

SENATE No. 2196

Senate, June 12, 2014– Text of the Senate amendment to the House Bill relative to the expansion of the Boston Convention and Exhibition Center (House, No. 4111) (being the text of Senate, No. 2180, printed as amended)

The Commonwealth of Massachusetts

—
In the Year Two Thousand Fourteen
—

1 SECTION 1. To provide for the expansion of the Boston convention and exhibition
2 center, the sum set forth in section 2 is hereby made available, subject to the laws regulating the
3 disbursement of public funds and the approval thereof.

4 SECTION 2.

5 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

6 0101-0101 For the BCEC expansion project, as defined in section 4; provided that
7 amounts expended from this item shall be for the planning, development, construction and
8 related costs of the BCEC expansion project in accordance with section 5; provided further, that
9 an amount not to exceed \$50,000,000 shall be available for use to assist in certain transportation
10 projects that benefit or are related to the BCEC expansion project, including: (i) the relocation of
11 existing Massachusetts Department of Transportation facilities located on the expansion site and
12 costs related thereto; and (ii) the design and construction of a rail station project on the west side
13 of the BCEC expansion project that would facilitate direct public transportation access through
14 diesel multiple unit vehicles if the Massachusetts Department of Transportation activates track
15 61 for that purpose; provided further, that no funds authorized in this item shall be used to

16 provide a direct subsidy for the design, construction or operation of any privately owned hotel;
17 and provided further, that the funds authorized by this item shall be expended in accordance with
18 the conditions provided in subsection (c) of section 10 of chapter 152 of the acts of
19 1997.....\$1,000,000,000

20 SECTION 2A. Section 14C of chapter 7 of the General Laws, as appearing in the 2012
21 Official Edition, is hereby amended by inserting after the word “council”, in line 10, the
22 following words:- , the Massachusetts Convention Center Authority.

23 SECTION 2B Subsection (e) of section 35 of chapter 190 of the acts of 1982 is hereby
24 amended by striking out, in line 3, the word “functions”and inserting in place thereof the
25 following words:- functions. Such contracts may include, without limiting the foregoing,
26 partnership agreements including limited partnership agreements, joint ventures, participation
27 agreements or equity investments. For the purposes of this subsection, “equity investments” shall
28 mean shares in private entities, whether or not transferable or denominated stock, or interest of a
29 limited partner in a limited partnership or membership interest in a limited liability company.
30 With respect to any contract or agreement authorized by the preceding 2 sentences, any
31 documentary materials or data whatsoever made or received by a member or employee of the
32 Authority and consisting of, or to the extent that such materials or data consist of, trade secrets or
33 commercial or financial information regarding the operation of any business conducted by a
34 private entity under contract with the Authority or regarding the competitive position of such
35 private entity in a particular field of endeavor shall not be deemed public records of the
36 Authority and shall not be subject to section 10 of chapter 66 of the General Laws.
37 Notwithstanding section 20 of chapter 30A of the General Laws, any discussion or consideration
38 of such trade secrets or commercial or financial information may be held by members of the

39 Authority in executive sessions closed to the public, but the purpose of such executive session
40 shall be set forth in the official minutes of the Authority and no business which is not directly
41 related to such purpose shall be transacted nor shall any vote be taken during such executive
42 session.

43 SECTION 3. The Authority shall comply with section 27H of chapter 149 of the General
44 Laws.

45 No agreement or contract which provides security guard services for the Authority,
46 unless pursuant to a collectively bargained agreement, shall be entered into or given by the
47 Authority unless the contract or agreement contains a stipulation requiring prescribed rates of
48 wages, as determined by the director of labor standards, to be paid to the employees providing
49 security guard services. Any contract which does not contain said stipulation shall be invalid and
50 no payment shall be made thereunder. The rates of wages shall be requested of the director of
51 labor standards and shall be furnished by the director of labor standards in a schedule containing
52 the classifications of jobs and rate of wages to be paid for each job. The rates of wages shall
53 include payments to health and welfare plans and pension plans or, if no such plan is in effect
54 between employers and employees, the amount of such payments shall be paid directly to the
55 employees. Whoever pays less than said rates of wages, including payments to health and
56 welfare funds and pension funds, or the equivalent in wages, on said works, and whoever accepts
57 for such person's own use, or for the use of any other person as a rebate, gratuity or in any other
58 guise, any part or portion of said wages, health and welfare funds or pension funds, shall have
59 violated this section and shall be punished or shall be subject to a civil citation or order as
60 provided in section 27C of chapter 149 of the General Laws.

