

HOUSE No. 5799

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 23, 1987.

The committee on Ways and Means to whom was referred the Bill relative to school building assistance (House, No. 5558), reports that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5799) [Representatives Fiero of Gloucester dissenting.]

For the committee,

ANGELO M. SCACCIA.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO SCHOOL BUILDING ASSISTANCE.

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 645 of the acts of 1948, as amended, is
2 hereby further amended by striking out section 10, as most
3 recently amended by chapter 309 of the acts of 1986, and inserting
4 in place thereof the following section: —

5 Section 10. Sections one to nine B, inclusive, of this act shall
6 take effect on July first of the current year and shall cease to be
7 operative on June thirtieth, nineteen hundred and ninety except
8 that the payments provided by section nine A shall continue
9 thereafter by the state treasurer, subject to appropriation, in
10 accordance with provisions of said section nine and nine A, on
11 certification by the commissioner of education.

1 SECTION 2. Said chapter 645 of the acts of 1948 is hereby
2 further amended by inserting after section nine B the following
3 new section: —

4 Section 9C. (a) All grants made pursuant to this chapter on or
5 after July first, nineteen hundred and eighty-seven are hereby
6 expressly conditioned upon the continued use of the assisted
7 structure or facility by the city, town, county, or regional school
8 district as a schoolhouse. No payment shall be made in a fiscal
9 year under the provisions of this chapter on account of a grant
10 approved on or after said date unless the assisted structure or
11 facility was so used throughout the preceding fiscal year. Any city,
12 town, county, or regional school district which sells, leases, or
13 otherwise removes from use by said city, town, county, or regional
14 school district as a schoolhouse any approved school project on
15 account of which it is receiving grant payments pursuant to this
16 chapter shall report such sale, lease, or removal to the
17 commissioner in the form and manner and within the time
18 prescribed by the commissioner.

19 In the event that a city, town, county or regional school district
20 sells an assisted structure or facility, the net proceeds from the
21 sale shall be divided between the state and the general funds of
22 the cities or towns involved, in proportion to the state's prior
23 investment in the assisted structure or facility under the provisions
24 of said Chapter 645. The state's share of the proceeds shall be
25 reduced by the aggregate amount of the remaining principle and
26 interest payments it would otherwise owe but for the provisions
27 of this section, and shall not exceed the total amount of the state's
28 prior investment.

29 (b) Any city, town, county, or regional school district which
30 applies for a grant pursuant to this chapter and which has, prior
31 to such application, sold, leased or otherwise removed from
32 service any schoolhouse operated by said city, town, county, or
33 regional school district shall be eligible for such grant only if the
34 commissioner determines either that the grant is not for the
35 purpose of replacing a schoolhouse sold, leased, or otherwise
36 removed from service in the past ten years or that the need for
37 the project covered by the grant could not have reasonably been
38 anticipated at the time that such schoolhouse was sold, leased,
39 or otherwise removed from service.

40 The provisions of this section, at the discretion of the
41 commissioner, shall not apply to sales of leases of such assisted
42 structures or facilities for non-profit public purposes.

1 SECTION 3. Section nine of said chapter 645, as most recently
2 amended by sections three and four of chapter 394 of the acts of
3 1984, is hereby further amended by striking all of the section
4 except for the last four paragraphs and by inserting in place of
5 the stricken material the following: —

6 From time to time, the commissioner shall certify to the
7 comptroller, and the state treasurer shall, within thirty days after
8 each such certification, pay to the several cities and towns from
9 any amounts appropriated therefor, the amounts due them in
10 accordance with approved school construction grants. The
11 amounts to be paid to cities and towns on account of grants
12 approved after June thirtieth, nineteen hundred and eighty-seven,
13 other than grants to assist districts eliminating racial imbalance,
14 shall be as follows:

15 On or before July first of each year, the commissioner shall
16 calculate for each city and town the ratio is produced by dividing
17 its most recent equalized valuation by its weighted full-time
18 equivalent pupils, as defined in section two of chapter seventy A
19 of the General Laws, for the most recent period for which
20 comparable statewide data are available. For purposes of this
21 calculation, pupils residing in a city or town and attending a
22 regional school shall be included in the pupil computation for said
23 city or town. The commissioner shall rank order all the cities and
24 towns in the commonwealth on the basis of this calculation.
25 Project reimbursement percentages shall be determined according
26 to this index, provided however, that no grant shall be approved
27 for any amount less than fifty percent nor greater than ninety
28 percent of such approved costs.

