

# HOUSE . . . . . No. 6098

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, April 29, 1982.

The committee on Education, to whom were referred so much of the recommendations of the Department of Education (House, No. 52) as relates to the sale or lease of a school (accompanied by bill, House, No. 58), and the petition (accompanied by bill, Senate, No. 232) of Robert C. Buell for legislation relative to the sale or lease of a school, reports recommending that the accompanying bill (House, No. 6098) ought to pass.

For the committee,

FRANK J. MATRANGO.

## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Eighty-Two.

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### AN ACT RELATIVE TO THE SALE OR LEASE OF A SCHOOL.

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

1 Chapter 645 of the Acts of 1948, as amended, is hereby further  
2 amended by adding after section 9A thereof a new section 9B, to  
3 read as follows: —

4 *Section 9B.* If a city, town, county or regional school district  
5 which is receiving grant payments pursuant to section nine on  
6 account of an approved school project sells or leases all or any part  
7 of said project, except for the lease of surplus space in a school in  
8 actual use, the commission shall, as of the time of such sale reduce  
9 or terminate the remaining grant payments, and at the time of such  
10 lease, reduce the remaining grant payments, commencing with the  
11 next following fiscal year, in the manner hereinafter provided in  
12 this section:

13 (a) In the event of a lease, the amount of the grant payment in  
14 each year during the term of such lease shall be reduced by an  
15 amount equal to fifty percent of the net proceeds of said lease  
16 payable in such year to the city, town, county or regional school  
17 district, provided that the annual payments to the city, town,  
18 county or regional school district shall not be reduced by more  
19 than fifty per cent, and the grant balance shall be reduced each year  
20 by the sum of the amount of the annual payment actually made and  
21 the amount by which the otherwise scheduled annual payment was  
22 reduced.

23 (b) In the event of a sale, the commission shall calculate the  
24 aggregate amount of the remaining grant payments and shall  
25 deduct therefrom the net proceeds of the sale, but not more than  
26 one hundred percent of such aggregate amount of remaining grant  
27 payments.

28 Provided, however, that if the commission determines that the  
29 net sale proceeds are inordinately low, the commission shall, on the  
30 basis of at least one appraisal, deduct from such aggregate amount  
31 of remaining grant payments an amount equal to the reasonable  
32 net sale proceeds, as determined by it, but not more than one  
33 hundred percent of the aggregate amount of remaining grant pay-  
34 ments.

35 The net proceeds of any sale or at least fifty percent of the net  
36 proceeds of any lease by a city, town, county, or regional school  
37 district of an approved school project, except for the lease of  
38 surplus space in a school in actual use, shall be applied to the  
39 payment of principal and interest on the outstanding indebtedness,  
40 if any, incurred for constructing such project and coming due  
41 within one year from the date of receipt of such net proceeds. Any  
42 amount in excess of such principal and interest payments, if any,  
43 shall be transferred to the general funds of the city, town, county,  
44 or regional school district as of the date of their receipt and shall be  
45 available for appropriation for any purpose, notwithstanding the  
46 provisions of section sixty-three of Chapter forty-four of the Gen-  
47 eral Laws.

48 Each city, town, county, and regional school district which sells  
49 or leases an approved school project on account of which it is  
50 receiving grant payments pursuant to section nine shall report such  
51 sale or lease to the commission in the form and manner and within  
52 the time prescribed by the commission.

1. The Commission has received a number of requests from the public for information regarding the Commission's activities. The Commission has endeavored to provide this information in a timely and accurate manner. The Commission's activities are described in this report.

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