HOUSE . . . . . No. 4111

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 27, 2014.

The committee on Ways and Means, to whom was referred the Bill relative to the expansion of the Boston Convention and Exhibition Center (House, No. 3952), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4111) [Mr. Diehl of Whitman dissenting].

For the committee,

BRIAN S. DEMPSEY.

HOUSE . . . . . No. 4111

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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

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

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

SECTION 2. 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

0101-0101 For the BCEC expansion project as defined in section 8; 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 11; and provided, further, that the funds authorized by this item shall be expended only in accordance with the conditions provided in section 10(c) ……$1,110,000,000.

SECTION 3. Chapter 7 of the General Laws is hereby amended by inserting after section 22O the following section:-

Section 22P. Any state department, office, commission, institution or regional authority contracting for cleaning, maintenance or security guard services in any buildings shall abide by section 27H of chapter 149 and any rules promulgated thereunder. Any procurement bid with the operational services division or any other state procurement agent that does not follow the requirements of this section or any rules promulgated hereunder shall be deemed a nonresponsive bid. Any contract entered into by any department, office, commission, institution or regional authority, shall be void if it is not in compliance with this section and section 27H of chapter 149.

SECTION 4. Section 27H of chapter 149 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "the cleaning and maintenance of" and inserting in place thereof the following words:- cleaning, maintenance or security guard services in.

SECTION 5. Said section 27H of said chapter 149, as so appearing, is hereby further amended by inserting after the word "maintenance", in line 6, the following words:- , security guard.

SECTION 6. Section 33 of chapter 190 of the acts of 1982 is hereby amended by adding 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

60 conducted by any private entity under contract with the Authority or regarding the competitive
61 position of such private entity in a particular field of endeavor shall not be deemed public records
62 of the Authority and shall not be subject to section 10 of chapter 66 of the General Laws.
63 Notwithstanding section 20 of chapter 30A of the General Laws, any discussion or consideration
64 of such trade secrets or commercial or financial information may be held by members of the
65 Authority in executive sessions closed to the public, but the purpose of any such executive
66 session shall be set forth in the official minutes of the Authority and no business which is not
67 directly related to such purpose shall be transacted nor shall any vote be taken during such
68 executive session.

69 SECTION 7. Subsection (e) of section 35of said chapter 190 is hereby amended by
70 inserting after the word "functions", in line 3, the following words:-

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

76 SECTION 8. As used in this act, the following words shall have the following meanings,
77 unless the context clearly requires otherwise:

78 "Authority", the Massachusetts Convention Center Authority, established pursuant to
79 section 33 of chapter 190 of the acts of 1982, or, if said Authority shall be abolished, the board,
80 body or commission succeeding to the principal functions thereof or to whom the powers given
81 by this act to said Authority shall be given by law.

82 "BCEC expansion project", the planning, design, acquisition, development, construction,
83 expansion, rehabilitation, improvement, furnishing, equipping and finishing or any combination
84 of the foregoing within the convention center development area of an approximately 1,300,000
85 square foot expansion to the Boston convention and exhibition center containing approximately
86 335,000 square feet of additional contiguous exhibition space and attendant meeting rooms,
87 lecture rooms, ballrooms, multi-purpose space and related common areas for public circulation,
88 service and support, together with all necessary and related furnishings, furniture, machinery,
89 equipment, facilities, approaches, driveways, walkways, roadways, planting and landscaping
90 associated therewith; the acquisition by the Authority in accordance with section 212 of chapter
91 139 of the acts of 2012 and this act, of lands and other property, or rights, air rights, sub-surface
92 rights, easements, leases, ground leases and other interests in respect of lands and other property,
93 adjacent to or within the general vicinity of the convention center development area to provide
94 for parking facilities, truck marshalling areas and as sites for other facilities supporting the
95 Boston convention and exhibition center, including without limitation, facilities constructed by
96 lessees of the Authority and others to provide services or accommodations for the public within

97 the BCEC Hotel Zone as defined in section 211 of chapter 139 of the acts of 2012 or where
98 otherwise authorized or permitted by law; the demolition or removal of any buildings or
99 structures within the convention center development area or on such lands or other property or
100 interests therein so acquired, and site preparation, permitting and environmental remediation
101 thereof; and the planning, design, acquisition, development, construction, equipping and
102 finishing or any combination of the foregoing on a portion of such lands or other property or
103 interests therein so acquired of 1 or more parking garages for persons presenting at or attending
104 the Boston convention and exhibition center, or utilizing such public accommodations, and other
105 members of the general public; and measures mitigating the local impact of the foregoing; in
106 each case of a scale and scope generally consistent with the description thereof contained in the
107 BCEC expansion project report.