29 In the case of a grant for an approved project of a city or town,
30 the total construction grant shall be the product of multiplying
31 the final approved costs of such project, including costs referred
32 to in section seven, by the reimbursement percentage determined
33 pursuant to this section.

34 In the case of a grant for an approved project of a regional
35 school district, construction grants shall be computed separately
36 for, and shall be paid to, each city and town which is a member
37 of said regional school district. For purposes of this computation,
38 each member city and town's share of the project cost shall be
39 determined by apportioning the final approved costs of such
40 project, including costs referred to in section seven, among said
41 cities and towns in accordance with the provisions of the operative
42 regional school district agreement as they would apply to capital
43 costs incurred in the year in which the grant is approved. The total
44 construction grant for each such city and town shall be the product
45 of multiplying its share of the project cost, as so computed, by
46 its reimbursement percentage determined pursuant to this section.

1 SECTION 4. Section 2 of chapter 206 of the acts of 1986 is
2 hereby amended in item 7052-0004 by striking the phrase "seven
3 million five hundred thousand dollars" and by inserting in place
4 thereof the phrase "sixteen million two hundred fifty three
5 thousand dollars".

1 SECTION 5. Any city, town, county or regional school district
2 which, prior to June 30, 1987, has approved by town meeting,
3 council meeting or city council vote bond authorization for school
4 construction, shall be entitled to the same grant to which it would
5 have been entitled under the provisions of chapter 645 of the acts
6 of 1948 in effect immediately prior to June 30, 1987.

1 SECTION 6. Section five of chapter six hundred and forty-five
2 of the acts of nineteen hundred and forty-eight, as most recently
3 amended by section one of chapter five hundred and fifteen of
4 the acts of nineteen hundred and eighty-three, is hereby amended
5 by striking the definition of "approved school project" and
6 inserting in place thereof the following definitions: —

7 (A) "Approved School Project" shall mean any capital project
8 for the construction or enlargement of a regional, consolidated
9 or county agricultural school, or of any public schoolhouse in any
10 city or town, where such project is determined by the
11 commissioner to be necessary to meet educational standards, as
12 promulgated by the Board of Education, for anticipated
13 enrollment levels. "Approved school project" shall also mean any
14 capital project for the acquisition and renovation of an existing
15 structure for use as a schoolhouse, together with acquisition of
16 the land upon which it stands, and such other lands as are
17 necessary for the project, where such project is determined by the
18 commissioner to be necessary to meet said educational standards
19 for anticipated enrollment levels. "Approved school project" shall
20 also mean any capital project for the reconstruction, renovation,
21 or improvement of an existing school building, where such project
22 is determined by the commissioner to be necessary to meet said
23 educational standards for anticipated enrollment levels. No
24 project shall be an approved school project unless and until it has
25 been approved by the commissioner for the purposes of sections
26 seven through nine inclusive nor unless and until the division of
27 special education in the department of education is satisfied that
28 adequate provisions have been made for children with special
29 needs, as defined in section one of chapter seventy-one B of the
30 General Laws. Applications to the commissioner for such projects
31 shall be made and approval shall be obtained before construction
32 is undertaken.

