

AN ACT PROVIDING FOR THE PUBLIC HIGHER EDUCATION CAPITAL IMPROVEMENT NEEDS OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the public higher education capital improvement needs of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. To provide for a program of capital improvements to public higher education institutions to provide support for these institutions in carrying out their educational missions and to enhance regional economic development through their educational initiatives, the sums set forth in section 2, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds, which sums shall be in addition to any other amounts previously appropriated for these purposes.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Division of Capital Asset Management and Maintenance

7066-8000 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase or by eminent domain under chapter 79 of the General Laws and for the preparation of plans and specifications, repairs, construction, renovations, improvements, maintenance and repair, asset management and demolition at state and community college campus facilities and grounds; provided, that all projects approved for design and construction by the division of capital asset management and maintenance shall be consistent in priority and need with regional capital master plans developed by the division of capital asset management and maintenance, in consultation with the presidents of the state and community colleges and approved by the board of higher education; provided further, that all maintenance and repair work funded by this item shall be included in the capital asset management information system administered by the division of capital asset management and maintenance; provided further, that not less than \$1,000,000 shall be expended for the sealing of building envelopes at Berkshire Community College; provided further, that not less than \$23,000,000 shall be expended for the renovation of Hawthorne and Melville Halls and the renovation and modernization of academic classrooms at Berkshire Community College; provided further, that not less than \$46,525,548 shall be expended for a new technology learning center and the modernization of Science Building "E" for the modernization of the Siegel Health Technologies Building "C" and for the development of new academic space at Bristol Community College; provided further, that not less than \$4,500,000 shall be expended for the renovation of Building 2 of the former Texas Instruments campus in the city of Attleboro for the Bristol Community College campus in said city of Attleboro; provided further, that not less than \$20,000,000 shall be expended for the acquisition, construction, renovation, design, and development of a full service consolidated campus, which shall be comprised of no less than 40,000 square feet; provided further than such a consolidated campus shall be located in downtown New Bedford; and provided further that such a campus shall incorporate education, workforce development and training and community development in downtown New Bedford at Bristol Community College; provided further, that not less than \$29,152,560 shall be expended for a new learning and resource center at Bunker Hill Community College, including Building "B" renovations and a new campus entrance; provided further, that not less than \$14,120,342 shall be expended for the campus connections and high priority major renovation and modernization projects, including Buildings "D" and "E", and completing the original campus design at Bunker Hill Community College; provided further, that not less than \$300,000 shall be expended for an accessibility, traffic

and parking study at Cape Cod Community College; provided further, that not less than \$36,000,000 shall be expended for a new science building and renovation to the existing Science Center, and modernization and renovation of existing facilities at Cape Cod Community College; provided further, that not less than \$31,000,000 shall be expended for the renovation and modernization of the Campus Core Building, construction of a new maintenance building and renovation and modernization of existing capacity in the East Building at Greenfield Community College; provided further, that not less than \$4,750,000 shall be expended for renovation of existing academic and student support spaces at Holyoke Community College; provided further, that not less than \$20,300,000 shall be expended for the renovation of Building "G" and academic addition at Holyoke Community College; provided further, that not less than \$22,100,000 shall be expended for a new allied health academic facility at Massachusetts Bay Community College; provided further, that not less than \$27,399,907 shall be expended for improvements to the campus including, but not limited to, a new allied health and sciences building at Massasoit Community College; provided further, that not less than \$10,124,335 shall be expended for new general academic buildings and renovations of existing facilities at Middlesex Community College in the city of Lowell; provided further, that not less than \$11,017,100 shall be expended for a new performing arts center at Middlesex Community College in the city of Lowell; provided further that not less than \$24,000,000 shall be expended for new general academic buildings and renovations of existing facilities at Middlesex Community College in the city of Bedford; provided further, that not less than \$37,900,000 shall be expended for a new auto tech garage facility and receiving area, for the modernization of the Haley Academic Center and campus modernizations at Mount Wachusett Community College; provided further, that not less than \$31,936,120 shall be expended for a new allied health building, backfill and renovations to Ferncroft at North Shore Community College in the town of Danvers; provided further, that not less than \$20,715,600 shall be expended for the expansion of the North Shore Community College in the city of Lynn; provided further, that not less than \$31,718,123 shall be expended for a new allied health building at Northern Essex Community College in the city of Lawrence and for the renovation of the Spurr Building at Northern Essex Community College in the city of Haverhill; provided further, that not less than \$23,106,943 shall be expended for a new academic, science and technology building at Quinsigamond Community College; provided further, that not less than \$2,341,324 shall be expended for a new maintenance and receiving facility at Quinsigamond Community College; provided further, that not less than \$15,931,331 shall be expended for additional classroom space at Quinsigamond Community College; provided further, that not less than \$5,500,000 shall be expended for reconstruction and improvements to parking lots at Mount Wachusett Community College; provided further, that not less than \$20,742,970 shall be expended for major renovation and modernization projects at Roxbury Community College including, but not limited to, the renovation and modernization of existing classroom space and improvements to the Academic Building and the Media Arts Building; provided further, that not less than \$303,920 shall be expended for the sealing of building envelopes and study of the building systems and repairs at Springfield Technical Community College; provided further, that not less than \$33,200,000 shall be expended for the stabilization and renovation of Building 19 at Springfield Technical Community College; provided further, that not less than \$98,696,000 shall be expended for the Conant Science Center modernization and addition at Bridgewater State College; provided further, that not less than \$57,001,848 shall be expended for a new science center and renovations of existing facilities at Fitchburg State College; provided further, that not less than \$9,300,000 shall be expended