108 "BCEC expansion project report", the report, feasibility study and program pertaining to
109 the BCEC expansion project delivered to the clerks of the senate and the house of representatives
110 and the senate and house committees on ways and means on October 2, 2013 in accordance with
111 section 38N of chapter 190 of the acts of 1982.

112 "Boston convention and exhibition center", the convention and exhibition center and
113 related facilities so called, and all real and personal property associated therewith, owned and
114 operated by the Authority within the convention center development area and acquired,
115 developed, constructed, improved, furnished, equipped and otherwise carried out in accordance
116 with section 5 of chapter 152 of the acts of 1997. Whenever appropriate, such term shall also
117 mean such convention and exhibition center as expanded in accordance with this act.

118 "City", the city of Boston.

119 "Convention center development area", the area within the city of Boston bounded and
120 described as follows: beginning at the intersection of the eastern boundary of the South Boston
121 Bypass Road, and the southern boundary of Summer Street, thence easterly along the southern
122 boundary of Summer Street to the intersection of the western boundary of D Street, then
123 southerly along the western boundary of D Street to the centerline of Cypher Street, then
124 westerly along the centerline of Cypher Street with a line extended to the eastern boundary of the
125 South Boston Bypass Road, and then northerly along the eastern boundary of the South Boston
126 Bypass Road to the point of beginning.

127 "Convention center fund", the Convention and Exhibition Fund established by section 10
128 of chapter 152 of the acts of 1997.

129 "Cost", as applied to the BCEC expansion project, all costs, whenever incurred, including
130 without limitation reimbursement to the convention center fund of any such costs heretofore
131 funded from amounts applied to such purposes pursuant to section 212 of chapter 139 of the acts
132 of 2012 and subsection (c) of section 10 of chapter 152 of the acts of 1997 of acquiring,
133 developing, constructing, improving, furnishing, equipping, finishing and carrying out the BCEC

134 expansion project, including without limiting the generality of the foregoing, the costs of all
135 labor, materials, machinery and equipment necessary to carry out the BCEC expansion project,
136 the costs of all lands and other property, and all rights, air rights, sub-surface rights, easements,
137 leases, ground leases and other interests in lands and other property, acquired by the Authority in
138 connection with the BCEC expansion project and costs of environmental investigation and
139 analyses and remediation, site preparation and other development costs thereof and of the
140 facilities constructed thereon, the costs of permitting, inspection and licensure and of measures
141 mitigating the local impact of the BCEC expansion project, the costs of demolition and removal
142 of any buildings or structures within the convention center development area or on such lands,
143 property, rights and interests so acquired and removal or relocation of any public utilities and
144 other facilities thereon, the costs of architectural, engineering and legal services, plans,
145 specifications, surveys, estimates of cost and of revenues, including without limitation, the
146 BCEC expansion project report, other expenses necessary or incident to determining the
147 feasibility or practicability of the BCEC expansion project, administrative, marketing and
148 promotion expenses, and financing charges, interest prior to and during construction and for a
149 period not exceeding 2 years after completion of construction, reserves for debt service, and such
150 other capital and current expenses as may be necessary or incident to the construction or
151 acquisition of the BCEC expansion project, the financing thereof and the issuance of bonds or
152 notes by the commonwealth pursuant to the provisions of this act.

153 "Minority business enterprise" or "MBE" shall have the same meaning as found in
154 section 6 of chapter 7C of the General Laws;

155 "Women business enterprise" or "WBE" shall have the same meaning as found in section
156 6 of chapter 7C of the General Laws;

157 "Service-disabled veterans –owned small business enterprise" or "SDVOBE" shall have
158 the same meaning as found in section 61 of Chapter 7 of the General Laws.

159 SECTION 9. (a) The Authority may acquire, develop, lease, construct, improve, furnish,
160 equip, finish and otherwise carry out the BCEC expansion project, and to own, operate, lease,
161 sub-lease, license, promote, maintain, improve and rehabilitate the same, either directly or
162 indirectly in whole or in part through agents, lessees, contractors, concessionaires or others,
163 subject to the provisions of this act.

