

**HOUSE . . . . . No. 102**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act providing for disposition of surplus state real property based on smart growth land use policies..

*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 7 of the General Laws is hereby amended by striking out sections  
2 40F and 40F1/2, as appearing in the 2006 Official Edition, and inserting in place thereof the  
3 following section:-

4 Section 40F. (a) For the purposes of this section, in addition to terms defined in section  
5 39A, the following terms shall have the following meanings, unless the context clearly requires  
6 otherwise:

7 “Commissioner”, the commissioner of capital asset management and maintenance.

8 “Direct public use”, use of surplus real property by a host municipality for the  
9 municipality’s own operations, and does not include conveyance by such municipality of any  
10 interest in the property to another party, but does include lease of the property by local housing  
11 authorities to public housing tenants.

12 “Division”, the division of capital asset management and maintenance.

13           “Host municipality”, the municipality or municipalities within which state-owned real  
14 property conveyed, leased or otherwise transferred pursuant to this chapter is located.

15           “Net cash proceeds”, all payments paid to the commonwealth as and when paid, less any  
16 transaction-related expenses and expenses incurred in connection with the custody of the  
17 property by the division, and the regional planning agency under clause (ii) of subsection (g) for  
18 which it is not otherwise reimbursed, including, but not limited to, costs associated with the  
19 disposal or pre-development of the property from which the funds originated including, but not  
20 limited to, appraisals, surveys, site evaluation, site preparation, plans, recordings, smart growth  
21 review and feasibility and other marketing studies and any other expenses relating to the disposal  
22 or project management services in connection with any reuse or redevelopment of the surplus  
23 real property under this chapter, and less any amounts that may be owing to the federal  
24 government as a result of the disposition.

25           “Property”, real property owned by the commonwealth.

26           “Secretary”, the secretary of administration and finance.

27           “Surplus land coordination committee” or “committee”, the committee established by  
28 subsection (c).

29           “Surplus real property”, real property of the commonwealth:

30           (1) previously determined to be surplus to current and foreseeable state needs under  
31 sections 40F or 40F½; or (2) declared to be surplus under this section.

32           This term shall not include property subject to Article 97 of the Amendments to the  
33 Constitution or any court facilities vacated and determined to be surplus by the commissioner

34 and the chief justice for administration and management as a result of or in anticipation of the  
35 construction of new court facilities or the consolidation of court facilities in the city of  
36 Cambridge, Lowell, Salem or Worcester.

37 (b) (1) The commissioner shall be responsible for the acquisition, control and disposition  
38 of real property in the manner and to the extent provided in this chapter. The commissioner may  
39 delegate such responsibility to an administrator within the division, who has 10 years of  
40 experience in the management of commercial, industrial, institutional or public real property.  
41 When responsibility is delegated to an administrator, the written approval of the secretary shall  
42 be required before the transaction is finalized. The commissioner shall acquire an interest in real  
43 property on behalf of the commonwealth for the use of state agencies by gift, purchase, devise,  
44 grant, eminent domain, rental, lease, rental-purchase or otherwise.

45 (2) In acquiring properties and buildings for the use of state agencies, first consideration  
46 shall be given to any structures that have been certified as historic landmarks as provided by  
47 sections 26 to 27C, inclusive, of chapter 9, that have been listed in the National Register of  
48 Historic Places as provided by 16 U.S.C. section 470a or that have been designated historic  
49 landmarks by local historic commissions, unless use of such buildings would not be feasible in  
50 terms of costs and requirements when compared with other available properties.

51 (3) Notwithstanding any general or special law to the contrary, real property acquired for  
52 the use of state agencies shall be held in the name of the commonwealth.

53 (4) The commissioner shall assist in the preparation and shall approve of plans for the  
54 organization of all space within and around buildings and appurtenant structures used by state  
55 agencies, and shall assign the use of space within and around the state house, subject to rules that

56 the committee on rules of the two branches acting concurrently may adopt, in accordance with  
57 sections 10, 16A and 17 of chapter 8; the John W. McCormack State Office Building; 100  
58 Cambridge Street formerly known as the Leverett Saltonstall State Office Building; the  
59 Springfield Office Building; the Pittsfield Office Building; the Erich Lindemann Building; the  
60 Charles F. Hurley Building; and any real property acquired for the use of state agencies, the  
61 greater part of which is not needed by any 1 state agency; and any other real property assigned  
62 by law to the division.