61 An employee claiming to be aggrieved by a violation of the previous paragraph may, 90
62 days after filing a complaint with the attorney general or sooner if the attorney general assents in
63 writing and within 3 years after the violation, institute and prosecute in the employee's own
64 name and on the employee's own behalf or for the employee and for others similarly situated a
65 civil action for injunctive relief, for damages incurred and for lost wages and other benefits. An
66 employee so aggrieved who prevails in such an action shall be awarded treble damages, as
67 liquidated damages, for lost wages and other benefits and shall also be awarded the costs of the
68 litigation and reasonable attorneys' fees.

69 SECTION 4. As used in this act, the following words shall have the following meanings,
70 unless the context clearly requires otherwise:

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

75 "BCEC expansion project", the planning, design, acquisition, development, construction,
76 expansion, rehabilitation, improvement, furnishing, equipping and finishing or any combination
77 of the foregoing within the convention center development area of an approximately 1,300,000
78 square foot expansion to the Boston convention and exhibition center containing approximately
79 335,000 square feet of additional contiguous exhibition space and attendant meeting rooms,
80 lecture rooms, ballrooms, multi-purpose space and related common areas for public circulation,
81 service and support, together with all necessary and related furnishings, furniture, machinery,
82 equipment, facilities, approaches, driveways, walkways, roadways, planting and landscaping

83 associated therewith; the acquisition by the Authority in accordance with section 212 of chapter
84 139 of the acts of 2012 and this act, of lands and other property, or rights, air rights, sub-surface
85 rights, easements, leases, ground leases and other interests in respect of lands and other property,
86 adjacent to or within the general vicinity of the convention center development area to provide
87 for parking facilities, truck marshalling areas and as sites for other facilities supporting the
88 Boston convention and exhibition center, including without limitation, facilities constructed by
89 lessees of the Authority and others to provide services or accommodations for the public within
90 the BCEC Hotel Zone as defined in section 211 of said chapter 139 or if otherwise authorized or
91 permitted by law; the demolition or removal of any buildings or structures within the convention
92 center development area or on such lands or other property or interests therein so acquired and
93 site preparation, permitting and environmental remediation thereof; the planning, design,
94 acquisition, development, construction, equipping and finishing or any combination of the
95 foregoing on a portion of such lands or other property or interests therein so acquired of 1 or
96 more parking garages for persons presenting at or attending the Boston convention and
97 exhibition center, or utilizing such public accommodations, and other members of the general
98 public; and measures mitigating the local impact of the foregoing, in each case of a scale and
99 scope generally consistent with the description thereof contained in the BCEC expansion project
100 report.

101 “BCEC expansion project report”, the report, feasibility study and program pertaining to
102 the BCEC expansion project delivered to the clerks of the senate and the house of representatives
103 and the senate and house committees on ways and means, dated November 19, 2013 .

104 “Boston convention and exhibition center”, the convention and exhibition center and
105 related facilities so called, and all real and personal property associated therewith, owned and

106 operated by the Authority within the convention center development area and acquired,
107 developed, constructed, improved, furnished, equipped and otherwise carried out in accordance
108 with section 5 of chapter 152 of the acts of 1997. If appropriate, “Boston convention and
109 exhibition center” shall also mean such convention and exhibition center as expanded in
110 accordance with this act.

111 “City”, the city of Boston.

112 “Convention center development area”, the area within the city of Boston bounded and
113 described as follows: beginning at the intersection of the eastern boundary of the South Boston
114 Bypass road, and the southern boundary of Summer street, thence easterly along the southern
115 boundary of Summer street to the intersection of the western boundary of D street, then southerly
116 along the western boundary of D street to the centerline of Cypher street, then westerly along the
117 centerline of Cypher street with a line extended to the eastern boundary of the South Boston
118 Bypass road, and then northerly along the eastern boundary of the South Boston Bypass road to
119 the point of beginning.

