

SENATE No. 193

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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

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

An Act to create and maintain jobs in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>

Bruce E. Tarr

Thomas P. Conroy

First Essex and Middlesex

13th Middlesex

SENATE No. 193

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 193) of Karen E. Spilka, Sal N. DiDomenico, Daniel A. Wolf, John V. Fernandes and other members of the General Court for legislation to create and maintain jobs in the Commonwealth. Economic Development and Emerging Technologies.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to create and maintain jobs in the Commonwealth.

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

1 SECTION 1. Chapter 6A of the General Laws, as appearing in the 2010 Official Edition,
2 is hereby amended by inserting after section 7A the following new section:-

3 Section 7B. Each secretary may, without regard to chapter 31, appoint an entrepreneur-
4 in-residence to provide services to the executive office for a period not to exceed 2 years. An
5 entrepreneur in residence shall be a full-time employee of the executive office and shall report
6 directly to the secretary. The duties of an entrepreneur-in-residence shall include, but are not
7 limited to, assisting the executive office and agencies in improving outreach to small business
8 and entrepreneurs to address their concerns and provide information regarding the work of the
9 executive office and agencies; provide recommendations on inefficient or duplicative programs,
10 if any; provide recommendations on methods to improve program efficiency and new initiatives;
11 facilitate meetings and forums to educate the executive office and agencies about small business
12 needs and concerns and to educate entrepreneurs on programs or initiatives of the executive
13 office and the agencies; facilitate in-service training sessions for employees of the executive
14 office and agencies on issues related to the impact of the work of the executive office and
15 agencies on the success of entrepreneurs and small businesses; provide technical assistance or
16 mentorship to small businesses and entrepreneurs.

17 A person appointed to the position of entrepreneurs-in-residence shall be recognized by
18 their industry peers as successful in their field; have demonstrated success in working with small
19 businesses and entrepreneurs; and have developed, invented, or created a product and brought
20 the product to the marketplace.

21 SECTION 2. Chapter 7 of the General Laws, as appearing in the 2010 Official Edition, is
22 hereby amended by adding after section 4R the following new section:-

23 Section 4S. The secretary may convene a working group of the entrepreneurs-in-
24 residence appointed under section 7B of chapter 6A to discuss best practices, experiences,
25 obstacles, and opportunities in each of the executive offices where the entrepreneurs in residence
26 serve, and to make recommendations for collaboration among the executive offices in order to
27 improve programs and initiatives which impact small businesses.

28 SECTION 3. Section 33 of chapter 7C of the General Laws, as inserted by section 82 of
29 chapter 165 of the acts of 2012, is hereby amended by inserting after the ninth paragraph the
30 following:-

31 To determine whether property is not needed for current or foreseeable state or direct
32 public use, the commissioner shall consider, , the long term cost savings from occupancy of
33 state owned buildings versus renting property for use by state agencies, the cost to rehabilitate
34 state owned facilities, the number and types of jobs that would be created by each rehabilitation
35 project, a consideration benefits of a public private partnerships for construction and
36 management of rehabilitated buildings, and the use of weatherization, renewable energy, off the
37 grid power sources, and green certification. The commissioner shall prioritize analysis of state
38 owned buildings in areas of the commonwealth with high levels of unemployment in the
39 construction sector. For each building identified, the commissioner shall create a project plan for
40 rehabilitation including a timeline to sell the renovated property.

41 SECTION 4. Section 22O of chapter 7 of the General Laws, as amended by section 4 of
42 chapter 9 of the acts of 2011, is hereby amended by inserting the following subsection:-

43 (b) Notwithstanding provisions of law requiring a contracting agency to award a contract
44 to the lowest responsible bidder or best proposer or provider of a quotation, a contracting agency
45 that uses public funds to procure goods or services for a public use may give preference to
46 procuring goods that are fabricated or processed, or services that are performed, entirely within
47 the commonwealth if the goods or services cost not more than 10 percent more than goods that
48 are not fabricated or processed, or services that are not performed, entirely within the state. If
49 more than one bidder or proposer qualifies for the preference described in this subsection, the
50 contracting agency may give a further preference to a qualifying bidder or proposer that resides
51 in or is headquartered in the commonwealth.