63 (5) The commissioner, in consultation with the secretaries of the executive offices or the  
64 chief justice of the administrative office of the trial court as the commissioner deems appropriate  
65 and with the written approval of the secretary, may transfer and change the use of, and transfer  
66 responsibility for maintenance of, land, buildings and other real property of the commonwealth  
67 (other than the state house) within or between state agencies including, without limitation, to the  
68 division, and the judiciary. Such a transfer shall be based on a determination, made by the  
69 commissioner with the advice of the executive heads of affected agencies and secretaries of the  
70 executive offices in which such agencies are located, that such property or any part thereof, is not  
71 needed or not being put to optimum use under current conditions. The commissioner shall submit  
72 a report on any such transfer to the chairs of the house and senate ways and means committees  
73 and the joint committee on bonding, capital expenditures and state assets and the members of the  
74 general court representing the host municipality in which such property is located not less than  
75 30 days before the effective date of the proposed transfer. An agency shall not be required to  
76 purchase or make payment, whether directly or indirectly to acquire property or part thereof,  
77 which is made available for that agency's use. As a condition of the transfer of property to a  
78 state agency, the commissioner may require that the agency be financially responsible for any

79 outstanding lease, contractual or debt obligations previously incurred by the commonwealth to  
80 acquire or improve the property and for any future maintenance, security and improvement costs  
81 for the property.

82 (6) Notwithstanding any other general or special law to the contrary, the commissioner,  
83 in consultation with the surplus land coordination committee, may sell, lease for a term not to  
84 exceed 99 years, transfer or otherwise dispose of surplus real property of the commonwealth, as  
85 specified in this section.

86 (c) There shall be a surplus land coordination committee. The committee shall consist of  
87 1 representative appointed by each of the following: the secretary, the commissioner, the  
88 secretary of energy and environmental affairs, the secretary of housing and economic  
89 development, the director of housing and community development, the executive director of the  
90 Massachusetts Association of Regional Planning Agencies, the president of the Massachusetts  
91 Association of Community Development Corporations, and the executive director of the  
92 Massachusetts Municipal Association. The representative appointed by the secretary shall chair  
93 the committee. At any committee meeting, a majority of the members of the board entitled to  
94 vote must be present to constitute a quorum. The committee shall meet at such times as the  
95 committee chair shall set, but no less than once every 3 months to consider the future re-uses of  
96 any surplus property. The committee shall provide a written recommendation to the  
97 commissioner on the appropriate future re-use of surplus property, as set forth in subsection (g).

98 No member of the committee shall be in violation of section 6 of chapter 268A for  
99 conduct which involves his participation, as a member of the committee, in a particular matter  
100 before the committee which may affect the financial interest of a business organization with

101 which the member is affiliated, if the member, his immediate family and partner have no  
102 personal and direct financial interest in the particular matter and if the member discloses in  
103 writing his affiliation and financial interest to the committee and it is recorded in the minutes of  
104 the meeting of the committee.

105 (d) In order to determine whether specified real property is surplus to the current and  
106 foreseeable needs of the commonwealth, the commissioner shall, within 30 days after receipt of a  
107 completed transfer request, provide written notice and inquiry to the executive heads of state  
108 agencies and secretaries of the executive offices, who shall have 30 days to submit a written  
109 response stating that the property is necessary for a specific current or foreseeable need of the  
110 agency. If no agency or executive office submits such a response within 30 days of the notice,  
111 the commissioner, in consultation with the surplus land coordination committee, may declare the  
112 property as surplus and dispose of it under this section. Alternatively, if a written response is  
113 timely received specifying a current or foreseeable need for the property or any part thereof, the  
114 commissioner shall, in consultation with the secretary, the surplus land coordination committee  
115 and with those responding affirmatively and the written approval of the secretary, determine  
116 whether the real property or part thereof, shall: (1) be retained and made available on account of  
117 a current or foreseeable use by a state agency, or (2) be recommended for disposal as surplus  
118 property on a temporary or permanent basis. Preference shall be given to ensuring that real  
119 property is made available for state needs and not permanently disposed, where a state agency  
120 has submitted a timely written response specifying a current or foreseeable need for the  
121 property. When the commissioner determines that real property is surplus to current state needs  
122 but not to foreseeable state needs, the commissioner shall take all necessary action to ensure that

123 any disposition of the real property is temporary and maintains the commissioner's ability to  
124 make such real property available to a state agency as needed.