for the Christa McAuliffe Center for Education and Teaching Excellence at Framingham State College; provided further, that not less than \$51,389,263 shall be expended for the expansion, modernization and improvement of Hemenway Hall Science Center at Framingham State College; provided further, that not less than \$30,000,000 shall be expended for the modernization of existing facilities and the Center for Design Innovation at Massachusetts College of Art and Design; provided further, that \$54,500,000 shall be expended for renovation and expansion for a new Center for Sciences and Innovation at Massachusetts College of Liberal Arts and renovations and modernizations to existing academic facilities; provided further, that not less than \$23,000,000 shall be expended for the modernization of the library at the Massachusetts Maritime Academy; provided further, that not less than \$106,433,169 shall be expended for the library and learning commons renovation or replacement and for renovations and specialized space addition to Meier Hall at Salem State College which may be combined with the library and learning commons renovation or replacement to provide a science and learning commons; provided further, that not less than \$33,000,000 shall be expended for a new academic building at Westfield State College; provided further, that \$2,800,000 shall be expended for safety and accessibility renovations at the Dever Auditorium building at Westfield State College; provided further, that not less than \$25,500,000 shall be expended for the modernization and improvement of the health science and athletic center at Worcester State College; provided further, that costs payable from this item shall include, but not be limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects; provided further, that any new capital projects funded through this item, unless they are consistent with approved regional capital master plans, shall be recommended by the board of higher education and approved by the secretary of education; and provided further, that the expenditure of any funds provided in this item not previously earmarked shall be recommended by the board of higher education and approved by the secretary of education and the secretary of administration and finance \$1,189,055,630

7100-1000 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase or by eminent domain under chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction, renovations, improvements, maintenance and repair, asset management and demolition at the University of Massachusetts campus facilities and grounds; provided, that all projects approved for design and construction by the division of capital asset management and maintenance shall be consistent in priority and need with a capital master plan approved by the president of the University of Massachusetts and the board of trustees of the University of Massachusetts; provided further, that all maintenance and repair work funded by this item shall be included in the capital asset management information system administered by the division of capital asset management and maintenance; provided further, that not less than \$85,000,000 shall be expended for a new academic classroom building at the Amherst campus; provided further, that not less than \$100,000,000 shall be expended for a new laboratory science building at the Amherst campus; provided further, that not less than \$12,600,000 shall be expended for repairs to Machmer Hall at the Amherst campus; provided further, that not less than \$41,250,000 shall be expended for repairs and renovations to Lederle Research Center at the Amherst campus; provided further, that not less than \$51,300,000 shall be expended for repairs and renovations to Morrill Science Center at the Amherst campus; provided further, that not less than