120 “Convention center fund”, the Convention and Exhibition Fund established by section 10
121 of chapter 152 of the acts of 1997.

122 “Cost”, as applied to the BCEC expansion project, all costs, whenever incurred, including
123 without limitation reimbursement to the convention center fund of any such costs funded from
124 amounts applied to such purposes pursuant to section 212 of chapter 139 of the acts of 2012 and
125 subsection (c) of section 10 of chapter 152 of the acts of 1997 of acquiring, developing,
126 constructing, improving, furnishing, equipping, finishing and carrying out the BCEC expansion
127 project, including without limiting the generality of the foregoing; the costs of all labor,

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

146 “Minority business enterprise” or “MBE” shall have the same meaning as “minority-
147 owned business” as defined in section 6 of chapter 7C of the General Laws.

148 “Women business enterprise” or “WBE” shall have the same meaning as “women-owned
149 business” as defined in said section 6 of said chapter 7C.

150 “Service-disabled veteran-owned small business enterprise” or “SDVOBE” shall have the
151 same meaning as “service-disabled veteran-owned small business” in subsection (i ½) of section
152 61 of chapter 7 of the General Laws.

153 SECTION 5. (a) The Authority may acquire, develop, lease, construct, improve, furnish,
154 equip, finish and otherwise carry out the BCEC expansion project, and may own, operate, lease,
155 sublease, license, promote, maintain, improve and rehabilitate the same, either directly or
156 indirectly in whole or in part through agents, lessees, contractors, concessionaires or others,
157 subject to this act.

158 (b) The Authority may acquire such lands, properties, rights, air rights, sub-surface
159 rights, easements, leases, ground leases and other interests identified in the BCEC expansion
160 project report as the Authority deems necessary, appropriate or convenient to carry out the
161 purposes of this act. To carry out and effectuate the foregoing purposes, the Authority may
162 acquire by purchase, lease, gift, bequest, grant or otherwise from any party, public or private, and
163 hold, clear, repair, operate, lease and convey, any lands and other property, real or personal,
164 improved or unimproved, tangible or intangible, and any interest therein, including, to the extent
165 consistent with federal law, railroad properties. To the extent consistent with federal law, the
166 acquisition by the Authority of railroad rights-of-way or related facilities as aforesaid from any
167 department, authority, agency or political subdivision of the commonwealth, from any railroad
168 company, or from any other party, shall be exempt from the procedures, findings and
169 requirements of section 7 of chapter 161C of the General Laws, and the issuance of any permit
170 for any portion of the BCEC expansion project or for facilities constructed by lessees of the
171 Authority and others as a part thereof on any lands formerly used as a railroad right-of-way or

172 any property appurtenant thereto formerly used by any railroad company in the commonwealth
173 shall be exempt from section 54A of chapter 40 of the General Laws.

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

183 (d) The Authority shall prepare or cause to be prepared a report regarding the BCEC
184 expansion project in accordance with section 62B of chapter 30 of the General Laws; provided
185 however, that notwithstanding sections 62 to 62H, inclusive, of said chapter 30, the Authority
186 may commence and undertake research, planning, design and other work necessary for the
187 BCEC expansion project and may engage an owner's project manager, architects and engineers
188 and a construction manager therefor as provided in section 6 and may take all actions necessary
189 or appropriate or required for acquisition of lands or other property, rights, air rights, sub-surface
190 rights, easements, leases, ground leases and other interests as provided in this section, prior to the
191 publication of a final environmental impact report pursuant to this section and section 62C of
192 said chapter 30.

