

HOUSE No. 3695

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins and Linda Dorcena Forry

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 adoption of the accompanying bill:

An Act relative to the expansion of the Boston Convention and Exhibition Center.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>10/2/2013</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>10/7/2013</i>

HOUSE No. 3695

By Representative Collins of Boston and Senator Ms. Forry, a joint petition (subject to Joint Rule 12) of Nick Collins and Linda Dorcena Forry relative to the expansion of the Boston Convention and Exhibition Center. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the expansion of the Boston Convention and Exhibition Center.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expand the Boston convention and exhibition center, 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:

1 Section 1. It is hereby found and declared that the Boston convention and exhibition
2 center is not of sufficient size to attract and accommodate large national and international groups
3 who wish to conduct conventions, exhibitions and other similar events within the commonwealth
4 beneficial to the economic development of the commonwealth and the general welfare of its
5 citizens. The commonwealth is losing substantial business from events that the Boston
6 convention and exhibition center cannot accommodate thereby losing accompanying economic
7 benefits. It is further found and declared that there is satisfactory evidence that a substantial
8 number of national and international conventions would locate their activities within the
9 commonwealth if the Boston convention and exhibition center is expanded and that such
10 expansion would continue to grow the commonwealth's presence in the convention and meeting
11 industry putting the commonwealth at a competitive advantage resulting in more jobs, revenue
12 and economic growth benefitting the entire commonwealth.

13 It is further found and declared that by attracting visitors to the commonwealth through
14 the expansion of the Boston convention and exhibition center, it is expected that substantial
15 economic activity will be stimulated in such tourism-related industries as hotels, restaurants,
16 recreation, entertainment and retail sales. Stimulation of these industries will continue to promote
17 the overall economic development of the commonwealth and will provide new and enhanced
18 employment opportunities. Expansion of the Boston convention and exhibition center also would

enable the city of Boston and the commonwealth to have an enhanced presence in the national and international convention and meeting marketplace and would leverage events to support the commonwealth's other economic sectors including life sciences, medical, high tech and education.

It is further found and declared that the expansion of the Boston convention and exhibition center and the expenditure of public funds for such purpose as provided in this act are in furtherance of a public purpose and in the best interests of the commonwealth. Such expansion was contemplated by the General Court when the Boston convention and exhibition center was originally authorized, as evidenced by the acquisition of land for such expansion and the design of the Boston convention and exhibition center to accommodate such expansion. It is further found and declared that all costs of such expansion, including all debt service on bonds and notes of the commonwealth issued to pay such costs as provided in this act, can be provided from amounts expected to be deposited in the commonwealth's convention center fund without an increase in the rate of any excise tax or fee or using the general revenues of the commonwealth.

Section 1A. To provide for the expansion of the Boston convention and exhibition center, the sum set forth in this section is hereby made available, subject to the provisions of law regulating the disbursements of public funds and the approval thereof.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

For the BCEC expansion project as defined in section 2; provided that amounts expended from this item shall be for the planning, development, construction and related costs of the BCEC expansion project in accordance with the provisions of section 5; and provided, further, that the funds authorized by this item shall be expended only in accordance with the conditions provided in section 4(c)\$1,000,000,000.

Section 2. As used in this act, the following words shall have the following meanings, unless the context clearly indicates another or different meaning:

“Authority”, the Massachusetts Convention Center Authority, established under section 33 of chapter 190 of the acts of 1982, as amended, or, if said Authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to said authority shall be given by law.

“BCEC expansion project”, the planning, design, acquisition, development, construction, expansion, rehabilitation, improvement, furnishing, equipping and finishing or any combination of the foregoing, and the operation, promotion and maintenance, within the convention center development area of an approximately 1.3 million square foot expansion to the Boston convention and exhibition center containing approximately 335,000 square feet of additional contiguous exhibition space, and attendant meeting rooms, lecture rooms, ballrooms, multi-purpose space and related common areas for public circulation, service and support, together