52 SECTION 5. Chapter 15 of the General Laws, as appearing in the 2010 Official Edition,
53 is hereby amended by adding at the end thereof the following new section:

54 Section 67B. Office of Dual Language Educational Programs.

55 There shall be within the department of elementary and secondary education an office of
56 dual language educational programs, hereinafter referred to as the office. The office shall
57 promote and provide technical assistance to dual language educational programs in the
58 commonwealth

59 The office shall be under the direction and supervision of a director who shall be
60 appointed by the secretary of education. The director shall coordinate with the executive office
61 of housing and economic development and the executive office of labor and workforce
62 development to identify those languages most useful in the industries and markets that contribute
63 to economic vitality in the commonwealth and jointly market Massachusetts students as prepared
64 to participate in a global economy.

65 The office shall recruit qualified dual language instructors for programs in the state, and
66 shall be responsible for providing annual professional development programming for all dual
67 language educational instructors in the commonwealth and for educators who aspire to teach in
68 dual language programs and schools. Subject to appropriations, the office may provide grants to
69 school districts that operate a dual language educational program in the commonwealth. The
70 office shall facilitate relationships with representatives of foreign governments in order to
71 encourage student exchanges between the two countries. The goal of the office's activities shall
72 be the promotion of dual language educational programs in the commonwealth.

73 The office shall annually compile a report of best practices from the dual language
74 educational programs throughout the commonwealth and other states, distinguishing between the
75 types of dual language educational programs, and distribute the compiled list to all dual language
76 educational programs in the commonwealth.

77 The office shall annually report on dual language educational programs in the
78 commonwealth to the joint committee on education and the house and senates committees on
79 ways and means. The report shall include an analysis, appraisal, evaluation and listing of all
80 dual language educational programs in the commonwealth. The report shall document, with
81 quantitative data, the outcomes of each of the programs. The report should include best practices
82 compiled by the office, as well as recommendations on how to best improve the dual language
83 educational programs.

84 SECTION 6. Section 3A of chapter 15A of the General Laws, as appearing in the 2010
85 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:-

86 (d) Said educational technology plan shall include a technology training educational
87 program. The program shall provide educators in school districts throughout the commonwealth
88 with annual training designed to advance teaching skills in the areas of technology, web, and
89 social media.

90 SECTION 7. Section 4A of chapter 15A of the General Laws, as appearing in the 2010
91 Official Edition, is hereby amended by inserting, in line 73, after the word “fund.” the following
92 sentences:-

93 “The council shall award Guidance Counselor of the Year to an individual who has
94 demonstrated an outstanding commitment to offering guidance to students that embraces the
95 important role of science technology engineering and math in a student’s development. The
96 council shall seek nominations from school districts, administrators, staff members, students, or
97 any individual who has been impacted by the exceptional work of a guidance counselor in the
98 areas of science, technology, engineering and math.”

99 SECTION 8. Paragraph (2) of section 19B of chapter 15A of the General Laws, as
100 appearing in the 2010 Official Edition, is hereby amended by striking out, in line 19, the word
101 “may” and inserting in place thereof the following word:- “shall”

102 SECTION 9. Section 19D of said chapter 15A is hereby amended by inserting at the end
103 thereof the following paragraph:-

104 (4) The program shall include in the outreach plan provisions to attract those students
105 who commit to undertaking a bachelor degree in a subject area identified by the department of
106 education and workforce development as essential to the educational needs of the commonwealth
107 for future workforce prosperity.”

