



General Assembly

**Amendment**

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LCO No. 3171

\*SB0046203171SR0\*

Offered by:

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To: Subst. Senate Bill No. 462

File No. 246

Cal. No. 185

**"AN ACT CONCERNING REGULATIONS ON THE COLOCATION  
OF NEW STATE BUILDINGS."**

1 After line 70, add the following:

2 "Sec. 2. Subsection (a) of section 4b-23 of the general statutes is  
3 repealed and the following is substituted in lieu thereof (*Effective*  
4 *October 1, 2003*):

5 (a) (1) As used in this section, "facility" means buildings and real  
6 property owned or leased by the state. The Secretary of the Office of  
7 Policy and Management shall establish guidelines [which] to further  
8 define such term.

9 (2) [All agencies and departments] Each agency and department of  
10 the state shall notify the Secretary of the Office of Policy and  
11 Management of [their] its facility needs including, but not limited to,  
12 the types of such facilities and the municipalities or general location  
13 for the facilities.

14       (3) Each agency and department shall continue long-range planning  
15 for facility needs, establish a plan for its long-range facility needs and  
16 submit such plan and related facility project requests to the Secretary  
17 of the Office of Policy and Management, and a copy thereof to the  
18 Commissioner of Public Works, on or before September first of each  
19 even-numbered year. Each such request shall be accompanied by a  
20 capital development impact statement, as required by section 4-66b,  
21 and a colocation statement, as required by section 4b-31, if the  
22 secretary so requires. Each agency and department shall base its long-  
23 term planning for facility needs on a program plan. The secretary shall  
24 establish a content guide and schedule for such plans. Each agency and  
25 department shall prepare its program plan in accordance with such  
26 guide and file it with the secretary pursuant to such schedule. Facility  
27 plans shall include, but not be limited to: Identification of [(1)] (A)  
28 long-term and short-term facility needs, [(2)] (B) opportunities for the  
29 substitution of state-owned space for leased space, [(3)] (C) facilities  
30 proposed for demolition or abandonment which have potential for  
31 other uses, and [(4)] (D) space modifications or relocations that could  
32 result in cost or energy savings. Each agency or department program  
33 plan and facility plan and its facility project requests shall cover a  
34 period of at least five years. The secretary shall provide agencies and  
35 departments with instructions for preparing program plans, long-term  
36 facility plans and facility project requests and shall provide  
37 appropriate programmatic planning assistance. The Commissioner of  
38 Public Works shall assist agencies and departments with long-term  
39 facilities planning and the preparation of cost estimates for such plans  
40 and requests.

41       (4) The Secretary of the Office of Policy and Management shall  
42 review such plans and prepare an integrated state facility plan [which]  
43 that meets the aggregate facility needs of the state. The secretary shall  
44 also review the plans and for those plans that require a leased facility,  
45 the secretary shall determine whether purchasing, lease-purchasing or  
46 constructing on state-owned land would be an economical alternative  
47 to leasing. The secretary shall include in the state facility plan the

48 findings regarding purchase, lease-purchase or construction for each  
49 such agency or department. The secretary shall also indicate for each  
50 agency or department the number of years the facility needs have been  
51 met through leasing. If requested by the secretary, the Commissioner  
52 of Public Works shall complete an analysis of the feasibility of  
53 purchasing, lease-purchasing or constructing on state-owned land.

54 (5) The secretary shall review the cost effective retrofit measures  
55 recommended [to him] by the Commissioner of Public Works under  
56 subsection (b) of section 16a-38a and include in the plan those  
57 measures which would best attain the energy performance standards  
58 established under subdivision (1) of subsection (b) of section 16a-38.

59 Sec. 3. Subsection (f) of section 4b-3 of the general statutes is  
60 repealed and the following is substituted in lieu thereof (*Effective*  
61 *October 1, 2002*):

62 (f) (1) The State Properties Review Board shall review real estate  
63 acquisitions proposed by the Commissioner of Public Works, and the  
64 acquisition, other than by condemnation, or the sale or lease of any  
65 property by the Commissioner of Transportation under subdivision  
66 (12) of section 13b-4, subject to section 4b-23 and subsection (h) of  
67 section 13a-73. Such review shall consider all aspects of the proposed  
68 actions, including feasibility and method of acquisition and the  
69 prudence of the business method proposed. The board shall also  
70 cooperate with and advise and assist the Commissioner of Public  
71 Works and the Commissioner of Transportation in carrying out their  
72 duties. [The board shall have access to all information, files and  
73 records, including financial records, of the Commissioner of Public  
74 Works and the Commissioner of Transportation, and shall, when  
75 necessary, be entitled to the use of personnel employed by said  
76 commissioners.] The board shall approve or disapprove any  
77 acquisition of development rights of agricultural land by the  
78 Commissioner of Agriculture under section 22-26cc.

