on January 1, 2023.

SECTION 122. Sections 55 and 57 shall take effect on January 1, 2026.