108 SECTION 10. Chapter 23A of the General Laws, as appearing in the 2010 Official
109 Edition, is hereby amended by inserting after section 14 the following sections:-

110 Section 14A. There shall be within the partnership the commonwealth marketing office
111 which shall be under the supervision and control of an executive director. The powers and duties
112 given to the executive director of the commonwealth marketing office in this chapter and in any
113 other general or special law shall be exercised and discharged subject to the direction, control
114 and supervision of the partnership.

115 The executive director of the commonwealth marketing office shall be appointed by the
116 governor, and serve at the pleasure of the governor. The position of executive director of the
117 commonwealth marketing office shall be classified under section 45 of chapter 30 and the
118 executive director of marketing shall devote full time during business hours to the duties of the
119 office of travel and tourism and shall give to the state treasurer a bond for the faithful
120 performance of those duties.

121 The executive director of marketing shall be the executive and administrative head of
122 marketing and shall be responsible for administering and enforcing the laws relative to marketing
123 the commonwealth and to any administrative unit of that office. Powers and duties given to an

124 administrative unit of marketing by a general or special law shall be exercised subject to the
125 direction, control and supervision of the executive director of marketing.

126 Section 14B. The commonwealth marketing office shall:

127 (1) create a marketing plan to communicate to businesses within the commonwealth and
128 in other states and nations, information about state and local government policies, procedures,
129 and programs designed to encourage business growth, the high educational attainment of the
130 Massachusetts workforce, the strength of the many industrial clusters within the state and other
131 factors which create a positive business environment in the Commonwealth;

132 (2) file a marketing plan every two years with the secretary of housing and economic
133 development that includes programs and activities undertaken by the Commonwealth to promote
134 a positive business environment and any recognitions or rankings received by the state for its
135 efforts. Each plan shall include performance based measurements commensurate with section
136 16G(i) of Chapter 6A of the General Laws and align with the strategic plan created by the
137 Economic Development Planning Counsel under section 16G(l) of Chapter 6A and shall evaluate
138 the success of the prior year's plan in meeting those goals;

139 (3) coordinate with institutions designed to promote the economic development in the
140 Commonwealth, including but not limited to the Massachusetts Export Center, to measure and
141 report on the use of export assistance within the Commonwealth;

142 (4) work with the regional economic development organizations, secondary and higher
143 education institutions throughout the commonwealth, and Workforce Investment Boards, to
144 create a marketing plan for each region in the commonwealth describing regional strengths, and
145 business assistance opportunities, including but not limited to federal, state, and local resources
146 available for worker training and collaborations with area educational institutions to develop an
147 appropriately prepared workforce.

148 SECTION 11. Section 10B of chapter 23A, as appearing in section 9 of chapter 238 of
149 the acts of 2012, is hereby amended by inserting after the word "capabilities." the following
150 clause:-

151 "The collaborative shall file and update an analysis of the manufacturing supply chain in
152 the commonwealth marketing plan every two years with the Secretary of Housing and Economic
153 Development. The report shall: (1) identify the strengths and weaknesses of the supply chain in
154 Massachusetts; (2) identify areas of the supply chain that are currently underserved by
155 Massachusetts suppliers; and (3) offer recommendations to improve the commonwealth's supply
156 chain capabilities."

157 SECTION 12. Subsection (a) of section 18 of chapter 23D, as appearing in the 2010
158 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:-

159 (15) provision of research, evaluation, and promotion of worker-cooperatives as an
160 alternative means of business ownership in the commonwealth.

161 SECTION 13. Section 6 of chapter 23H of the General Laws, as appearing in the 2010
162 Official Edition, is hereby amended by inserting after paragraph (c) the following paragraphs:-

163 (d) The director shall create a veterans skills transfer program within each one-stop
164 operator office. The program shall assist veterans of the armed service to receive appropriate
165 training and assistance with resume preparation and job applications in order to identify and
166 describe experiences and skills acquired during military service that are comparable to the
167 requirements of civilian employment. For the purposes of this section, the term veteran shall
168 mean any person who is a veteran as defined in clause Forty-third of section seven of chapter
169 four.