193 SECTION 6. (a) In undertaking the BCEC expansion project, the Authority shall
194 establish: (i) a supplier diversity program designed and implemented to achieve meaningful
195 participation on the part of minority business enterprises, service-disabled veteran-owned small
196 business enterprises and women business enterprises in all phases of the management and
197 oversight, design and construction of the BCEC expansion project, including pre-construction
198 and post-construction activities until building operations commence, and which incorporates this
199 subsection and clause (iii) of subsection (c); (ii) a workforce diversity program designed and
200 implemented to achieve meaningful participation of Boston residents, minority persons and
201 women as construction employees pursuant to clause (ii) of subsection (c); and (iii) a
202 construction workforce training program designed and implemented to provide access and
203 training to those traditionally under-represented in the construction trades, including minority
204 persons and women. The Authority shall engage an owner's project management team for the
205 BCEC expansion project in accordance with the manner of selecting an owner's project manager
206 pursuant to section 44A 1/2 of chapter 149 of the General Laws. In selecting an owner's project
207 management team, the Authority shall establish a selection process that encourages the
208 participation of a minority business enterprise, a service-disabled veteran-owned small business
209 enterprises or a women businesses enterprise as part of the owner's project management team.
210 The owner's project management team shall serve as the Authority's agent and consultant during
211 the planning, design and construction of the BCEC expansion project. The Authority shall select
212 architects and other design professionals for the BCEC expansion project in accordance with the
213 procedures approved by the designer selection board of the executive office for administration
214 and finance; provided, that prior to and in the selection of said architects and design
215 professionals, the Authority shall adopt participation goals that provide for the meaningful

216 participation of minority business enterprises, service-disabled veteran-owned small business
217 enterprises and women business enterprises as architects and design professionals; provided
218 further, that said participation goals shall be equal to or exceed the combined participation goals
219 for minority business enterprises and women business enterprises on design projects as
220 established by the division of capital asset management and maintenance pursuant to section 6 of
221 chapter 7C of the General Laws and in effect as of January 1, 2013.

222 (b) Notwithstanding any general or special law to the contrary, the Authority shall utilize
223 the construction manager at risk approach in construction of the BCEC expansion project, as
224 provided in subsections (f) and (g) of section 5 of chapter 152 of the acts of 1997, and shall
225 select trade contractors for the BCEC expansion project, as provided in said subsection (h) of
226 said section 5 of said chapter 152, and in each case shall follow the procedures previously
227 adopted by the Authority for construction of the Boston convention and exhibition center in
228 consultation with the commissioner of capital asset management and maintenance and with the
229 review of the inspector general of the commonwealth; provided, that: (i) the responsibilities
230 assigned to a technical advisory board in said subsection (f) of said section 5 of said chapter 152
231 shall be performed by a selection committee appointed by the Authority which, in consultation
232 with the Authority, shall determine the procedures to be applied in the selection of a construction
233 manager for the BCEC expansion project; and (ii) the decisions of such selection committee,
234 and the decisions of the trade contractor prequalification committee, appointed by the Authority
235 in accordance with said subsection (h) of said section 5 of said chapter 152, shall be final and not
236 subject to appeal except on grounds of fraud or collusion. The Authority shall consult with the
237 division of capital asset management and maintenance and the inspector general with respect to
238 any modifications to the procedures for selection of a construction manager or the procedures for

239 selection of trade contractors as previously adopted and utilized for the construction of the
240 Boston convention and exhibition center pursuant to said section 5 of said chapter 152; provided,
241 however, that the division of capital asset management and maintenance shall otherwise have no
242 jurisdiction over the BCEC expansion project.

243 (c) Except as otherwise agreed to between the Authority and the construction manager,
244 all contracts for the provision of labor, material and equipment in connection with the
245 construction of the BCEC expansion project shall be entered into by and between the
246 construction manager and the trade contractor as provided in subsection (h) of section 5 of
247 chapter 152 of the acts of 1997; provided, that the purchase of tangible personal property and
248 services for the BCEC expansion project by the construction manager and by trade contractors
249 shall be exempt from the excise imposed by chapter 64H of the General Laws. Subsection (h) of
250 said section 5 of said chapter 152 pertaining to construction employees shall also apply to the
251 BCEC expansion project. Sections 26 to 27F, inclusive, and section 29 of chapter 149 of the
252 General Laws shall apply to the contract between the Authority and the construction manager
253 and all trade contracts awarded pursuant to this section, and in undertaking the BCEC expansion
254 project: (i) all construction employees employed in the construction of the BCEC expansion
255 project shall be paid not less than the wage rate established for such work pursuant to a project
256 labor agreement with the appropriate labor organization or labor organizations, which includes a
257 uniform grievance and arbitration procedure for the resolution of work-related disputes on job
258 sites, mutually agreeable uniform work rules and schedules for the project and an obligation for
259 any labor organization and its constituent members contracted to work on the BCEC expansion
260 project not to strike with respect to work on such project; provided, that it shall not be a
261 precondition to the award of a contract that a bidder have previously entered into a collective