164 (b) The Authority may acquire such lands, properties, rights, air rights, sub-surface
165 rights, easements, leases, ground leases and other interests identified in the BCEC expansion
166 project report as the Authority deems necessary, appropriate or convenient to carry out the
167 purposes of this act. To carry out and effectuate the foregoing purposes, the Authority may
168 acquire by purchase, lease, gift, bequest, grant or otherwise from any party, public or private, and
169 hold, clear, repair, operate, lease and convey, any lands and other property, real or personal,
170 improved or unimproved, tangible or intangible, and any interest therein, including, to the extent

171 not inconsistent with federal law, railroad properties. To the extent not inconsistent with federal
172 law, the acquisition by the Authority of railroad rights-of-way or related facilities as aforesaid
173 from any department, authority, agency or political subdivision of the commonwealth, from any
174 railroad company, or from any other party, shall be exempt from the procedures, findings and
175 requirements of section 7 of chapter 161C of the General Laws, and the issuance of any permit
176 for any portion of the BCEC expansion project or for facilities constructed by lessees of the
177 Authority and others as a part thereof on any lands formerly used as a railroad right-of-way or
178 any property appurtenant thereto formerly used by any railroad company in the commonwealth
179 shall be exempt from the provisions of section 54A of chapter 40 of the General Laws.

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

189 (d) The Authority may prepare or cause to be prepared a report regarding the BCEC
190 expansion project in accordance with section 62B of chapter 30 of the General Laws.; provided
191 however, notwithstanding the provisions of sections 62 to 62H, inclusive, of said chapter 30, the
192 Authority may commence and undertake research, planning, design and other work necessary for
193 the BCEC expansion project and may engage an owner's project manager, architects and
194 engineers and a construction manager therefor as provided in section 10 of this act, and may take
195 all actions necessary or appropriate or required for acquisition of lands or other property, rights,
196 air rights, sub-surface rights, easements, leases, ground leases and other interests as provided in
197 this section, prior to the publication of a final environmental impact report pursuant to this
198 section and section 62C of said chapter 30.

199 SECTION 10. (a) In undertaking the BCEC expansion project, the Authority shall
200 establish: (i) a supplier diversity program designed and implemented to achieve meaningful
201 participation on the part of minority business enterprises, service-disabled veteran-owned small
202 business enterprises and women business enterprises in all phases of the management and
203 oversight, design and construction of the BCEC expansion project and which incorporates the
204 provisions of this subsection and clause (iii) of subsection (c); (ii) a workforce diversity program
205 designed and implemented to achieve meaningful participation of Boston residents, minority
206 persons and women as construction employees pursuant to clause (ii) of subsection (c); and (iii)
207 a construction workforce training program designed and implemented to provide access and
208 training to those traditionally under-represented in the construction trades, including minority
209 persons and women. The Authority shall engage an owner's project management team for the

210 BCEC expansion project in accordance with the manner of selecting an owner's project manager
211 pursuant to section 44A1/2 of chapter 149 of the General Laws. In selecting an owner's project
212 management team, the Authority shall establish a selection process that encourages the
213 participation of a minority business enterprise, a service-disabled veteran-owned small business
214 enterprises or a women businesses enterprise as part of the owner's project management team.
215 The owner's project management team will serve as the Authority's agent and consultant during
216 the planning, design and construction of the BCEC expansion project. The Authority shall select
217 architects and other design professionals for the BCEC expansion project in accordance with the
218 procedures approved by the designer selection board of the executive office for administration
219 and finance; provided, that prior to and in the selection of said architects and design
220 professionals, the Authority shall adopt participation goals that provide for the meaningful
221 participation of minority business enterprises, service-disabled veteran-owned small business
222 enterprises and women business enterprises as architects and design professionals; provided
223 further , that said participation goals shall be equal to the combined participation goals for
224 minority business enterprises and women business enterprises on design projects as established
225 by the division of capital asset management and maintenance pursuant to section 6 of chapter 7C
226 of the General Laws and in effect as of January 1, 2013.

