SENATE DOCKET, NO. 1800 FILED ON: 1/21/2011

SENATE . . . . . No. 1630

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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:

An Act increasing government efficiency .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*[District]*
Richard J. Ross	*Norfolk, Bristol, and Middlesex*
Benjamin Swan	*11th Hampden*

SENATE DOCKET, NO. 1800 FILED ON: 1/21/2011

SENATE . . . . . No. 1630

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1630) of Bruce E. Tarr, Richard J. Ross and Benjamin Swan for legislation to increase government efficiency. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act increasing government efficiency .

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. Section 40F of Chapter 7 is hereby amended by inserting, after the sixth paragraph, the following:-

In order to determine if specified real property is surplus to the current and foreseeable needs of the commonwealth, the commissioner shall provide a suitable written notice and inquiry to the several secretaries, with a date certain for any response. If no executive office responds in writing by the date so specified that an agency has a current or foreseeable need for the real property, then the commissioner may declare said property as surplus and dispose of same in accordance with this section. Alternatively, if a written response is timely received specifying a current or foreseeable need for the real property, the commissioner shall, in consultation with the secretary of administration and finance and with those responding affirmatively, determine whether the real property shall (a) be made available for current use by a state agency, (b) be retained on account of a foreseeable use by a state agency, or (c) be declared surplus real property which may be disposed of pursuant to this section.

When real property is determined to be surplus to current state needs but not to foreseeable state needs, the commissioner shall take such necessary action to ensure that any disposition of the real property is temporary and maintains the commissioner's ability to make such real property available to a state agency as needed.

If the commissioner determines that the real property is surplus, he shall declare it available for disposition and shall identify restrictions, if any, on its use and development necessary to comply with established state plans and policies. The commissioner shall provide

21 written notice of his finding to the executive of the community in which the property is located
22 and upon the determination of a date for a public hearing on the disposition of the surplus real
23 property. The commissioner may conduct a public hearing to consider potential reuses and
24 appropriate restrictions. He shall ensure that any deed, lease or other disposition agreement shall
25 set forth all such reuse restrictions and shall provide for effective remedies on behalf of the
26 commonwealth; provided however, in the event of a failure to comply with the said reuse
27 restrictions by the grantee, lessee or other recipient, title or such lesser interest as may have been
28 conveyed, shall immediately revert to the commonwealth.

29 The commissioner shall establish the value of surplus real property using
30 customarily accepted appraisal methodologies. The value shall be calculated both for (1) the
31 highest and best use of the property as may be encumbered, and (2) subject to uses, restrictions
32 and encumbrances defined by the commissioner. In the event the commissioner receives three or
33 more offers for such property in response to a competitive disposition process, the value may be
34 determined based solely on such offers. In no instance in which the commonwealth retains
35 responsibility for maintaining the said property shall the terms provide for payment of less than
36 the annual maintenance costs.

37 The commissioner shall dispose of surplus real property utilizing such
38 competitive processes and procedures, as he deems appropriate. Such competitive processes may
39 include, but are not limited to, absolute auction, sealed bids, and requests for price and
40 development proposals.

41 At least 30 days before the date of an auction or the date on which bids or
42 proposals or other offers to purchase or lease surplus real property are due, the commissioner
43 shall place a notice in the central register published by the state secretary pursuant to section 20A
44 of chapter 9 stating the availability of such property, the nature of the competitive process and
45 other information deemed relevant, including the time and location of the auction, the
46 submission of bids or proposals, and the opening thereof.

47 The commissioner shall place a notice in the central register identifying the
48 individual or firm selected as party to such real property transaction, along with the amount of
49 such transaction. If the commissioner accepts an amount below the value calculated under
50 subsection (f), he shall include the justification therefore specifying the difference between the
51 calculated value and the price received.

52 No agreement for the sale, lease, transfer, or other disposition of surplus real
53 property shall be valid unless the purchaser or lessee has executed and filed with the
54 commissioner the statement required by section 40J of chapter 7.

55 The grantee or lessee of any surplus real property shall be responsible for all costs
56 including but not limited to appraisals, surveys, plans, recordings and any other expenses relating
57 to the said transfer, as shall be deemed necessary by the commissioner.

58 This section shall not apply to the disposition of real property that is the subject of
59 a special act having an effective date prior to the enactment of this act.

60 SECTION 2. Paragraphs seven to fifteen, inclusive, of section 40F of chapter 7,
61 inclusive, are hereby repealed.

62 SECTION 3. The effective date of this act shall be July 1, 2011.