262 bargaining agreement with a labor organization, but only that the bidder be willing to execute
263 and comply with said project labor agreement for the BCEC expansion project if it is awarded a
264 contract; (ii) pursuant to the workforce diversity program established pursuant to subsection (a),
265 the Authority shall establish employment goals that provide for the participation of Boston
266 residents, minority persons and women as construction employees in accordance with the Boston
267 Residents Construction Employment Standards established pursuant to the city of Boston code,
268 ordinances, section 12-10; (iii) pursuant to the supplier diversity program established under
269 subsection (a), the Authority shall adopt contractor participation goals that provide for the
270 meaningful participation of minority business enterprises and women business enterprises as
271 construction contractors; provided further, that said participation goals shall be equal to the
272 combined participation goals for minority business enterprises, service-disabled veteran-owned
273 small business enterprises and women business enterprises on public building projects as
274 established by the division of capital asset management and maintenance pursuant to section 6 of
275 chapter 7C of the General laws and in effect on January 1, 2013; and (iv) pursuant to the
276 workforce training program established pursuant to subsection (a), the Authority shall develop
277 and implement a program that provides training in construction-related trades to minority
278 persons and women.

279 (d) Notwithstanding subsection (b), the Authority may, by majority vote of its members,
280 elect to use other methods provided under any general or special law for procuring design or
281 construction services for portions of the BCEC expansion project, including section 39M of
282 chapter 30 of the General Laws, section 44A to 44M, inclusive, of chapter 149 of the General
283 Laws or chapter 149A of the General Laws; provided, that subsections (a) and (c) shall apply to
284 the BCEC expansion project regardless of the method utilized for procuring construction

285 contracts. If the Authority elects to apply said chapter 149A to a portion of the BCEC expansion
286 project, the Authority shall be deemed to be an exempt agency within the meaning of subsection
287 (d) of section 4 of said chapter 149A; provided, however, that if the Authority elects to use
288 procurement methods inconsistent with said section 39M of said chapter 30, said sections 44A to
289 44M, inclusive, of said chapter 149 or said chapter 149A, the Authority shall consult with the
290 inspector general on such procurement methods and upon consultation the inspector general shall
291 be provided at least 30 days to provide written comments before the Authority begins the
292 procurement of services for the project pursuant to such alternative measures.

293 (e) In implementing the BCEC expansion project, the Authority shall prepare quarterly
294 reports which shall include, but not be limited to: (i) the total dollars expended on the BCEC
295 expansion project to date; (ii) the number and type of contracts entered into to date; (iii) the
296 number of contracts entered into with minority business enterprises; (iv) the number of contracts
297 entered into with service-disabled veteran-owned small business enterprises; (v) the number of
298 contracts entered into with women business enterprises; (vi) the dollar value of contracts entered
299 into with minority business enterprises; (vii) the dollar value of contracts entered into with
300 service-disabled veteran-owned small enterprises; (viii) the dollar value of contracts entered into
301 with women business enterprises; (ix) the total number of employees working on the project; (x)
302 the total number of employees working on the project, broken down by race, ethnicity and
303 gender; (xi) the total number of Boston residents working on the project; and (xii) the total
304 number of hours worked on the project broken down by race, ethnicity and gender. Said reports
305 shall be submitted to the secretary of administration and finance, the house and senate
306 committees on ways and means, the clerks of the house and senate and the house and senate

307 committees on bonding, capital expenditures and state assets. The Authority shall post each
308 quarterly report on its website.

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

324 SECTION 7. (a) In the design and construction of the BCEC Expansion Project, the
325 Authority shall achieve a minimum certification of "LEED Silver – New Construction" from the
326 United States Green Building Council or an equivalent certification from a similarly recognized
327 organization issuing certification for compliance with environmental and sustainability
328 guidelines for design and construction. In said design and construction, the Authority shall
329 comply with the energy efficiency requirements of either: (i) the "Stretch Energy Code", as

330 defined in 780 CMR 115; (ii) or the Massachusetts energy code in effect at the time of the
331 application for building permit, whichever is more stringent.