227 (b) Notwithstanding any general or special law to the contrary, the Authority shall utilize
228 the construction manager at risk approach in construction of the BCEC expansion project as
229 provided in subsections (f) and (g) of section 5 of chapter 152 of the acts of 1997 and shall
230 select trade contractors for the BCEC expansion project as provided in said subsection (h) of said
231 section 5, and in each case in accordance with the procedures previously adopted by the
232 Authority for construction of the Boston convention and exhibition center in consultation with
233 the commissioner of capital asset management and maintenance and the inspector general of the
234 commonwealth pursuant to subsections (b) and (f) of said section 5; provided, that: (i) the
235 responsibilities assigned to a technical advisory board in said subsection (f) of said section 5
236 shall be performed by a selection committee appointed by the Authority which, in consultation
237 with the Authority, shall determine the procedures to be applied in selection of a construction
238 manager for the BCEC expansion project; and (ii) the decisions of such selection committee,
239 and the decisions of the trade contractor prequalification committee appointed by the Authority
240 in accordance with said subsection (h) of said section 5, shall be final and not subject to appeal
241 except on grounds of fraud or collusion. The Authority shall consult with the division of capital
242 asset management and maintenance and the inspector general with respect to any modifications
243 to the procedures for selection of a construction manager or the procedures for selection of trade
244 contractors as previously adopted and utilized for the construction of the Boston convention and
245 exhibition center pursuant to said section 5; provided, however, that the division of capital asset
246 management and maintenance shall otherwise have no jurisdiction over the BCEC expansion
247 project. Except as otherwise provided in subsection (d), the provisions of sections 44 to 57,
248 inclusive, of chapter 7C of the General Laws, the provisions of section 39M of chapter 30 of the
249 General Laws, the provisions of sections 44A to 44M, inclusive, of chapter 149 of the General

250 Laws, the provisions of chapter 149A of the General Laws, and any other general or special law
251 or regulation providing for the advertising, bidding or awarding of contracts for planning, design,
252 construction or improvements to real property shall not apply to contracts entered into in
253 connection with the implementation of the BCEC expansion project.

254 (c) Except as otherwise agreed to between the Authority and the construction manager,
255 all contracts for the provision of labor, material and equipment in connection with the
256 construction of the BCEC expansion project shall be entered into by and between the
257 construction manager and the trade contractor as provided in subsection (h) of section 5 of
258 chapter 152 of the acts of 1997;, provided, that the purchase of tangible personal property and
259 services for the BCEC expansion project by the construction manager and by trade contractors
260 shall be exempt from the excise imposed by chapter 64H of the General Laws. The provisions
261 set forth in said subsection (h) of said section 5 pertaining to construction employees shall also
262 apply to the BCEC expansion project. The provisions of sections 26 to 27F, inclusive, and
263 section 29 of chapter 149 of the General Laws shall apply to the contract between the Authority
264 and the construction manager and all trade contracts awarded pursuant to this section, and in
265 undertaking the BCEC expansion project: (i) all construction employees employed in the
266 construction of the BCEC expansion project shall be paid no less than the wage rate established
267 for such work pursuant to a project labor agreement with the appropriate labor organization or
268 labor organizations, which includes a uniform grievance and arbitration procedure for the
269 resolution of work-related disputes on job sites, mutually agreeable uniform work rules and
270 schedules for the project, and an obligation for any labor organization and its constituent
271 members contracted to work on the BCEC expansion project not to strike with respect to work
272 on such project; provided, that it shall not be a precondition to the award of a contract that a
273 bidder have previously entered into a collective bargaining agreement with a labor organization,
274 but only that the bidder be willing to execute and comply with said project labor agreement for
275 the BCEC expansion project if it is awarded a contract; (ii) pursuant to the workforce diversity
276 program established pursuant to subsection (a), the Authority shall establish employment goals
277 that provide for the participation of Boston residents, minority persons, and women as
278 construction employees in accordance with the Boston Residents Construction Employment
279 Standards established pursuant to the city of Boston code, ordinances, section 12-10; (iii)
280 pursuant to the supplier diversity program established pursuant to subsection (a), the Authority
281 shall adopt contractor participation goals that provide for the meaningful participation of
282 minority business enterprises and women business enterprises as construction contractors;
283 provided further, that said participation goals shall be equal to the combined participation goals
284 for minority business enterprises, service-disabled veteran-owned small business enterprises, and
285 women business enterprises on public building projects as established by the division of capital
286 asset management and maintenance pursuant to section 6 of chapter 7C of the General laws and
287 in effect on January 1, 2013; and (iv) pursuant to the workforce training program established
288 pursuant to subsection (a), the Authority shall develop and implement a program that provides
289 training in construction-related trades to minority persons and women.