\$25,000,000 shall be expended for the stabilization of the campus substructure and alternate parking improvements at the Boston campus; provided further, that not less than \$100,000,000 shall be expended for the construction of a new academic building at the Boston campus; provided further, that not less than \$8,000,000 shall be expended for renovations and infrastructure repairs to the library at the Dartmouth campus; provided further, that not less than \$11,000,000 shall be expended for building and retrofitting of vacated spaces at the Dartmouth campus; provided further, that not less than \$250,000 shall be expended on planning and design services, including obtaining cost estimates, revenue estimates, construction drawings and specifications, feasibility studies, surveys and site analyses to determine the feasibility, approximate size, scope, location, and economic development of graduate student dormitories and artist loft dormitories for the University of Massachusetts, Dartmouth; provided further, that not less than \$6,000,000 shall be expended for classroom space upgrades at the Dartmouth campus; provided further, that not less than \$2,100,000 shall be expended for air conditioning improvements to facilities at the Dartmouth campus; provided further, that not less than \$70,000,000 shall be expended for projects at the University of Massachusetts at Dartmouth campus; provided further, that of said \$70,000,000, funds shall be expended for major infrastructure repair projects, for a new addition to the Charlton College of Business at the University of Massachusetts at Dartmouth, and for a marine science facility for the School of Marine Science and Technology at the University of Massachusetts at Dartmouth; provided further, that the marine science facility shall be located on an appropriate waterfront site in the city of New Bedford which may include, but shall not be limited to, the state pier, land located in the inner harbor of the port of New Bedford, or land adjacent to Fort Taber park; provided further, that not less than \$1,000,000 shall be expended for the Portuguese-American Archives at the University of Massachusetts at Dartmouth; provided further, that \$500,000 shall be expended for the expansion, retrofitting, or renovation of the Center for Portuguese Studies at the University of Massachusetts at Dartmouth; provided further, that not less than \$26,000,000 shall be expended for a new south academic building at the Lowell campus; provided further, that not less than \$10,000,000 shall be expended for the north quad modernization at the Lowell campus; provided further, that not less than \$10,000,000 shall be expended for civic and athletic facilities at the Lowell campus; provided further, that not less than \$1,500,000 shall be expended for storm water management at the Lowell campus; provided further, that not less than \$2,500,000 shall be expended for renovations to Olney Hall at the Lowell campus; provided further, that not less than \$4,000,000 shall be expended for capital expense related to Massachusetts Medical Device Development Center at the Lowell campus; provided further, that \$5,000,000 shall be expended for deferred maintenance needs at the Lowell campus; provided further, that not less than \$43,500,000 shall be expended for repairs, renovations and improvements to buildings, systems and other facilities at the Medical School in the city of Worcester; provided further, that not less than \$8,500,000 shall be expended for improvements to the Medical School's Shriver Center facility in the city of Waltham; provided further, that not less than \$3,682,500 shall be expended for expansion of the Medical School in the city of Worcester; provided further, that costs payable from this item shall include, but not be limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects; provided further that any new capital projects funded through this item,

unless they are consistent with the approved university capital master plan, shall be recommended by the board of trustees of the university and approved by the secretary of education; and provided further, that the expenditure of any funds provided in this item not previously earmarked shall be recommended by the board of trustees of the university and approved by the secretary of education and the secretary of administration and finance \$1,001,500,000

SECTION 3. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$2,190,555,630. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Public Higher Education Capital Expenditure Act of 2008, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2048. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest on bonds issued under this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 4. Section 1 of chapter 703 of the acts of 1963 is hereby amended by striking out paragraph (b), as appearing in section 1 of chapter 290 of the acts of 1998, and inserting in place thereof the following paragraph:-

(b) "Trustees", the board of higher education established in section 4 of chapter 15A of the General Laws or, if that board shall be abolished, the board, body or commission succeeding to the principal functions of that board or to which the powers given by said chapter 15A with respect to public institutions of higher education shall be given by law.

SECTION 5. Paragraph (e) of said section 1 of said chapter 703, as appearing in section 2 of chapter 800 of the acts of 1985, is hereby amended by inserting after the words "structures", in line 17, the following words:- , including buildings or structures owned by the commonwealth,.

SECTION 6. The second paragraph of section 2 of said chapter 703, as appearing in section 4 of said chapter 800, is hereby amended by striking out the seventh and eighth sentences.

SECTION 7. Said section 2 of said chapter 703 is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Chapter 268A of the General Laws shall apply to all members, officers and employees of the Authority.

SECTION 8. The first paragraph of section 7 of said chapter 703, as appearing in section 3 of chapter 290 of the acts of 1998, is hereby amended by striking out, in lines 14 to 19, inclusive, the words "; and provided further, that the Authority shall not issue bonds and notes other than those guaranteed by the commonwealth under said section 10, the principal amount of which, when added to the principal amount of bonds and notes other than those guaranteed by the commonwealth under said section 10 theretofore issued and then outstanding hereunder, excluding bonds and notes previously refunded or being or to be refunded thereby, shall exceed in the aggregate the amount of \$500,000,000".

SECTION 9. The fourth paragraph of said section 7 of said chapter 703, as appearing in section 10 of chapter 800 of the acts of 1985, is hereby amended by striking out, in line 4, the words "but not".