79 (2) The board shall have access to all information, files and records,

80 including, but not limited to, financial records of the Commissioner of  
81 Public Works and the Commissioner of Transportation, and shall,  
82 when necessary, be entitled to the use of personnel employed by said  
83 commissioners. The Commissioner of Public Works shall obtain a full  
84 appraisal on any property prior to proposing the acquisition of the  
85 property pursuant to this subsection and shall obtain a second  
86 appraisal if such property is valued over one million dollars. The  
87 Commissioner of Public Works shall provide the appraisals to the  
88 board and may provide comments or supplemental information  
89 related to the appraisals. The board may require the Commissioner of  
90 Public Works to obtain additional appraisals concerning any real estate  
91 acquisition proposed by the Commissioner of Public Works pursuant  
92 to this subsection.

93 Sec. 4. Section 4b-3 of the general statutes is amended by adding  
94 subsection (g) as follows (*Effective October 1, 2002*):

95 (NEW) (g) The chairperson of the board, or a member of the board  
96 designated by the chairperson, shall review each lease that the  
97 Attorney General approves on or after October 1, 2002, pursuant to  
98 section 4b-26, as amended by this act, if the lease concerns (1) private  
99 property for state use, (2) state property for private use, or (3) state  
100 property leased to a developer and leased back or sold to the state after  
101 construction is completed. The chairperson or designee may approve  
102 the lease if the chairperson or designee finds that all lease terms,  
103 provisions, conditions or covenants approved by the board are  
104 included in the lease. No such lease shall be valid unless approved by  
105 the chairperson or designee in accordance with this subsection. If the  
106 chairperson or designee approves the lease, (A) the chairperson or  
107 designee shall sign the lease and shall date and initial each page of the  
108 lease to certify approval of the contents of the page, (B) the chairperson  
109 or designee shall release a copy of the lease to the parties to the lease,  
110 and (C) no term, provision, condition or covenant of the lease may be  
111 modified in any manner without prior written approval of the board.  
112 Such "initial" may be indicated by initials, a signature or a stamp. If the  
113 chairperson or designee finds that the lease terms, provisions,

114 conditions or covenants differ materially from those approved by the  
115 board the chairperson or designee shall report those findings to the  
116 Auditors of Public Accounts.

117 Sec. 5. Section 4b-26 of the general statutes is repealed and the  
118 following is substituted in lieu thereof (*Effective October 1, 2002*):

119 (a) The expert members of the staff of the commissioner shall be  
120 responsible for ensuring that sellers, lessors, and contractors strictly  
121 comply with all agreed plans, specifications, requirements and  
122 contractual terms.

123 (b) The Attorney General shall be responsible for determining the  
124 legal sufficiency of all contracts and leases, both as to substance and to  
125 form, and said Attorney General shall enforce all terms of all  
126 agreements, including, but not limited to, the obligations of all  
127 landlords to meet the terms of leases.

128 (c) In any lease containing a tax escalation clause, there shall be a  
129 provision that the state shall be relieved of all liability for increased  
130 taxes unless the landlord shall notify the commissioner of any pending  
131 increase in sufficient time to permit the state, on behalf of the landlord,  
132 to contest such increase if the commissioner determines it to be  
133 appropriate.

134 (d) The Attorney General shall determine when to take any such  
135 appeal and shall be responsible for perfecting and prosecuting such  
136 appeal.

137 (e) Not later than three days after the Attorney General has  
138 reviewed and approved a lease that requires the approval of the  
139 chairperson of the State Properties Review Board pursuant to  
140 subsection (g) of section 4b-3, as amended by this act, the Attorney  
141 General shall forward the lease to the chairperson.

142 Sec. 6. Subsection (b) of section 4b-21 of the general statutes is  
143 repealed and the following is substituted in lieu thereof (*Effective*

144 *September 1, 2002*):

145 (b) Any state agency, department or institution having custody and  
146 control of land, an improvement to land or interest in land, belonging  
147 to the state, shall inform the Secretary of the Office of Policy and  
148 Management, in writing, when such land, improvement or interest or  
149 any part thereof is not needed by the agency, department or  
150 institution. Upon receipt of such notification, the secretary shall  
151 arrange for such agency, department or institution to [forthwith]  
152 transfer custody and control of such land, improvement or interest to  
153 the Department of Public Works, along with adequate funding for  
154 personnel and other operating expenses required for the maintenance  
155 of such land, improvement or interest, and shall notify all state  
156 agencies, departments and institutions that such land, improvement or  
157 interest is available. [Within ninety days of receipt of such notification  
158 from the secretary, any state agency, department or institution that is  
159 interested in utilizing the land, improvement or interest shall submit a  
160 plan to the secretary that sets forth the proposed use for the land,  
161 improvement or interest and a budget and timetable for such use. If  
162 the Commissioner of Economic and Community Development  
163 determines that such] Such land, improvement or interest shall be  
164 utilized or adapted for use in a manner consistent with the guidelines  
165 that the Secretary of the Office of Policy and Management shall  
166 establish. The secretary shall establish the guidelines by September 1,  
167 2002, and the guidelines shall be used to determine (1) the uses of any  
168 such land, improvement or interest, and (2) whether such land,  
169 improvement or interest can be utilized or adapted for use as an  
170 emergency shelter or transitional living facility for homeless persons or  
171 can be utilized or exchanged for property which can be utilized for the  
172 construction, rehabilitation or renovation of housing for persons and  
173 families of low and moderate income. The guidelines shall not be  
174 subject to the provisions of chapter 54. [, said commissioner may (1)  
175 within such ninety-day period, submit to the secretary, in lieu of such  
176 plan, a preliminary plan indicating that the land, improvement or  
177 interest can be utilized, adapted or exchanged for such housing