125 (e) If the commissioner, in consultation with the committee and the secretary,  
126 determines that real property is surplus to current or foreseeable state needs, the commissioner  
127 shall, within 10 days after such determination, provide written notice for each host municipality  
128 to the chief executive officer of the city or town, the county commissioners, the regional  
129 planning agency and the members of the general court representing the host municipality as well  
130 as adjoining cities or towns. Such written notice shall include: (1) a statement that the property  
131 is currently being considered by the commissioner for disposal on a temporary or permanent  
132 basis as surplus; (2) a general description of the property under consideration for disposal  
133 including as applicable, a description of the land, buildings, appurtenant structures and  
134 equipment and the current use and square footage of such property; (3) a legal description of the  
135 property including approximate metes and bounds and other information identifying any existing  
136 easements, restrictions or other conditions, to the extent available; (4) a statement that the  
137 municipality in which any portion of the property is located has a right of first refusal to acquire  
138 the property as set forth in subsection (f); and (5) an invitation to make written comments about  
139 the future use of the property.

140 (f) Each host municipality shall have a right of first refusal to acquire the surplus real  
141 property located within such municipality for a direct public use on the terms and conditions as  
142 offered by the commissioner pursuant to this subsection at 80 per cent of the value established  
143 pursuant to subsection (i). Section 14 of chapter 40 shall apply to the purchase of surplus real  
144 property by a host municipality under this section; excepting any applicable restriction based on  
145 average assessed valuation. The commissioner may accept a flexible payment schedule at his

146 discretion, provided, that all payments shall be made within 3 fiscal years of the sale or lease of  
147 the surplus real property to the host municipality. This right of first refusal must be exercised, if  
148 at all, by the host municipality giving written notice of the municipality's intention to acquire the  
149 property for a direct public use to the commissioner within 90 days after the written notice given  
150 by the commissioner pursuant to subsection (e). If the host municipality does give such written  
151 notice, the host municipality shall have until the date which is 180 days after its written notice to  
152 the commissioner to close on the purchase or lease of the property on such terms, conditions and  
153 restrictions as previously offered by the commissioner, provided, that the commissioner may  
154 grant a host municipality additional time to close on the purchase or lease of the property. If a  
155 host municipality has held a vote for debt exclusion under section 21C of chapter 59 to finance  
156 the surplus real property purchase, the date by which the host municipality shall exercise its  
157 option to purchase shall be extended until 7 days after the vote, but the vote shall take place at  
158 the next municipal election after the host municipality voted to put the debt exclusion on the  
159 ballot. If the host municipality fails to close the purchase of the property within the allowed  
160 time, the sole remedy of the commonwealth against the host municipality for such failure is to  
161 proceed with the disposition of the property without further right of purchase by the host  
162 municipality; but, if the failure to close on the purchase of the property was in bad faith as  
163 determined by the commissioner, the commonwealth shall not be required to share proceeds of  
164 the sale of the real property with the host municipality as required by subsection (o). The  
165 commissioner shall ensure that any deed, lease or other disposition agreement conveying surplus  
166 real property to the host municipality provides that the use of the property shall be limited to the  
167 direct public use specified by the host municipality and provides for effective remedies on behalf  
168 of the commonwealth as deemed appropriate by the commissioner, which remedies may include,



169 without limitation, that the title or lesser interest conveyed may revert to the commonwealth  
170 upon the recording of a notice in the appropriate registry of deeds, in the event of a failure to  
171 comply such use restriction.