170 (e) The director shall create a basic technology skills training program within each one-
171 stop operator office. The program shall assist individuals seeking services through the office to
172 develop or update basic technology skills necessary for participation in the workforce. The
173 course of instruction shall be commensurate with the level of training customary for the position
174 an individual seeks.

175 (f) The director, in consultation with the secretary, shall maintain and continually update
176 a database of all available positions within each employment district. The database shall be
177 disseminated to guidance counselors in school districts, career counselors in public and private
178 higher education institutions and one-stop career centers to ensure that maximum information
179 about job market trends is available to individuals entering the workforce, jobseekers and
180 employment placement programs. The director, in consultation with the secretary, shall
181 continually monitor, and seek to implement, best practices from other states' client assessment
182 and job vacancy tools.

183 (g) The director shall ensure that all public employment offices maintain, as a separate
184 database, a complete and accurate list of all available positions that will be subject to a criminal
185 offender record information request under section 167 of chapter 6. The director shall further
186 ensure that individuals seeking a position through the public employment office are informed of
187 the criminal offender record information requirement associated with a given position before
188 being referred to a training program by the office. .

189 SECTION 14. Chapter 23H of the General Laws, as appearing in the 2010 Official
190 Edition, is hereby amended by inserting after section 6 the following section:-

191 Section 6A. (a) There shall be within the department of workforce development the
192 Massachusetts Work Ready Program, in this section called the program. The program shall seek
193 to provide skills training internships for eligible job applicants who are currently unemployed
194 and are receiving unemployment benefits. Each eligible job applicant shall be enrolled in the

195 program for no more than 26 weeks. Notwithstanding section 24 of chapter 151A, an eligible job
196 applicant may be enrolled in this program while receiving unemployment compensation.

197 (b) For the purposes of this section:

198 “Eligible job applicant” means a person who:

199 (1) has been a resident of this state for at least six months;

200 (2) is unemployed;

201 (3) has attempted to secure employment by completing a comprehensive job search
202 program administered by a one-stop employment office under section 6 of this chapter;

203 (4) is receiving and is eligible to receive unemployment compensation;

204 (5) has a minimum of 10 remaining weeks of unemployment eligibility; and

205 (6) is determined by the one-stop employment office to be likely to be available for
206 employment by an eligible employer for the duration of the internship.

207 “Skills training internship” means an internship in which:

208 (1) includes actual operation of the facilities of the employer but is similar to training
209 which would be given in an educational environment;

210 (2) provides education and training that is beneficial to the intern;

211 (3) interns work under close supervision of existing staff and does not displace regular
212 employees,;

213 (4) the employer provides training in the skills utilized by the intern and businesses in the
214 relevant industry in which the employer is a member;

215 (5) job placement with the employer is not guaranteed at the conclusion of the
216 internship; and

217 (6) the employer and the intern understand that the intern is not entitled to wages for the
218 time spent in the internship.

219 (c) A business employer is an eligible employer if it enters into a written contract with the
220 one-stop operator in its workforce service area containing assurances that:

221 (1) The business has submitted a plan to the director and one-stop operator:

222 (i) describing the duties of each trainee to be hired under the program;

223 (ii) detailing the type of skills training that will be offered to each trainee; and

224 (iii) demonstrating that the business is likely to succeed and create future job openings for
225 which interns completing the program will be qualified.

226 (2) Each internship created under this section:

227 (i) will provide training for interns to acquire skills for specific employment not
228 otherwise available; and

229 (ii) will not result in the displacement of currently employed workers, including partial
230 displacement such as reduction in hours of overtime work, wages, or employment benefits.

231 (3) Participation in the program will allow the business to hire interns, but not to fill
232 positions which would be filled in the absence of trainees from this program;

233 (4) The business will cooperate with the director and the one-stop operator in collecting
234 data to assess the result of the program; and

235 (5) The business is in compliance with all applicable affirmative action, fair labor, health,
236 safety, and environmental standards.