178 purposes and stating the type of housing that is planned and (2) within  
179 six months after the end of such ninety-day period, submit a  
180 comprehensive plan for the development of such housing to the  
181 secretary, in a form prescribed by the secretary. If the Commissioner of  
182 Economic and Community Development submits preliminary and  
183 comprehensive plans to the secretary within such periods, the agency,  
184 department or institution having custody and control of the land,  
185 improvement or interest shall transfer custody and control to the  
186 Commissioner of Economic and Community Development in  
187 accordance with such procedures as the secretary may prescribe. If (A)  
188 the Commissioner of Economic and Community Development does  
189 not submit a preliminary plan to the secretary within such ninety-day  
190 period or so submits a preliminary plan but does not submit a  
191 comprehensive plan to the secretary within such six-month period,  
192 and (B) one or more agencies, departments or institutions submit a  
193 plan for such land, improvement or interest to the secretary within  
194 such ninety-day period, the secretary shall analyze such agency,  
195 department or institution plan or plans and determine whether (i)  
196 custody and control of the land, improvement or interest shall be  
197 transferred to one of such agencies, departments or institutions, in  
198 which case the agency, department or institution having custody of the  
199 land, improvement or interest shall make such transfer, or (ii) the land,  
200 improvement or interest shall be treated as surplus.]

201 Sec. 7. Section 3-14b of the general statutes is repealed and the  
202 following is substituted in lieu thereof (*Effective September 1, 2002*):

203 Prior to the sale of any parcel of land, or a portion thereof owned by  
204 the state, except a transfer or conveyance to the party against whom  
205 foreclosure was taken or who conveyed to the state in lieu of  
206 foreclosure under the provisions of section 17b-138, the state agency,  
207 department or institution responsible for the sale of such land shall  
208 first notify in writing the chief executive officer or officers of the  
209 municipality in which such land is situated of the state's intention to  
210 sell such land. Such notification shall be given in accordance with the  
211 guidelines established by the Secretary of the Office of Policy and

212 Management. The secretary shall establish the guidelines by  
213 September 1, 2002, and the guidelines shall govern (1) notification to  
214 such municipalities, and (2) municipal purchases of land under this  
215 section. The guidelines shall not be subject to the provisions of chapter  
216 54. The chief executive officer or officers of such municipality shall  
217 comply with the guidelines related to the municipality's purchase of  
218 such land. [, and no agreement to sell such land may be entered into or  
219 sale may be made by the state except as follows:

220 (a) Within forty-five days after such notice has been so given, such  
221 chief executive officer or officers may give written notice to the state of  
222 the municipality's desire to purchase such land and shall have the right  
223 to purchase the interest in the land which the state has declared its  
224 intent to sell, subject to conditions of sale acceptable to the state.

225 (b) If the chief executive officer or officers of the municipality fail to  
226 give notice, as provided in subsection (a) of this section, or give notice  
227 to the state of the municipality's desire not to purchase such land, such  
228 municipality shall have waived its right to purchase the land in  
229 accordance with the terms of this section.

230 (c) Within sixty days after notice has been given by the municipality  
231 of its desire to purchase such land, as provided in subsection (a) of this  
232 section, the state acting through the state agency, department or  
233 institution shall sell such land to the municipality, provided the state  
234 and the municipality agree upon the conditions of sale and the amount  
235 to be paid therefor.

236 (d) If the municipality fails to purchase such land within sixty days  
237 after notice has been given by the municipality of its desire to purchase  
238 the land, as provided in subsection (a) of this section, such  
239 municipality shall have waived rights to purchase the land in  
240 accordance with the terms of this section, subject to the provisions of  
241 subsection (e) of this section.

242 (e) Notwithstanding the provisions of subsections (b) and (d) of this  
243 section, if the state thereafter proposes to sell such land to any person

244 upon terms different than those offered to the municipality, the state  
245 shall first notify the municipality of such proposal, in the manner  
246 provided in subsection (a) of this section, and of the terms of such  
247 proposed sale, and such municipality shall have the option to purchase  
248 such land upon such terms and may thereupon, in the same manner  
249 and within the same time limitations as are provided in subsections (a)  
250 and (c), inclusive, of this section, proceed to purchase such land.]"