172 A host municipality that has exercised its right of first refusal or otherwise has a right to  
173 close on the property, at its own expense, may enter upon the property and any of its agents or  
174 contractors may enter upon the property, to conduct inspections, surveys, or tests customarily  
175 performed in real estate transactions for the type and nature of the property specified as surplus  
176 as long as the commissioner is notified and consents to the inspection, host municipality shall be  
177 responsible to the commonwealth for any damage to the property, and shall hold harmless the  
178 commonwealth from all losses arising out of a claim of any nature from a third party, which  
179 resulted from conducting any such inspection, survey or test.

180 A host municipality exercising a right of first refusal as provided in this subsection may  
181 engage the services of the Massachusetts Development Finance Agency to perform planning,  
182 feasibility, marketing, and other studies or to provide project management services in connection  
183 with any re-use or redevelopment of the real property.

184 (g) If the host municipality does not elect to exercise its right of first refusal by giving  
185 written notice of its intention to acquire the surplus real property within 90 days in accordance  
186 with subsection (f), or if the host municipality timely makes such election but fails to close the  
187 purchase, lease or other disposition of the property within the allowed time, the host municipality  
188 shall be deemed to have waived its right of first refusal and the commissioner may dispose of the  
189 surplus property in accordance with this section, as follows:

190 (i) If the surplus property exceeds 2 acres, the commissioner shall, within 45 days  
191 after the waiver and after reasonable public notice, conduct a public hearing in each municipality  
192 in which the surplus property is located for the purpose of receiving public comment on the  
193 potential re-uses and appropriate restrictions upon the use of the property. The commissioner  
194 shall, within 30 days after such hearing, prepare a written report of all oral or written testimony  
195 received at a public hearing, and shall submit such report to the committee and to the regional  
196 planning agency serving the community in which the surplus property is located together with a  
197 written request that the regional planning agency conduct a smart growth review regarding the  
198 local and regional implications of disposing of the parcel for a variety of prospective uses. If the  
199 surplus property is located in more than 1 municipality served by more than 1 regional planning  
200 agency, the commissioner shall select 1 regional planning agency to conduct the smart growth  
201 review for the entire property. In each smart growth review, the regional planning agency shall  
202 consider any written report from any public hearing pursuant to clause (i) and the need for a  
203 variety of housing options, jobs, and open space; current and prospective zoning of the site; need  
204 for municipal capital facilities and public uses; impacts on traffic and transit; impacts on the  
205 environment and natural resources, and on agricultural lands; existence of historically significant  
206 structures; availability of infrastructure, including water supply, waste water and storm water  
207 run-off; fiscal impacts of development on the municipality where the parcel is located;  
208 remediation of contamination; and other smart growth implications. Within 60 days after the  
209 request by the commissioner for a smart growth review, the regional planning agency shall  
210 complete and submit the review in writing to the commissioner and to the surplus land  
211 coordination committee, and shall make the review available to all parties listed in subsection  
212 (e). Reasonable costs incurred by the regional planning agency shall be considered part of the

213 disposition expenses paid for by the division, and reimbursed from the total proceeds of the sale  
214 or lease of surplus property received by the commonwealth not to exceed \$6,000 per parcel  
215 reviewed. If the smart growth review is not completed within 60 days after the commissioner's  
216 request for the review, the commissioner may dispose of the surplus property in accordance with  
217 this section.

218 (ii) If the surplus property is less than 2 acres but the commissioner, in consultation  
219 with the committee, makes a determination within 60 days after the waiver that a hearing or  
220 smart growth study is, or both are, necessary, the public hearing or smart growth study, or both,  
221 shall be conducted and the smart growth study undertaken in accordance with clause (i).

222 (iii) Within 60 days after its receipt of the commissioner's report of any public hearing  
223 held and any smart growth study undertaken pursuant to clauses (i) or (ii) above, the committee  
224 shall provide a written recommendation to the commissioner on the appropriate disposition for  
225 any parcel, and recommend a variety of appropriate uses, restrictions, and future obligations for  
226 the disposition of each surplus parcel including, but not limited to, its suitability for housing,  
227 economic development or preservation as open space, the parcel's historical significance, a  
228 community's master plan, and what restrictions, if any, should be imposed on its use and  
229 development. The committee in making recommendations to the commissioner on the re-uses,  
230 restrictions and development of the surplus property shall consider any: (1) , written report from  
231 any public hearing pursuant to clause (i) above; (2) testimony, recommendations or comments,  
232 from a host municipality including any recommendation or comment from a local re-use  
233 committee established by such host municipality to advise on the future reuse of land, buildings  
234 or structures; (3) testimony, recommendations or comments from immediate surrounding  
235 communities and from any member of the general court representing the host municipality where