55 with all necessary and related furnishings, furniture, machinery, equipment, facilities,
56 approaches, driveways, walkways, roadways, planting and landscaping associated therewith; the
57 acquisition by the authority in accordance with section 212 of chapter 139 of the acts of 2012
58 and this act, of lands and other property, or rights, air rights, sub-surface rights, easements,
59 leases, ground leases and other interests in respect of lands and other property, adjacent to or
60 within the general vicinity of the convention center development area to provide for parking
61 facilities, truck marshalling areas and as sites for other facilities supporting the Boston
62 convention and exhibition center, including without limitation facilities constructed by lessees of
63 the authority and others to provide services or accommodations for the public within the BCEC
64 hotel zone as defined in section 211 of chapter 139 of the acts of 2012 or where otherwise
65 authorized or permitted by law; the demolition or removal of any buildings or structures within
66 the convention center development area or on such lands or other property or interests therein so
67 acquired, and site preparation, permitting and environmental remediation thereof; and the
68 planning, design, acquisition, development, construction, equipping and finishing or any
69 combination of the foregoing on a portion of such lands or other property or interests therein so
70 acquired of one or more parking garages for persons presenting at or attending the Boston
71 convention and exhibition center, or utilizing such public accommodations, and other members
72 of the general public; and measures mitigating the local impact of the foregoing; in each case of
73 a scale and scope generally consistent with the description thereof contained in the BCEC
74 expansion project report,

75 “BCEC expansion project report”, the report, feasibility study and program pertaining to
76 the BCEC expansion project delivered on _____, 2013 to the clerks of the senate and the
77 house of representatives and the senate and house committees on ways and means in accordance
78 with section 38N of chapter 190 of the acts of 1982, as amended.

79 “Boston convention and exhibition center”, the convention and exhibition center and
80 related facilities so called, and all real and personal property associated therewith, owned and
81 operated by the authority within the convention center development area and acquired,
82 developed, constructed, improved, furnished, equipped and otherwise carried out in accordance
83 with section 5 of chapter 152 of the acts of 1997, as amended. Whenever appropriate, such term
84 shall also mean such convention and exhibition center as expanded in accordance with this act.

85 “City”, the city of Boston.

86 “Convention center development area”, shall have the meaning given such term in
87 section 2 of chapter 152 of the acts of 1997, as amended.

88 “Convention center fund”, the Convention and Exhibition Fund established by section 10
89 of chapter 152 of the acts of 1997, as amended.

90 “Cost”, as applied to the BCEC expansion project, all costs, whenever incurred, including
91 without limitation reimbursement to the convention center fund of any such costs heretofore

funded from amounts applied to such purposes pursuant to section 212 of chapter 139 of the acts of 2012 and section 10(c) of chapter 152 of the acts of 1997, as amended, of acquiring, developing, constructing, improving, furnishing, equipping, finishing and carrying out the BCEC expansion project and placing the same in operation, including without limiting the generality of the foregoing, the costs of all labor, materials, machinery and equipment necessary to carry out the BCEC expansion project and to place the same in operation, the costs of all lands and other property, and all rights, air rights, sub-surface rights, easements, leases, ground leases and other interests in lands and other property, acquired by the authority in connection with the BCEC expansion project and costs of environmental investigation and analyses and remediation, site preparation and other development costs thereof and of the facilities constructed thereon, the costs of permitting, inspection and licensure and of measures mitigating the local impact of the BCEC expansion project, the costs of demolition and removal of any buildings or structures within the convention center development area or on such lands, property, rights and interests so acquired and removal or relocation of any public utilities and other facilities thereon, the costs of architectural, engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, including without limitation the BCEC expansion project report, other expenses necessary or incident to determining the feasibility or practicability of the BCEC expansion project, administrative, marketing and promotion expenses, and financing charges, interest prior to and during construction and for a period not exceeding two years after completion of construction, reserves for debt service, and such other capital and current expenses as may be necessary or incident to the construction or acquisition of the BCEC expansion project and placing the same in operation, the financing thereof and the issuance of bonds or notes by the commonwealth under the provisions of this act.

“Minority business enterprise” or “MBE” shall have the same meaning as found in Section 58 of chapter 7 of the General Laws;

“Women business enterprise” or “WBE” shall have the same meaning as found in section 58 of chapter 7 of the General Laws;

Section 3. (a) The authority is hereby authorized and directed to acquire, develop, lease, construct, improve, furnish, equip, finish and otherwise carry out the BCEC expansion project, and to own, operate, lease, sub-lease, license, promote, maintain, improve and rehabilitate the same, either directly or indirectly in whole or in part through agents, lessees, contractors, concessionaires or others, subject to the provisions of this act. No person shall be precluded by chapter 7 or chapter 268A of the General Laws from participating by contract or otherwise in the activities of the commonwealth, the city or the authority with regard to the planning, acquisition, construction and operation of the BCEC expansion project solely by reason of a financial interest, direct or indirect, in any contract or extension thereof for services with respect to the BCEC expansion project report or otherwise with respect to the development

of the BCEC expansion project executed by such person with the commonwealth, the city or the authority prior to the effective date of this act. For purposes of the foregoing, the authority shall have all of the powers granted to it by general or special law not inconsistent with this act, including without limitation all powers, and all immunities, provided under sections 35 to 37, inclusive, of chapter 190 of the acts of 1982. Compliance by the authority with the provisions of this act shall be conclusively deemed to satisfy the requirements of paragraph (n) of section 35 and section 38N and section 44A of said chapter 190.