SECTION 10. The first paragraph of section 18A of said chapter 703, inserted by section 5 of chapter 290 of the acts of 1998, is hereby amended by striking out the first 3 sentences and inserting in place thereof the following 2 sentences:- To provide for the expenses of the Authority and for the payment of indebtedness incurred by it in carrying out this act, the trustees may, in the name and on behalf of the commonwealth, in connection with any financing or refunding provided by the Authority or in connection with any transfer to the Authority of buildings or other property under section 5, transfer or pledge that they will periodically transfer to the Authority or any other state college affiliate under terms permitting further transfer or pledge to the Authority: (i) all or any part of any nonappropriated funds or revenue legally available to a state college including, without limitation, tuition, fees and other charges; and (ii) all or any part of any funds made available for expenditure by or on behalf of a state college under an appropriation made by the general court or otherwise available for expenditure by the trustees, but if amounts described in clause (i) have been pledged as security for a financing, those amounts shall be exhausted before amounts described in clause (ii) shall be available for this purpose, and amounts described in clause (ii) shall be used only to prevent a default by the Authority in connection with indebtedness incurred by the Authority on behalf of the applicable state college. The trustees may contract with the Authority or any other state college affiliate to permit further transfer or pledge of such amounts by the Authority to a trustee under a trust agreement entered into by the Authority but, in the case of any

funds expected to be available for expenditure by the trustees under subsequent appropriation or other spending authorization by the general court, the trustees shall only pledge that they will transfer these funds subject to that subsequent appropriation or other spending authorization.

SECTION 10A. Section 29A of chapter 193 of the acts of 2004 is hereby repealed.

SECTION 11. Notwithstanding any general or special law to the contrary, the unexpended and unencumbered balances of the bond-funded authorizations in the following accounts shall cease to be available for expenditure: 1102-0890, 1102-0961, 1102-0964, 1102-9897, 2000-1962, 7100-0001, 7109-0961, 7109-0962, 7109-7893, 7110-0960, 7112-0960, 7112-0961, 7113-0960, 7114-0960, 7114-0961, 7115-0960, 7115-0961, 7116-0960, 7117-0960, 7118-0960, 7118-0961, 7118-7962, 7220-0960, 7220-0961, 7220-7893, 7310-0960, 7410-7960, 7452-7960, 7452-7961, 7452-7963, 7452-7964, 7452-7965, 7502-0960, 7503-7960, 7503-7892, 7504-7960, 7504-7961, 7505-7960, 7506-7961, 7506-7962, 7507-7960, 7508-0960, 7509-7960, 7510-7960, 7510-7961, 7511-7960, 7512-7960, 7512-7961, 7514-7960, 7514-7961, 7516-7960.

SECTION 12. Notwithstanding any general or special law to the contrary, any structure that is built, renovated, rehabilitated or repainted in any manner as a result of the funds contained in this act shall be required to employ a photo luminescent system to clearly delineate egress routes leading to all exits, including traditional, emergency, and evacuation routes. In all instances the photo luminescent technologies shall be situated at floor level, which shall mean on the floor or within the first 12 inches from the floor on the wall. The installation of this technology on these routes shall not require the use of electrical power, but shall require performance standards of the photo luminescent technology, post loss of power, to achieve a minimum of 150 mcd/m² at 10 minutes, 30 mcd/m² at 60 minutes and 15 mcd/m² after 90 minutes. These route systems shall meet state building code and fire code standards for heat resistance to be a viable safety path in extreme fire and smoke and other calamitous events.

SECTION 13. The secretary of administration and finance shall submit a report on the progress and all expenditures related to the projects specified in this act and any other projects funded through the authorizations in this act to the secretary of education, the board of higher education, the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means, the senate and house chairs of the joint committee on higher education and the chairs of the joint committee on Bonding, Capital Expenditures and State Assets. The report shall include, but not be limited to: the total amount appropriated for each project; the total estimated cost of each project; the amount expended for the planning and design of each project up to the time the report is filed; the amount expended on construction of each project up to the time the report is filed; the total amount currently expended on each project; the estimated lifetime maintenance schedule and cost of each project; the original estimated completion date of each project; and the current anticipated completion date of each project and, if the project has been de-authorized, the reason for and date of de-authorization. The report shall be submitted on June 30 and December 31 of each year for a period of 10 years from the effective date of this act.

SECTION 13A. Notwithstanding any general or special law to the contrary, a private entity engaged in a construction, development, renovation, remodeling, reconstruction, rehabilitation or redevelopment project receiving funds pursuant to this act shall properly classify individuals employed on the project and shall comply with all laws concerning workers' compensation insurance coverage, unemployment insurance, social security taxes and income taxes with respect to all such employees. All construction contractors engaged by an entity on any such project shall furnish documentation to the appointing authority showing that all employees employed on the project have hospitalization and medical benefits that meet the minimum requirements of the connector board established in chapter 176Q of the General Laws.

SECTION 14. Section 11 shall take effect 90 days after the effective date of this act.

Approved August 6, 2008.