236 the surplus property is located; (4) smart growth review conducted under clause (i) above; (5)  
237 comments and recommendations by the commissioner; and (6) established state and local plans  
238 and policies. The committee may also consider any other testimony and necessary and relevant  
239 information received with respect to the surplus property. If the committee does not recommend  
240 appropriate uses for the property within that 60 days, the commissioner may dispose of the  
241 property without a recommendation from the committee in a manner consistent with this section.

242 (iv) Before disposing of surplus real property, the commissioner (1) shall identify any  
243 restrictions or conditions on such property's re-use and development which the commissioner  
244 considers appropriate to reflect the recommendation of the surplus land coordination committee  
245 and take into consideration established state, regional and local plans and policies, any  
246 recommendations or comments from a host municipality including, without limitation,  
247 recommendations or comments submitted at a hearing held pursuant to clause (i), and from any  
248 member of the general court representing the host municipality; and (2) shall ensure that any  
249 deed, lease or other disposition agreement sets forth all such re-use restrictions, provides for  
250 effective remedies on behalf of the commonwealth and provides, in the event of a failure to  
251 comply with the re-use restrictions by the grantee, lessee or other recipient, that the title or lesser  
252 interest conveyed shall revert to the commonwealth upon the recording of a notice in the  
253 appropriate registry of deeds.

254 (h) The commissioner shall on a quarterly basis send to the house and senate chairs of the  
255 committee on bonding, capital expenditures and state assets and the house and senate committees  
256 on ways and means a detailed list of all property which has been determined to be surplus to  
257 current and foreseeable state needs pursuant to subsection (d) and is being considered for  
258 disposition by the commissioner and the surplus land coordination committee, together with

259 recommendations for disposition of each parcel of property and its potential uses and restrictions  
260 to the extent they have been developed and approved pursuant to this section.

261 (i) The commissioner shall establish the value of surplus real property using customarily  
262 accepted appraisal methodologies, including without limitation, a written appraisal by an  
263 independent professional real estate appraiser, licensed by the commonwealth, with 5 or more  
264 years of experience in the appraisal of commercial or industrial real estate. The value shall be  
265 calculated both: (1) for the highest and best use of the surplus real property; and (2) subject to  
266 uses, restrictions, encumbrances and other conditions and terms for the type of disposition,  
267 whether by sale or lease, as defined in writing by the commissioner. Notwithstanding the  
268 foregoing, the value of any property to be sold or leased to a host municipality for a direct public  
269 use shall be calculated subject to the restriction to direct public use and to such other uses,  
270 restrictions, encumbrances and other conditions and terms as defined in writing by the  
271 commissioner. In no instance in which the commonwealth retains responsibility for maintaining  
272 the property shall the terms provide for payment of less than the annual maintenance costs.

273 (j) For any disposition of surplus real property other than to a host municipality which  
274 has exercised its right of first refusal pursuant to subsection (f), the commissioner shall dispose  
275 of surplus real property using appropriate competitive processes and procedures, subject to the  
276 notification and advertising provisions of section 40H. These competitive processes may  
277 include, but are not limited to, auction, sealed bids and requests for price and development  
278 proposals. At least 30 days before the date of an auction or the date on which bids, proposals or  
279 other offers to purchase or lease surplus real property are due, the commissioner shall place a  
280 notice in the central register published by the state secretary under section 20A of chapter 9  
281 stating the availability of such property, the nature of the competitive process and other

282 information deemed relevant, including the time and location of the auction, the submission of  
283 bids or proposals and the opening thereof. A host municipality which did not exercise its right  
284 of first refusal pursuant to subsection (f) to acquire surplus real property may submit a bid,  
285 proposal or other offer to purchase or lease surplus real property in response to such competitive  
286 process.