(b) The authority is further authorized and directed to acquire such lands, properties, rights, air rights, sub-surface rights, easements, leases, ground leases and other interests identified in the BCEC expansion project report as the authority deems necessary, appropriate or convenient to carry out the purposes of this act. To carry out and effectuate the foregoing purposes, the authority may acquire by purchase, lease, gift, bequest, grant or otherwise from any party, public or private, and hold, clear, repair, operate, lease and convey, any lands and other property, real or personal, improved or unimproved, tangible or intangible, and any interest therein, including, to the extent not inconsistent with federal law, railroad properties. To the extent not inconsistent with federal law, the acquisition by the authority of railroad rights of way or related facilities as aforesaid from any department, authority, agency or political subdivision of the commonwealth, from any railroad company, or from any other party, shall be exempt from the procedures, findings and requirements of section 7 of chapter 161C of the General Laws, and the issuance of any permit for any portion of the BCEC expansion project or for facilities constructed by lessees of the authority and others as a part thereof on any lands formerly used as a railroad right-of-way or any property appurtenant thereto formerly used by any railroad company in the commonwealth shall be exempt from the provisions of section 54A of chapter 40 of the General Laws.

(c) Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the commissioner of public safety or his designee in the division of inspection of the department of public safety shall be solely responsible for inspection, enforcement, permitting and licensure of the BCEC expansion project authorized or required by chapter 143 of the General Laws or section 21 of chapter 40 of the General Laws and regulations referred to therein or adopted pursuant thereto. The BCEC expansion project also shall be exempt from compliance with the city's zoning code and any regulations promulgated thereunder. The authority shall, however, subject the BCEC expansion project to large project review as set forth in section 80B-3, subsections 1-5 of the city's zoning code.

(d) The authority is hereby authorized and directed to prepare or cause to be prepared a report regarding the BCEC expansion project in accordance with section 62B of chapter 30 of the General Laws. Notwithstanding the provisions of sections 62 to 62H, inclusive, of said chapter 30, the authority may commence and undertake research, planning, design and other work necessary for the BCEC expansion project and may engage an owner's project manager, architects and engineers and a construction manager therefor as provided in section 4 of this act,

and may take all actions necessary or appropriate or required for acquisition of lands or other property, rights, air rights, sub-surface rights, easements, leases, ground leases and other interests as provided in this section, prior to the publication of a final environmental impact report pursuant to this section and section 62C of said chapter 30.

(e) The authority shall be excluded from the definition of an owner or operator of the BCEC expansion project and any real property or interest therein held or acquired by the authority in connection therewith with respect to releases of hazardous materials that occur before the authority acquires ownership of any portion of such real property or interest therein upon or from which such a release may occur as if the authority were a city or town that has purchased or taken such real property or interest therein for the nonpayment of taxes, in accordance with paragraph (d) of the definition of “Owner” or “Operator” of section 2 of chapter 21E of the General Laws; provided, however, that the authority complies with all of the requirements set forth in subparagraphs (2) and (3) of said paragraph (d), except that the authority shall have no obligation to comply with clause (F) of subparagraph (3) of said subsection (d).

Section 4. (a) In undertaking the BCEC expansion project, the Authority shall establish (i) a supplier diversity program designed and implemented to achieve meaningful participation on the part of minority business enterprises and women business enterprises in all phases of the management and oversight, design, and construction of the BCEC expansion project and which incorporates the provisions of this subsection and paragraph (3) of subsection (c) of this section, and (ii) a workforce diversity program designed and implemented to achieve meaningful participation of Boston residents, minority persons and women as construction employees pursuant to paragraph (2) of subsection (c) of this section, and (iii) a construction workforce training program designed and implemented to provide access and training to those traditionally under-represented in the construction trades, including minority persons and women. The Authority shall engage in an owner’s project management team for the BCEC expansion project in accordance with the manner of selecting an owner’s project manager pursuant to section 44A1/2 of chapter 149 of the General Laws. In selecting an owner’s project management team, the Authority shall establish a selection process that encourages the participation of minority business enterprise or a women businesses enterprise as part of the owner’s project management team. The owner’s project management team will serve as the Authority’s agent and consultant during the planning, design, and construction of the BCEC expansion project. The Authority shall select architects and other design professional for the BCEC expansion project in accordance with the procedures approved by the designer selection board of the executive office for administration and finance; provided that prior to and in the selection of said architects and design professionals, the Authority shall adopt participation goals that provide for the meaningful participation of minority business enterprises and women business enterprises as architects and design professionals.