332 (b) In the building operations and maintenance of BCEC structures constructed pursuant
333 to chapter 152 of the acts of 1997, the Authority shall use best efforts to achieve a minimum
334 certification of “LEED Silver - Existing Buildings” from the United States Green Building
335 Council or an equivalent certification from a similarly recognized organization issuing
336 certification for compliance with environmental and sustainability guidelines for building
337 operations and maintenance. In said building operations and maintenance, the Authority shall use
338 best efforts to comply with the energy efficiency requirements of either: (i) the “Stretch Energy
339 Code”, as defined in 780 CMR 115; (ii) or the Massachusetts energy code in effect at the time of
340 the application for building permit, whichever is more stringent.

341 (c) The design and construction of the BCEC expansion project shall consider on-site
342 renewable energy generation for the BCEC, including the installation and use of photovoltaic
343 solar panels.

344 SECTION 8. (a) To meet the expenditures necessary to carry out section 2, the state
345 treasurer, upon request of the governor, may issue and sell bonds of the commonwealth in an
346 amount to be specified by the governor from time to time, but not exceeding, in the aggregate,
347 the sum of \$1,000,000,000; provided however, that the state treasurer may issue and sell
348 additional bonds for up to 10 per cent of the bonded amount for the costs of issuance and to
349 establish a debt service reserve fund, if in the opinion of the state treasurer such fund would
350 increase the marketability of the bonds. All such bonds shall be special obligations of the
351 commonwealth payable from the special receipts described in section 10 of chapter 152 of the
352 acts of 1997 to the extent available and in any case payable solely from moneys credited to the

353 convention center fund or otherwise pledged to such payment as provided in said section 10 of
354 said chapter 152 and this act. Notwithstanding section 60A of chapter 29 of the General Laws or
355 any other general or special law to the contrary, such bonds shall not be general obligations of
356 the commonwealth. Such bonds shall be issued for such maximum term of years, not exceeding
357 30 years, as the governor may recommend to the general court in accordance with section 3 of
358 Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later
359 than June 30, 2060.

360 (b) Bonds of the commonwealth may be issued under authority of this section in such
361 manner and on such terms and conditions as the state treasurer, with the concurrence of the
362 secretary of administration and finance, may determine in accordance with this subsection and,
363 to the extent consistent with this act, general laws relative to the issuance of bonds of the
364 commonwealth. Section 11 of chapter 152 of the acts of 1997, including without limitation the
365 Capital Reserve Fund established pursuant to said section 11 of said chapter 152, shall apply to
366 such bonds and the security therefor to the same extent as such provisions apply to bonds of the
367 commonwealth outstanding under said section 11 of said chapter 152; provided, that if so
368 determined by the state treasurer, with the concurrence of the secretary of administration and
369 finance, bonds issued under authority of this act may be issued on a parity with or subordinate to
370 such outstanding bonds, and, if subordinate, with or without the benefit of the capital reserve
371 fund. Earnings on investment of the proceeds of such bonds and on the proceeds of notes issued
372 pursuant to section 9 shall be deposited in the convention center fund and applied to the purposes
373 set forth in subsection (c) of section 10 of said chapter 152.

374 (c) As additional security for bonds of the commonwealth issued under authority of this
375 section, the convention center fund, and all amounts on deposit from time to time therein, are

376 hereby pledged to the payment of such bonds and, if so determined by the state treasurer with the
377 concurrence of the secretary of administration and finance, to the payment of bonds outstanding
378 under section 11 of chapter 152 of the acts of 1997, subject to the application of such amounts as
379 provided in subsection (c) of section 10 of said chapter 152 and the trust agreement for such
380 bonds. In order to further increase the marketability of such bonds, the commonwealth, if so
381 determined by the state treasurer with the concurrence of the secretary of administration and
382 finance, may pledge all or any portion of the receipts from the excises imposed by section 3 of
383 chapter 64G of the General Laws and section 22 of chapter 546 of the acts of 1969 upon the
384 transfer of any room that are not otherwise deposited in the convention center fund pursuant to
385 said section 10 of said chapter 152 or any other applicable law as “additional pledged receipts” to
386 further secure such bonds. Additional pledged receipts shall be included as “special receipts”, as
387 defined in subsection (b) of said section 10 of said chapter 152, as amended, only to the extent
388 and as provided in the trust agreement for such bonds, and shall be thereafter applied in each
389 fiscal year, subject to the terms of the trust agreement pursuant to which such bonds are issued,
390 first, for purposes of paying debt service on such bonds or to the maintenance of the Capital
391 Reserve Fund for such bonds established pursuant to subsection (c) of said section 11 of said
392 chapter 152 and second, as otherwise provided by law.