290 (d) Notwithstanding the provisions of subsection (b), the Authority may, by majority vote
291 of its members, elect to use other methods provided under any general or special law for
292 procuring design or construction services for portions of the BCEC expansion project, including
293 the provisions of section 39M of chapter 30 of the General Laws, the provisions of section 44A
294 to 44M, inclusive, of chapter 149 of the General Laws, or the provisions of chapter 149A of the
295 General Laws; provided, that the provisions of subsections (a) and (c) shall apply to the BCEC
296 expansion project regardless of the method utilized for procuring construction contracts. If the
297 Authority elects to apply the provisions of said chapter 149A to a portion of the BCEC expansion
298 project, the Authority shall be deemed to be an exempt agency within the meaning of subsection
299 (d) of section 4of said chapter 149A.

300 (e) In implementing the BCEC expansion project, the Authority shall prepare quarterly
301 reports which shall include, but not be limited to: (i) the total dollars expended on the BCEC
302 expansion project to date; (ii) the number and type of contracts entered into to date; (iii) the
303 number of contracts entered into with minority business enterprises; (iv) the number of contracts
304 entered into with service-disabled veteran-owned small business enterprises; (v) the number of
305 contracts entered into with women business enterprises ; (vi) the dollar value of contracts entered
306 into with minority business enterprises; (vii) the dollar value of contracts entered into with
307 service-disabled veteran-owned small enterprises; (viii) the dollar value of contracts entered into
308 with women business enterprises; (ix) the total number of employees working on the project; (x)
309 the total number of employees working on the project, broken down by race, ethnicity and
310 gender; and (xi) the total number of Boston residents working on the project. Said reports shall
311 be submitted to the secretary of the executive office for administration and finance, the house
312 and senate committees on ways and means, the clerks of the houseand senate, and the house
313 committee on bonding, capital expenditures and state assets. The Authority shall post each
314 quarterly report on its website.

315 (f) The Authority shall establish a monitoring committee, to be known as the access and
316 opportunity committee, which shall meet quarterly, in a forum open to the public, to review the
317 Authority's reports issued pursuant to subsection (e)of this section, monitor compliance with the
318 provisions of subsections (a) and (c), and make recommendations to the Authority regarding the
319 successful implementation of the supplier diversity program and workforce diversity program
320 established pursuant to subsection (a). The Authority, in establishing the access and opportunity
321 committee, shall ensure representation from, but not limited to, a representative of the
322 construction manager for the BCEC project, a representative of the owner's project management
323 team, representatives of the trade contractors performing work on the BCEC expansion project, a
324 representative of the Massachusetts Minority Contractors Association, Inc., a representative of
325 the Veteran's Business Council, the city councilor representing district 2 of the Boston city
326 council or his designee, the state representative representing the fourth Suffolk district or his
327 designee, the state senator representing the first Suffolk district or his designee, and
328 representatives of local, community-based organizations.

329 SECTION 11. (a) To meet the expenditures necessary to carry out the provisions of
330 section 2, the state treasurer, upon request of the governor, may issue and sell bonds of the
331 commonwealth in an amount to be specified by the governor from time to time, but not
332 exceeding, in the aggregate, the sum of $1,110,000,000. All such bonds shall be special
333 obligations of the commonwealth payable from the special receipts described in section 10 of
334 chapter 152 of the acts of 1997 to the extent available and in any case payable solely from
335 moneys credited to the convention center fund or otherwise pledged to such payment as provided
336 in said section 10 and this act. Notwithstanding section 60A of chapter 29 of the General Laws
337 or any other general or special law to the contrary, such bonds shall not be general obligations of
338 the commonwealth. Such bonds shall be issued for such maximum term of years, not exceeding
339 40 years, as the governor may recommend to the general court in accordance with section 3 of
340 Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later
341 than June 30, 2060.

342 (b) Bonds of the commonwealth may be issued under authority of this section in such
343 manner and on such terms and conditions as the state treasurer, with the concurrence of the
344 secretary of administration and finance, may determine in accordance with the provisions of this
345 subsection and, to the extent not inconsistent with the provisions hereof, general law relative to
346 the issuance of bonds of the commonwealth. The provisions of section 11 of chapter 152 of the
347 acts of 1997, including without limitation the Capital Reserve Fund established pursuant to said
348 section 11, shall apply to such bonds and the security therefor to the same extent as such
349 provisions apply to bonds of the commonwealth outstanding under said section 11; provided, that
350 if so determined by the state treasurer, with the concurrence of the secretary of administration
351 and finance, bonds issued under authority of this act may be issued on a parity with or
352 subordinate to such outstanding bonds. Earnings on investment of the proceeds of such bonds
353 and on the proceeds of notes issued pursuant to section 12 shall be deposited in the convention
354 center fund and applied to the purposes set forth in subsection (c) of section 10of said chapter
355 152.