33 (B) "Capital project" shall mean any project for the acquisition,
34 construction, reconstruction, improvement, expansion, repair,
35 rehabilitation, or original equipping of any structure or facility
36 used or to be used by a city, town, or regional school district as
37 a schoolhouse; provided, however, that each component of said
38 project has an expected useful life, as determined by the
39 commissioner, of at least seven years and also of at least the period
40 for which any debt obligations undertaken to finance said project
41 will remain outstanding. Except in the case of a city, town, or
42 regional school district with a total population of less than five
43 thousand people, no project shall constitute a capital project for
44 purposes of this act unless it has an estimated cost on excess of
45 one hundred thousand dollars. No repair or renovation of an
46 existing schoolhouse, including without limitation the replace-
47 ment of a roof or heating plant, shall constitute a capital project
48 for purposes of this section unless it meets the above stated
49 conditions and unless it is determined by the commissioner that
50 such repairs or renovations have not been necessitated, in whole
51 or in part, by the failure of a city, town, or regional school district
52 to make adequate and prudent provisions for the care and
53 maintenance of said schoolhouse.
54 "Commissioner" shall mean the commissioner of education or
55 his designee.

1 SECTION 7. Section eight A of said chapter 645, as most
2 recently amended by section 2 of chapter 394 of the acts of 1984
3 is hereby amended by inserting after the second sentence of the
4 first paragraph, the following sentence. "Eighty-five percent of the
5 annual general and supplemental appropriation acts, shall be
6 reserved by the board for approved school projects as defined by
7 section six part (a) of this act. Fifteen percent shall be reserved
8 by the board of capital projects as defined by section four of said
9 chapter 645 as amended.

1 SECTION 8. Said chapter 645 of the acts of 1948 is hereby
2 further amended by inserting after section nine C the following
3 new section: —

4 Section 9D. (a) Each November first, beginning with
5 November first, nineteen hundred and eighty-seven, the

6 commissioner shall submit a report to the governor, the secretary
7 of administration and finance, the House and Senate committees
8 on ways and means and the joint committee on education which
9 analyzes the anticipated needs for school capital projects of kinds
10 that are reimbursable under this act in the fiscal year commencing
11 July first of each year, beginning with July first, nineteen hundred
12 and eighty-eight, and which recommends annual authorization
13 levels for new projects to be approved in each fiscal year.

14 (b) The board of education shall undertake a planning process
15 to identify those cities, towns, and regional districts that will be
16 unable to accommodate projected enrollments due to such factors
17 as deteriorating school buildings, lack of adequate facilities to
18 meet educational standards, and anticipated increases in school
19 age populations. Said board shall annually, on or before July first,
20 file with the governor, the secretary of administration and finance,
21 the House and Senate committees on ways and means, and the
22 joint committee on education a list of all cities, towns, and regional
23 school districts identified by said planning process as likely to
24 prove unable to accommodate projected enrollments, together
25 with descriptions of the additional capacities required by each
26 such city, town, and regional school districts.

27 (c) The board of education shall, in conjunction with a
28 committee comprised of municipal officials, school committee
29 members and legislators, review the order of priorities established
30 by section eight B, the standards and procedures established by
31 section eight C, and the methods by which said board can more
32 effectively implement appropriate priorities for grant application.
33 The board shall, by April first nineteen hundred and eighty-eight,
34 submit a report summarizing the conclusions of said review and
35 containing recommendations for implementing said conclusions
36 to the governor, the secretary of administration and finance, the
37 House and Senate committees on ways and means, and the joint
38 committee on education.

1 SECTION 9. Section 9 of chapter six hundred and forty-five
2 of the acts of nineteen hundred and forty-eight is hereby amended
3 by inserting at the end of said section the following paragraph:

4 The board shall, upon request of a city, town, or regional school
5 district eligible under the provisions of section II of chapter 15

6 of the General Laws for additional assistance, make payments due
7 to such city, town, or regional school district on an unequal annual
8 payment schedule, said schedule to be subject to the approval of
9 the board.

1 SECTION 10. The provisions of this act shall not affect the
2 terms of payment of any grant approved by the board of education
3 before the enactment of this act.