393 (d) Any bonds issued under this section and any notes of the commonwealth issued in
394 anticipation thereof as hereinafter provided, shall be deemed to be investment securities under
395 chapter 106 of the General Laws, shall be securities in which any public officer, fiduciary,
396 insurance company, financial institution or investment company may properly invest funds and
397 shall be securities which may be deposited with any public custodian for any purpose for which
398 the deposit of bonds is authorized by law. Any such bonds and notes, their transfer and the

399 income therefrom, including any profit made on the sale thereof, shall at all times be free from
400 taxation within the commonwealth.

401 SECTION 9. The state treasurer may borrow, from time to time, on the credit of the
402 commonwealth such sums of money as may be necessary to meet payments as authorized by
403 section 2 in anticipation of the receipt of proceeds of special obligation bonds of the
404 commonwealth issued under authority of section 8, and may issue and renew, from time to time,
405 notes of the commonwealth therefor, bearing interest payable at such time and at such rate as
406 shall be fixed by the state treasurer. Such notes shall be issued and may be renewed 1 or more
407 times for a maximum term of years, not exceeding 5 years, as the governor may recommend to
408 the general court in accordance with section 3 of Article LXII of the Amendments to the
409 Constitution; provided, however, that all such notes shall be payable not later than June 30, 2020.
410 All interest on account of the principal of such notes shall be payable from the convention center
411 fund. Notwithstanding any provision of this act to the contrary, notes and the interest thereon
412 issued under the authority of this section, shall be general obligations of the commonwealth.

413 SECTION 10. Notwithstanding clause (v) of subsection (c) of section 10 of chapter 152
414 of the acts of 1997, inserted by section 51 of chapter 122 of the acts of 2006, amounts held in the
415 convention center fund that are determined by the state treasurer and the secretary of
416 administration and finance to exceed the amount necessary to satisfy the sufficiency of such fund
417 may be applied to defray the net cost of operations of the Authority, as defined in section 32 of
418 chapter 190 of the acts of 1982, as amended, in an amount in fiscal year 2015 not exceeding
419 \$24,000,000, in fiscal year 2016 not exceeding \$25,000,000, in fiscal year 2017 not exceeding
420 \$26,000,000 and an amount not exceeding \$28,000,000 in fiscal year 2018 and in each fiscal
421 year thereafter.

422 SECTION 11. This act shall be deemed to provide an exclusive, additional, alternative
423 and complete method for anything authorized herein and shall be deemed and construed to be
424 supplemental and additional to, and not in derogation of, powers conferred upon the Authority;
425 provided, however, that insofar as this act is inconsistent with any general or special law,
426 administrative order or regulation or any limitation imposed by a corporate or municipal charter,
427 the provisions of this act shall be controlling.

428 SECTION 12. If, at any time, additional pledged receipts, as defined in subsection (c) of
429 section 8, are applied to pay debt service on bonds issued under the authority of section 8 or, if
430 applicable, bonds outstanding under section 11 of chapter 152 of the acts of 1997 or to the
431 maintenance of the Capital Reserve Fund created under said chapter 152, the convention center's
432 excise shall be increased, in the city of Boston only, until the amount deposited into the
433 convention center fund from the increased excises shall be at least equal to the amount of
434 additional pledged receipts so applied to pay debt service or to the maintenance of the Capital
435 Reserve Fund, as so certified by the secretary of administration and finance; provided, however,
436 that in no event shall the total amount of the excise imposed pursuant to sections 3 and 3A of
437 chapter 64G of the General Laws and section 22 of chapter 546 of the acts of 1969 exceed 14 per
438 cent. Amounts so received from the increased excises arising from the use of additional pledged
439 receipts shall, subject to the terms of the trust agreement pursuant to which such bonds are issued
440 and to the use of such moneys purposes set forth in sections 1 and 2, without further
441 appropriation, be transferred, as of the end of each fiscal year, to the General Fund.