(b) Notwithstanding any general or special law to the contrary, the authority shall utilize the construction manager at risk approach in construction of the BCEC expansion project as provided in subsections (f) and (g) of section 5 of chapter 152 of the acts of 1997, as amended, and shall select trade contractors for the BCEC expansion project as provided in subsection (h) of said section 5, and in each case in accordance with the procedures previously adopted by the authority for construction of the Boston convention and exhibition center in consultation with the division of capital asset management and maintenance and the inspector general of the commonwealth pursuant to subsections (b) and (f) of said section 5, provided that (i) the responsibilities assigned to a technical advisory board in subsection (f) of said section 5 shall be performed by a selection committee appointed by the authority which, in consultation with the authority, shall determine the procedures to be applied in selection of a construction manager for the BCEC expansion project, and (ii) the decisions of such selection committee, and the decisions of the trade contractor prequalification committee appointed by the authority in accordance with subsection (h) of said section 5, shall be final and not subject to appeal except on grounds of fraud or collusion. The authority shall consult with the division of capital asset management and maintenance and the inspector general with respect to any modifications to the procedures for selection of a construction manager or the procedures for selection of trade contractors as previously adopted and utilized for the construction of the Boston convention and exhibition center pursuant to said section 5, provided, however, that the division of capital planning and operations shall otherwise have no jurisdiction over the BCEC expansion project. Except as otherwise provided in subsection (d) of this section, the provisions of chapter 149A of the General Laws, the provisions of section 44A to 44M, inclusive, of chapter 149 of the General Laws, the provisions of section 39M of chapter 30 of the General Laws, the provisions of sections 38A½ to 38O, inclusive, of chapter 7 of the General Laws, and any other general or special law or regulation providing for the advertising, bidding or awarding of contracts for planning, design, construction or improvements to real property shall not apply to contracts entered into in connection with the implementation of the BCEC expansion project,

(c) Except as otherwise agreed to between the authority and the construction manager, all contracts for the provision of labor, material and equipment in connection with the construction of the BCEC expansion project shall be entered into by and between the construction manager and the trade contractor as provided in subsection (h) of section 5 of chapter 152 of the acts of 1997, as amended, provided that the purchase of tangible personal property and services for the BCEC expansion project by the construction manager and by trade contractors shall be exempt from the excise imposed by chapter 64H of the General Laws. The provisions set forth in subsection (h) of said section 5 pertaining to construction employees also shall apply to the BCEC expansion project. Without limiting the generality of the foregoing, (i) the provisions of sections 26 to 27F, inclusive, and section 29 of chapter 149 of the General Laws shall apply to the contract between the authority and the construction manager and all trade contracts awarded pursuant to this section and (ii) in undertaking the BCEC expansion project: (1) all construction employees employed in the construction of the BCEC expansion project shall be paid no less

247 than the wage rate established for such work pursuant to a project labor agreement with the
248 appropriate labor organization or labor organizations, which includes (x) a uniform grievance
249 and arbitration procedure for the resolution of work-related disputes on job sites, (y) mutually
250 agreeable uniform work rules and schedules for the project, and (z) an obligation for any labor
251 organization and its constituent members contracted to work on the BCEC expansion project not
252 to strike with respect to work on such project; provided, that it shall not be a precondition to the
253 award of a contract that a bidder have previously entered into a collective bargaining agreement
254 with a labor organization, but only that the bidder be willing to execute and comply with said
255 project labor agreement for the BCEC expansion project if it is awarded a contract; (2) pursuant
256 to the workforce diversity program established pursuant to subsection (a) of this section, the
257 Authority shall establish employment goals that provide for the participation of Boston residents,
258 minority persons, and women as construction employees in accordance with the Boston
259 Residents Construction Employment Standards established pursuant to the city of Boston code,
260 ordinances, section 12-10; (3) pursuant to the supplier diversity program established pursuant to
261 subsection (a) of this section, the Authority shall adopt contractor participation goals that provide
262 for the meaningful participation of minority business enterprises and women business enterprises
263 as construction contractors; and (4) pursuant to the workforce training program established
264 pursuant to subsection (a) of this section, the Authority shall develop and implement a program
265 that provides training in construction-related trades to minority persons and women.