356 (c) As additional security for bonds of the commonwealth issued under authority of this
357 section, the convention center fund, and all amounts on deposit from time to time therein, are
358 hereby pledged to the payment of such bonds and, if so determined by the state treasurer with the
359 concurrence of the secretary of administration and finance, to the payment of bonds outstanding
360 under section 11 of chapter 152 of the acts of 1997, subject to the application of such amounts as
361 provided in subsection (c) of section 10of said chapter 152 and the trust agreement for such
362 bonds. In order to further increase the marketability of such bonds, the commonwealth, if so
363 determined by the state treasurer with the concurrence of the secretary of administration and
364 finance, is hereby authorized to pledge all or any portion of the receipts from the excises
365 imposed by section 3 of chapter 64G of the General Laws and section 22 of chapter 546 of the
366 acts of 1969 upon the transfer of any room that are not otherwise deposited in the convention
367 center fund pursuant to said section 10 of said chapter 152, or any other applicable law, as

368 “additional pledged receipts” to further secure such bonds. Additional pledged receipts shall be
369 included as “special receipts”, as defined in subsection (b) of section 10 of chapter 152 of the
370 acts of 1997, as amended, and shall be thereafter applied in each fiscal year, subject to the terms
371 of the trust agreement pursuant to which such bonds are issued, first, for purposes of paying debt
372 service on such bonds or to the maintenance of the Capital Reserve Fund for such bonds
373 established pursuant to subsection (c) of said section 11of said chapter 152 and second, as
374 otherwise provided by law.

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

383 SECTION 12. The state treasurer may borrow, from time to time, on the credit of the
384 commonwealth such sums of money as may be necessary for the purposes of meeting payments
385 as authorized by section 2 in anticipation of the receipt of proceeds of special obligation bonds of
386 the commonwealth issued under authority of section 11, and may issue and renew, from time to
387 time, notes of the commonwealth therefor, bearing interest payable at such time and at such rate
388 as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed 1 or more
389 times for such maximum term of years, not exceeding 5 years, as the governor may recommend
390 to the general court in accordance with section 3 of Article LXII of the Amendments to the
391 Constitution; provided, however, that all such notes shall be payable not later than June 30, 2020.
392 All interest on account of the principal of such notes shall be payable from the convention center
393 fund. Notwithstanding any provision of this act to the contrary, notes and the interest thereon
394 issued under the authority of this section, shall be general obligations of the commonwealth.

395 SECTION 13. Notwithstanding clause (v) of subsection (c) of section 10 of chapter 152
396 of the acts of 1997 amounts held in the convention center fund that are determined by the state
397 treasurer and the secretary of administration and finance to exceed the amount necessary to
398 satisfy the sufficiency of such fund may be applied to defray the net cost of operations of the
399 Authority, as defined in section 32 of chapter 190 of the acts of 1982, as amended, in an amount
400 in fiscal year 2015 not exceeding $24,000,000, in fiscal year 2016 not exceeding $25,000,000, in
401 fiscal year 2017 not exceeding $26,000,000 and an amount not exceeding $28,000,000 in fiscal
402 year 2018 and in each fiscal year thereafter.

403 SECTION 14. The provisions of this act shall be deemed to provide an exclusive,
404 additional, alternative and complete method for anything authorized herein and shall be deemed
405 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.

SECTION 15. If, at any time, additional pledged receipts, as defined in subsection (c) of section 11, are applied to pay debt service on bonds issued under the authority of section 11 or, if applicable, bonds outstanding under section 11 of chapter 152 of the acts of 1997 or to the maintenance of the Capital Reserve Fund created under said chapter 152, the convention centers excise shall be increased, in the city of Boston only, until the amount deposited into the convention center fund from the increased excises shall be at least equal to the amount of additional pledged receipts so applied to pay debt service or to the maintenance of the Capital Reserve Fund, as so certified by the secretary of administration and finance; provided, however, that in no event shall the total amount of the excise imposed pursuant to sections 3 and 3A of chapter 64G of the General Laws and section 22 of chapter 546 of the acts of 1969 exceed 14 per cent. Amounts so received from the increased excises arising from the use of additional pledged receipts shall, subject to the terms of the trust agreement pursuant to which such bonds are issued and to the use of such moneys for the purpose set forth in section 2 of this act, without further appropriation, be transferred, as of the end of each fiscal year, to the General Fund.