

HOUSE No. 408

The Commonwealth of Massachusetts

PRESENTED BY:

Denis E. Guyer

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

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

An Act regarding the decommissioning of schoolhouses for which school facilities project applicant receives grant payments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Denis E. Guyer	2nd Berkshire
Stanley C. Rosenberg	Hampshire and Franklin

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4921 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGARDING THE DECOMMISSIONING OF SCHOOLHOUSES FOR WHICH SCHOOL FACILITIES PROJECT APPLICANT RECEIVES GRANT PAYMENTS.

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

1 SECTION 1. Chapter 70B of the General Laws is hereby amended by inserting after Section 15 the
2 following section:

3 70B Section 15A.

4 **Decommissioning of schoolhouses for which school facilities project applicant receives grant payments**

5 In the event that an eligible applicant can no longer utilize an assisted structure built prior to 2004 as a schoolhouse
6 due to a decrease in enrollment, then the city, town or regional school district shall submit a decommissioning plan
7 to the MSBA and to the Department of Education.

8 The authority shall waive the deductions required under the provision of section 15B of chapter 70B if the district
9 successfully demonstrates the following: (1) there is at least a 15% decrease in enrollment across the entire city,
10 town, or regional school district since the opening of the assisted structure; (2) the enrollment decrease for the
11 assisted structure is greater than 25% of projected enrollment during the design and building process and this
12 enrollment decrease is not due to redistricting; and (3) the district will not have the required capacity if it removes a
13 non-assisted structure; and the authority finds that: (1) the schools within a five mile radius of the assisted structure
14 are not experiencing overcrowding, and (2) the district's 10 year projected enrollment does not exceed the capacity
15 of the remaining operating schoolhouses; and the commissioner of education has certified that: (1) the district's
16 decommissioning plan is educationally sound.

17 Upon the decommissioning of the assisted structure, the district shall sell or lease the assisted structure or facility, or
18 portion of that structure or facility, which shall be for no less than fair market value as determined by independent
19 appraisal, unless the eligible applicant receives prior written approval from the authority to do otherwise, and the
20 proceeds from the sale or lease shall be divided between the authority and the general funds of the applicable
21 eligible applicant in proportion to the commonwealth's and authority's prior investments in the assisted structure or
22 facility under this chapter or said chapter 645, as applicable.