237 (d) A business participating in the program under this section is expected to retain interns
238 for a term of at least six months during the initial internship period. In the event a business
239 employer has offered full employment to and has retained a participant for no less than 365 days
240 beyond the initial internship period, a business employer will be eligible for a tax credit not to
241 exceed \$1,000 per participant retained.

242 (e) An eligible employer may not:

243 (1) terminate, lay off, or reduce the working hours of an employee for the purpose of
244 accepting an intern under this section; or

245 (2) accept an intern under this section if any other person has been laid off from the same
246 or a substantially equivalent job within the previous six months.

247 (f) Each one-stop operator shall develop and submit a skills training internship
248 development plan for the workforce service area under guidelines developed by the director. The
249 one-stop operator shall seek input from potential eligible employers and the public.

250 (1) Each one-stop operator shall publicize the program within the workforce service area
251 to seek maximum participation by eligible internship applicants and employers.

252 (2) Each one-stop operator shall enter into contracts with eligible employers setting forth
253 the terms of their participation in the program as required by this section.

254 (3) Each one-stop operator shall screen internship applicants and employers to achieve
255 the best possible placement of eligible internship applicants with eligible employers.

256 (g) The director shall seek for inclusion in the program those businesses that:

257 (1) have a high potential for growth and long-term job creation;

258 (2) meet the definition of a small business as defined in section 1 of chapter 40W;

259 (3) make extensive use of new technology;

260 (4) produce energy conserving materials or services or are involved in the development
261 of renewable sources of energy; and

262 (5) have their principal place of business in the Commonwealth.

263 (h) The director shall semiannually prepare and file a report to the secretary of labor and
264 workforce development and the secretary of housing and economic development that includes:

265 (1) the number of persons participating in internships under the program;

266 (2) the number and type of employers under the program;

267 (3) the amount of unemployment insurance or other benefits received by participants in
268 the program; and

269 (4) the number of persons who have completed participation in the program and their
270 current employment, educational, or training status.

271 SECTION 15. Section 2 of chapter 44B of the General Laws, as amended by section 73
272 of chapter 139 of the acts of 2012, is hereby amended by inserting, in line 27, after the word
273 “town” the following:

274 “or a building owned by a city or town that has been determined by the community
275 preservation committee to be a significant public building”

276 SECTION 16. Said section 2 is hereby further amended by inserting after the words
277 “recreational use.” the following:

278 “With respect to historic resources, rehabilitation shall also mean capital improvements to
279 significant public buildings which increase the energy efficiency, allow for the use of renewable
280 energy, or generate renewable energy for the purposes of heating, cooling or producing
281 electricity.”

282 SECTION 17. Chapter 69 of the General Laws as appearing in the 2010 Official Edition
283 is hereby amended by adding after Section 1N the following new section:

284 Section 10. The board shall establish the State Seal of Bi-literacy to recognize high
285 school graduates who have attained a high level of proficiency in speaking, reading, and writing
286 in one or more languages in addition to English. The secretary of education shall be prepare and
287 deliver the seal insignia to participating school districts. Participating school districts shall be
288 required to maintain records that identify pupils who have earned a State Seal of Bi-literacy and
289 to affix an appropriate insignia to the diploma or transcript of pupils who earn a State Seal of Bi-
290 literacy. . School district participation in this program is voluntary.

291 The purposes of the State Seal of Bi-literacy are: (1) to encourage pupils to study
292 languages; (2) to certify attainment of bi-literacy; (3) to provide employers with a method of
293 identifying people with language and bi-literacy skills; (4) to provide universities with a method
294 to recognize and give academic credit to applicants seeking admission; (5) to prepare pupils with
295 21st century skills; (6) to recognize and promote foreign language instruction in public schools;
296 (7)to strengthen intergroup relationships, affirm the value of diversity, and honor the multiple
297 cultures and languages of a community.