266 (d) Notwithstanding the provisions of subsection (b) of this section, the Authority, by
267 majority vote of its members, may elect to use other methods provided under any general or
268 special law for procuring design or construction services for portions of the BCEC expansion
269 project, including the provisions of chapter 149A of the General Laws, the provisions of section
270 44A to 44M, inclusive, of chapter 149 of the General Laws, or the provisions of section 39M of
271 chapter 30 of the General Laws; provided that the provisions of subsections (a) and (c) of this
272 section shall apply to the BCEC expansion project regardless of the method utilized for
273 procuring construction contracts. If the Authority elects to apply the provisions of said Chapter
274 149A to a portion of the BCEC expansion project, the Authority shall be deemed to be an exempt
275 agency within the meaning of section 4(d) of said Chapter 149A.

276 (e) In implementing the BCEC expansion project, the Authority shall prepare quarterly
277 reports which shall include, but not be limited to: (i) the total dollars expended on the BCEC
278 expansion project to date, (ii) the number and type of contracts entered into to date; (iii) the
279 number of contracts entered into with minority business enterprises; (iv) the number of contracts
280 entered into with women business enterprises; (v) the dollar value of contracts entered into with
281 minority business enterprises; (vi) the dollar value of contracts entered into with women business
282 enterprises; (vii) the total number of employees working on the project; (viii) the total number of
283 employees working on the project, broken down by race, ethnicity and gender; and (ix) the total
284 number of Boston residents working on the project. Said reports shall be submitted to the
285 secretary of the executive office for administration and finance, the house ways and means

committee, the senate ways and means committee, the clerk of the house, the clerk of the senate, and the house committee on long term debt and capital expenditures. The Authority shall post each quarterly report on its website.

(f) The Authority shall establish a monitoring committee, to be known as the access and opportunity committee, which shall meet quarterly, in a forum open to the public, to review the Authority's reports issued pursuant to subsection (e), monitor compliance with the provisions of subsections (a) and (c) of this section, and to make recommendations to the Authority regarding the successful implementation of the supplier diversity program and workforce diversity program established pursuant to subsection (a) of this section. The Authority, in establishing the access and opportunity committee, shall ensure representation from, but not limited to, a representative of the construction management at-risk firm, a representative of the owner's project management team, representatives of the trade contractors performing work on the BCEC expansion project, a representative of the Massachusetts Minority Contractors Association, the city councilor representing district two of the Boston city council or his designee, the State Representative representing the fourth Suffolk District or his designee, the State Senator representing the first Suffolk District or his designee, and representatives of local, community-based organizations.

Section 5. (a) To meet the expenditures necessary to carry out the provisions of section 1A, the state treasurer, upon request of the governor, may issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, not exceeding, in the aggregate, the sum of \$1,110,000,000. All such bonds shall be special obligations of the commonwealth payable from the special receipts described in section 10 of chapter 152 of the acts of 1997, as amended, to the extent available and in any case payable solely from moneys credited to the convention center fund or otherwise pledged to such payment as provided in said section 10 and this act; notwithstanding the provisions of any general or special law to the contrary, including without limitation section 60A of chapter 29 of the General Laws, such bonds shall not be general obligations of the commonwealth. Such bonds shall be issued for such maximum term of year, not exceeding 40 years, as the governor may recommend to the general court in accordance with section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2060.

(b) Bonds of the commonwealth may be issued under authority of this section in such manner and on such terms and conditions as the state treasurer, with the concurrence of the secretary of administration and finance, may determine in accordance with the provisions of this subsection and, to the extent not inconsistent with the provisions hereof, provisions of General Law for the issuance of bonds of the commonwealth. The provisions of section 11 of chapter 152 of the acts of 1997, as amended, including without limitation the capital reserve fund established pursuant to said section 11, shall apply to such bonds and the security therefor to the same extent as such provisions apply to bonds of the commonwealth outstanding under said section 11, provided that, if so determined by the state treasurer, with the concurrence of the secretary of administration and finance, bonds issued under authority of this act may be issued on a parity

with or subordinate to such outstanding bonds. Earnings on investment of the proceeds of such bonds and on the proceeds of notes issued pursuant to section 6 shall be deposited in the convention center fund and applied to the purposes set forth in section 10(c) of said chapter 152.