287 (k) The commissioner shall place a notice in the central register and notify in writing all  
288 parties listed in subsection (e), identifying the individual or firm selected as party to the real  
289 property transaction, along with the amount of the transaction. If the commissioner accepts an  
290 amount below the value calculated under subsection (i), he shall include the justification for  
291 doing so, specifying the difference between the calculated value and the price received.

292 (l) No agreement for the sale, lease, transfer or other disposition of surplus real property,  
293 and no deed executed by or on behalf of the commonwealth, shall be valid unless the agreement  
294 or deed contains the following certification, signed by the commissioner:

295 "I certify under penalties of perjury that I have fully complied with section 40F of chapter  
296 7 of the General Laws in connection with the property described in this document."

297 (m) No agreement for the sale, lease, transfer or other disposition of surplus real property  
298 shall be valid unless the purchaser or lessee has executed and filed with the commissioner the  
299 statement required by section 40J.

300 (n) The grantee or lessee, including any host municipality, of any surplus real property  
301 shall be responsible for all costs including, but not limited to, appraisals, surveys, plans,  
302 recordings and any other expenses relating to the transfer, as shall be considered necessary by the  
303 commissioner.

304 (o) The division shall transfer the net cash proceeds of each sale or lease of surplus real  
305 property to the secretary within 45 days after the closing of such sale or lease. The secretary  
306 shall distribute such funds on at least a quarterly basis in the following order of priority each  
307 year, and the secretary shall annually report to the house and senate committees on ways and  
308 means detailing the total amount and distribution of these funds:-

309 (i) 15 per cent of the net cash proceeds from the sale or lease of each such property shall  
310 be paid to the host municipality; but if the host municipality has adopted for such property either  
311 an approved smart growth zoning district under chapter 40R or an approved priority  
312 development site under chapter 43D, 25 per cent of the net cash proceeds from the sale or lease  
313 of the particular parcel shall be paid to the host municipality. A municipality that acquires a  
314 property either by exercise of its right of first refusal pursuant to subsection (f) or through a  
315 competitive process pursuant to subsection (j) shall not receive a percentage of the net cash  
316 proceeds.

317 If a host municipality fails to close on a surplus real property due solely to a failure to  
318 receive an affirmative vote on a debt exclusion ballot question to raise funds to acquire a  
319 particular parcel under section 21C of chapter 59, the host municipality shall remain eligible to  
320 receive its share of the net cash proceeds.

321 (ii) After distribution of net cash proceeds under clause (i), 50 per cent of the remaining  
322 net cash proceeds shall be deposited in the Smart Growth Housing Trust Fund and 50 per cent  
323 shall be deposited in the Capital Projects Fund established by section 2YYY of chapter 29.

324 (p) Section 43I shall not apply to surplus real property disposed by the commissioner  
325 under this section. Notwithstanding any provision of this section to the contrary, the

326 commissioner, in an emergency situation which poses a threat to the public safety or health and  
327 upon request by a municipality, may permit, license, rent or otherwise allow occupancy to such  
328 municipality of any surplus real property, not disposed, on a temporary and at-will basis and on  
329 such other appropriate and consistent terms as established by the commissioner; but this  
330 occupancy shall not exceed a period of 6 months, and the commissioner, within 10 days of any  
331 permitted municipal use, shall certify in writing that an emergency exists and submits the  
332 certification to the governor and the house and senate chairmen of the ways and means  
333 committees.

334 (q) The disposition of any real property subject to section 7E of chapter 81 shall not be  
335 subject to subsections (c), (d), (e), (f), (g), (h) or (o) of this section. The division shall distribute  
336 funds from the net cash proceeds of any sale of such property to the department of highways.

337 (r) The commissioner may enter into agreements for the direct public use of surplus real  
338 property by public agencies other than state agencies, for a term not to exceed 5 years. Such  
339 agreement shall prohibit subsequent conveyance of interest in the property by the public agency  
340 to another party. The commissioner shall notify the house and senate committees on ways and  
341 means and the joint committee on state administration 30 days prior to the final authorization of  
342 any such agreement. The notification shall include the commissioner's report on recommended  
343 reuse restrictions. In no event shall any such agreement be made when the general court is not in  
344 session.