298 The State Seal of Bi-literacy certifies attainment of a high level of proficiency by a
299 graduating high school pupil in one or more languages, in addition to English, and certifies that
300 the graduate meets all of the following criteria:

301 a) completion of all English language arts requirements for graduation with an overall
302 grade point average of 2.0 or above in those classes;

303 b) passing the Massachusetts Comprehensive Assessment System Test in English
304 language arts administered in grade 10 at the proficient level or above;

305 c) proficiency in one or more languages other than English, demonstrated through one of
306 the following methods:

307 (1) passing a foreign language Advanced Placement examination with a score of 3 or
308 higher or an International Baccalaureate examination with a score of 4 or higher;

309 (2) successful completion of a four-year high school course of study in a foreign
310 language, and attaining an overall grade point average of 3.0 or above in that course of study;

311 (3) passing the SAT II foreign language examination with a score of 600 or higher.

312 For purposes of this section, "foreign language" means a language other than English,
313 and includes American Sign Language.

314 The secretary of education shall be responsible for: preparing and delivering to
315 participating school districts an appropriate insignia to be affixed to the diploma or transcript of
316 the pupil indicating that the pupil has been awarded a State Seal of Bi- and providing other
317 information necessary for school districts to successfully participate in the program.

318 A school district that participates in the program under this article shall maintain
319 appropriate records in order to identify pupils who have earned a State Seal of Bi-literacy and
320 affix the appropriate insignia to the diploma or transcript of each pupil who earns a State Seal of
321 Biliteracy.

322 SECTION 18. Section 1D of chapter 69 of the General Laws, as appearing in the 2010
323 Official Edition, is hereby amended by inserting in line 6, after the words “science and
324 technology,” the following words:- “computer science,”

325 SECTION 19. Chapter 70B of the General Laws, as appearing in the 2010 Official
326 Edition, is hereby amended by inserting after section 3E the following new section:-

327 Section 3F. (a) The School Building Authority, in consultation with the department of
328 elementary and secondary education shall develop science education facilities standards and
329 regulations for grades kindergarten through twelve. These standards and regulations shall apply
330 to all new school construction projects for the approval of school building construction and
331 applicable school renovation projects.

332 (b) In the development of these standards and regulations, the authority shall consult with
333 the department of elementary and secondary education and the Robert H. Goddard Advisory
334 Council on Science, Technology, Engineering and Mathematics Education established under
335 section 4A of chapter 15A. The regulations and standards shall include, but need not be limited
336 to:

337 (1) the establishment of rigorous safety standards for the use of all laboratory equipment;

338 (2) facilities and equipment requirements consistent with inquiry-based scientific
339 teaching and learning methods and designed for multi-disciplinary use;

340 (3) the establishment of minimum requirements for facilities and related equipment for
341 grades 9-12 in the areas of general science, biology, chemistry, physics, computer education, and
342 engineering;

343 (4) the establishment of limits for cost per square foot of laboratory space for general
344 science, biology, chemistry, physics, technology and engineering;

345 (5) guidelines for design standards for combination classroom and laboratory facilities;
346 and

347 (6) minimum requirements for length of use.

348 SECTION 20. The secretary of the department of transportation shall study the
349 feasibility of establishing one or more facilities for the purposes of overhaul and other major
350 repair, manufacture or assembly, installation, and upgrade of mass transit vehicles in order to
351 ensure that safe, modern and efficient vehicles are in service in adequate numbers to meet the

352 needs of citizens of the commonwealth. The secretary shall file report on the findings with the
353 governor, the joint committee on transportation and the house and senate committees on ways
354 and means by June 30 2014. The study shall consider the possibility of utilizing existing funding
355 sources to direct maintenance and repair projects to existing facilities within the commonwealth
356 and shall estimate the funding needed to create appropriate facilities for manufacture, assembly
357 or major overhaul projects. The report shall include an estimate of the number of jobs related to
358 creating the infrastructure necessary to perform this work in the commonwealth, the number of
359 permanent jobs needed to create and maintain mass transit vehicles in the commonwealth, and
360 the ancillary economic impact of operating such facilities in the commonwealth.