(c) As additional security for bonds of the commonwealth issued under authority of this section, the convention center fund, and all amounts on deposit from time to time therein, are hereby pledged to the payment of such bonds and, if so determined by the state treasurer with the concurrence of the secretary of administration and finance, to the payment of bonds outstanding under section 11 of chapter 152 of the acts of 1997, as amended, subject to the application of such amounts as provided in section 10(c) of said chapter 152 and the trust agreement for such bonds. In order to further increase the marketability of such bonds, the commonwealth, if so determined by the state treasurer with the concurrence of the secretary of administration and finance, is hereby authorized to pledge all or any portion of the receipts from the excises imposed by section 3 of chapter 64G of the General Laws and section 22 of chapter 546 of the acts of 1969 upon the transfer of any room taxes that are not otherwise deposited in the convention center fund pursuant to section 10 of said chapter 152, or any other applicable law, as “additional pledged receipts” to further secure such bonds. Additional pledged receipts shall be thereafter applied in each fiscal year, subject to the terms of the trust agreement pursuant to which such bonds are issued, first, for purposes of paying debt service on such bonds or to the maintenance of the capital reserve fund for such bonds established pursuant to section 11(c) of said chapter 152 and second, as other provided by law.

(d) Any bonds issued under authority of this section, and any notes of the commonwealth issued in anticipation thereof as hereinafter provided, shall be deemed to be investment securities under chapter 106 of the General Laws, shall be securities in which any public officer, fiduciary, insurance company, financial institution or investment company may properly invest funds and shall be securities which may be deposited with any public custodian for any purpose for which the deposit of bonds is authorized by law. Any such bonds and notes, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the commonwealth.

Section 6. The state treasurer may borrow, from time to time, on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments as authorized by section 1A in anticipation of the receipt of proceeds of special obligation bonds of the commonwealth issued under authority of section 5, and may issue and renew, from time to time, notes of the commonwealth therefor, bearing interest payable at such time and at such rate as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such maximum term of years, not exceeding five years, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such notes shall be payable no later than June 30, 2020. All interest on account of the principal of such notes shall be payable from the convention center fund. Notes and the interest thereon issued under the authority of this

section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

Section 7. Notwithstanding clause (v) of subsection (c) of section 10 of chapter 152 of the acts of 1997 amounts held in the convention center fund that are determined by the state treasurer and the secretary of administration and finance to exceed the amount necessary to satisfy the sufficiency of such fund may be applied to defray the net cost of operations of the authority as defined in section 32 of chapter 190 of the acts of 1982, as amended, in an amount in fiscal year 2018 and in each fiscal year thereafter not exceeding \$28,000,000.

Section 8. Section 33 of chapter 190 of the acts of 1982, as heretofore amended, is hereby further amended by inserting at the end of said section the following paragraph:-

Any documentary materials or data whatsoever made or received by a member or employee of the Authority and consisting of, or to the extent that such materials or data consist of, trade secrets or commercial or financial information regarding the operation of any business conducted by any private entity under contract with the Authority or regarding the competitive position of such private entity in a particular field of endeavor shall not be deemed public records of the Authority and shall not be subject to section 10 of chapter 66. Any discussion or consideration of such trade secrets or commercial or financial information may be held by members of the Authority in executive sessions closed to the public, notwithstanding section 20 of chapter 30A, but the purpose of any such executive session shall be set forth in the official minutes of the Authority and no business which is not directly related to such purpose shall be transacted nor shall any vote be taken during such executive session.

Section 9. Section 35(e) of said chapter 190 is hereby amended by inserting at the end thereof the following words:-

such contracts and agreements may include, without limiting the foregoing, partnership agreements including limited partnership agreements, joint ventures, participation agreements, or equity investments. For the purposes of this subsection, "equity investments" shall mean shares in private entities, whether or not transferable or denominated stock, or interest of a limited partner in a limited partnership or membership interest in a limited liability company;

Section 10. The provisions of this act shall be deemed to provide an exclusive, additional, alternative and complete method for the doing of the things authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the authority; provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation or any limitation imposed by a corporate or municipal charter, the provisions of this act shall be controlling.

399 Section 11. This act, being necessary for the welfare of the commonwealth and its
400 inhabitants, shall be liberally construed to effect its purposes.

401 Section 12. This act shall be construed in all respects so as to meet all constitutional
402 requirements. In carrying out the purposes and provisions of this act, all steps shall be taken
403 which are necessary to meet constitutional requirements whether or not such steps are required
404 by statute.