345 (s) Notwithstanding this section, leases for agricultural purposes on land owned by the  
346 commonwealth shall be made for a term of not more than 5 years, and the renewal date for such  
347 leases shall not be less than 1 year prior to the end of the lease period. Holders of such leases



348 shall be given the opportunity to renew such leases for a consideration equal to the current lease  
349 amount plus an escalation amount to be established annually by the commissioner for application  
350 to all such leases.

351 (t) For bills which authorize the sale, transfer, or other disposition of any state-owned  
352 real property filed by persons other than the commissioner of capital asset management and  
353 maintenance, the clerk of the house of representatives and the clerk of the senate shall, within 10  
354 days of the filing, forward a copy of the bill to the commissioner. Within 90 days of the receipt  
355 of the copy, the commissioner shall submit in writing a report to the commissioner of  
356 administration, the legislative committee before which the bill is pending, and the joint  
357 committee on state administration together with a recommendation for either the approval or the  
358 disapproval of the bill and his reasons therefor.

359 If the commissioner is recommending the approval of a bill proposing the disposition of a  
360 parcel exceeding 2 acres, the report shall include: (1) a description of the property including its  
361 current use, structures, and approximate metes and bounds; (2) the value of the property,  
362 determined through procedures customarily accepted by the appraising profession as valid for  
363 such purposes, calculated both for (a) the highest and best use of the property as currently  
364 encumbered and (b) uses and encumbrances that would be imposed by the bill if enacted; (3) all  
365 current and foreseeable direct public uses identified by following the division's procedures for  
366 such purposes as they apply to the property to be disposed (4) other potential public and private  
367 uses of the property; and (5) any other information the general court may require.

368 The commissioner shall expeditiously review and recommend approval or disapproval of  
369 any proposal to the general court for the sale, rental or other disposition of real property acquired

370 on behalf of state agencies, and shall dispose of real property as mandated by the general court.  
371 All legislation submitted to the general court by the division of capital asset management and  
372 maintenance requesting authorization to convey or transfer real property under its jurisdiction  
373 shall be accompanied by a full report outlining the division's reasons for pursuing the  
374 conveyance or transfer.

375 (u) The commissioner shall maintain, for a period of at least 6 years next following  
376 disposition of real property pursuant to this section, a file containing a copy of each document  
377 necessary to establish fulfillment of the requirements this section, provided, however, that any  
378 documents reflecting the value of the real property established by the commissioner and any  
379 independent appraisals used to establish that value, shall be exempted from the definition of  
380 "public records" appearing in section 7 of chapter 4 of the general laws until the disposition of  
381 the real property has been completed.

382 SECTION 2. Section 35AA of chapter 10 of the General Laws, as so appearing, is hereby  
383 amended by inserting after the word "section", in line 11, the following words:- and in  
384 subsection (n) of section 40F of chapter 7.

385 SECTION 3. Chapter 29 of the General Laws is hereby amended by inserting after  
386 section 2XXX the following section:-

387 Section 2YYY. There is hereby established and set up on the books of the  
388 commonwealth a separate fund, to be known as the Capital Projects Fund, in this section called  
389 the fund. The fund shall consist of the portion of net cash proceeds of the commonwealth's  
390 disposition of surplus real property deposited under clause (ii) of subsection (o) of section 40F of  
391 chapter 7, and all other monies credited or transferred to the fund from any other fund or source

392 pursuant to law. The fund shall be expended, subject to appropriation, to meet the capital  
393 improvement needs of the commonwealth.

394 SECTION 4. Chapter 40B of the General Laws is hereby amended by adding the  
395 following section:-

396 Section 30. There shall be within each regional planning district created under this  
397 chapter or by special act a technical assistance center for the delivery of coordinated,  
398 comprehensive, and continuing technical services at the request of a municipality. Technical  
399 assistance services may be provided in any subject area within the capability of each technical  
400 assistance center including but not limited to: zoning and permitting; economic development;  
401 land use planning, conservation planning, and water resources; municipal management; public  
402 safety planning and emergency response; transportation; data management, information  
403 technology, geographic information systems, statistical trends, and modeling; and other land use  
404 and smart growth issues.

405 SECTION 5. Notwithstanding any general or special law to the contrary, section 1 shall  
406 not apply to the disposition of real property that is the subject of a special act having an effective  
407 date before the effective date of this act.