



General Assembly

February Session, 2008

***Raised Bill No. 203***

LCO No. 1550

\*01550\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING THE SALE OF STATE REAL PROPERTY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4b-21 of the 2008 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2008*):

4 (a) When the General Assembly is not in session, the trustees of any  
5 state institution, the State Board of Education or the Commissioner of  
6 Correction may, subject to the provisions of section 4b-23 of the 2008  
7 supplement to the general statutes, purchase or acquire for the state,  
8 through the Commissioner of Public Works, any land or interest  
9 therein if such action seems advisable to protect the state's interest or  
10 to effect a needed economy, and may, subject to the provisions of said  
11 section, contract through the Commissioner of Public Works for the  
12 sale or exchange of any land or interest therein belonging to the state  
13 except that The University of Connecticut may purchase or acquire for  
14 the state and may dispose of or exchange any land or interest therein  
15 directly. When the General Assembly is not in session, the  
16 Commissioner of Public Works, with the approval of the State

17 Properties Review Board, may give or obtain an option upon any land  
18 or interest therein which is not under the control of the trustees of any  
19 state institution, the State Board of Education or the Commissioner of  
20 Correction when such action seems advisable, and such option shall  
21 remain in force until the fifteenth day of August following the next  
22 session of the General Assembly.

23 (b) Any state agency, department or institution having custody and  
24 control of land, an improvement to land or interest in land, belonging  
25 to the state, shall inform the Secretary of the Office of Policy and  
26 Management, in writing, when such land, improvement or interest or  
27 any part thereof is not needed by the agency, department or  
28 institution. Upon receipt of such notification, the secretary shall  
29 arrange for such agency, department or institution to forthwith  
30 transfer custody and control of such land, improvement or interest to  
31 the Department of Public Works, along with adequate funding for  
32 personnel and other operating expenses required for the maintenance  
33 of such land, improvement or interest, and shall notify all state  
34 agencies, departments and institutions that such land, improvement or  
35 interest is available. Within ninety days of receipt of such notification  
36 from the secretary, any state agency, department or institution that is  
37 interested in utilizing the land, improvement or interest shall submit a  
38 plan to the secretary that sets forth the proposed use for the land,  
39 improvement or interest and a budget and timetable for such use. If  
40 the Commissioner of Economic and Community Development  
41 determines that such land, improvement or interest can be utilized or  
42 adapted for use as an emergency shelter or transitional living facility  
43 for homeless persons or can be utilized or exchanged for property  
44 which can be utilized for the construction, rehabilitation or renovation  
45 of housing for persons and families of low and moderate income, said  
46 commissioner may (1) within such ninety-day period, submit to the  
47 secretary, in lieu of such plan, a preliminary plan indicating that the  
48 land, improvement or interest can be utilized, adapted or exchanged  
49 for such housing purposes and stating the type of housing that is  
50 planned, and (2) within six months after the end of such ninety-day

51 period, submit a comprehensive plan for the development of such  
52 housing to the secretary, in a form prescribed by the secretary. If the  
53 Commissioner of Economic and Community Development submits  
54 preliminary and comprehensive plans to the secretary within such  
55 periods, the agency, department or institution having custody and  
56 control of the land, improvement or interest shall transfer custody and  
57 control to the Commissioner of Economic and Community  
58 Development in accordance with such procedures as the secretary may  
59 prescribe. If (A) the Commissioner of Economic and Community  
60 Development does not submit a preliminary plan to the secretary  
61 within such ninety-day period or so submits a preliminary plan but  
62 does not submit a comprehensive plan to the secretary within such six-  
63 month period, and (B) one or more agencies, departments or  
64 institutions submit a plan for such land, improvement or interest to the  
65 secretary within such ninety-day period, the secretary shall analyze  
66 such agency, department or institution plan or plans and determine  
67 whether (i) custody and control of the land, improvement or interest  
68 shall be transferred to one of such agencies, departments or  
69 institutions, in which case the agency, department or institution  
70 having custody of the land, improvement or interest shall make such  
71 transfer, or (ii) the land, improvement or interest shall be treated as  
72 surplus.

73 (c) If the secretary determines that such land, improvement, interest  
74 or part thereof may properly be treated as surplus, he shall notify the  
75 Commissioner of Public Works. If the secretary also determines that  
76 such land, improvement or interest or part thereof was purchased or  
77 improved with proceeds of tax exempt obligations issued or to be  
78 issued by the state, he shall also notify the Treasurer. The  
79 Commissioner of Public Works may sell, exchange or lease, or enter  
80 into agreements concerning, such land, improvement, interest or part  
81 thereof, after (1) notifying (A) the municipality or municipalities in  
82 which such land, improvement or interest is located, (B) the members  
83 of the General Assembly representing such municipality or  
84 municipalities, and (C) any potential developer of an incentive housing

85 development, as defined in section 8-13m of the 2008 supplement to  
86 the general statutes, who has registered with the Commissioner of  
87 Economic and Community Development to be notified of any such  
88 state surplus land, and (2) obtaining the approval of (A) the Secretary  
89 of the Office of Policy and Management, (B) the State Properties  
90 Review Board, and (C) the joint standing committees of the General  
91 Assembly having cognizance of matters relating to (i) state revenue,  
92 and (ii) the purchase and sale of state property and facilities, and (3) if  
93 such land, improvement, interest or part thereof was purchased or  
94 improved with proceeds of tax-exempt obligations issued or to be  
95 issued by the state, obtaining the approval of the Treasurer. The  
96 Treasurer may disapprove such a transaction only if the transaction  
97 would affect the tax-exempt status of such obligations and could not  
98 be modified to maintain such tax-exempt status. Any request for  
99 proposals issued pursuant to this subsection shall indicate for such  
100 land the zoning changes that the state deems acceptable for such land.  
101 If a proposed agreement for such a conveyance has not been submitted  
102 to the State Properties Review Board within three years after the  
103 Commissioner of Public Works provides such notice to such  
104 municipality and such members of the General Assembly, or if the  
105 board does not approve the proposed agreement within five years  
106 after such notice, the Commissioner of Public Works may not convey  
107 such land, improvement or interest without again so notifying such  
108 municipality and such members of the General Assembly. If the board  
109 does not approve the proposed agreement within five years after such  
110 notice, the Commissioner of Public Works shall obtain a new appraisal  
111 of the fair market value for any such land to be conveyed and the  
112 Secretary of the Office of Policy and Management shall notify all state  
113 agencies that such land is available, in accordance with the provisions  
114 of subsection (b) of this section. In the case of a proposed lease of land,  
115 an improvement to land or an interest in land, or any part thereof, with  
116 a person, firm or corporation in the private sector, for a term of six  
117 months or more, the Commissioner of Public Works shall comply with  
118 such notice requirement by notifying in writing the chief executive

119 officer of the municipality in which the land, improvement or interest  
120 is located and the members of the General Assembly representing such  
121 municipality, not less than two weeks before seeking the approval of  
122 said secretary, board and committees, concerning the proposed lease  
123 and the manner in which the lessee proposes to use the land,  
124 improvement or interest. Each agency, department or institution which  
125 informs the secretary that any land, improvement or interest in land is  
126 not needed shall retain responsibility for its security and maintenance  
127 until the Commissioner of Public Works receives custody and control  
128 of the property, if any. The Treasurer shall execute and deliver any  
129 deed or instrument necessary to convey the title to any property the  
130 sale or exchange of which or a contract for the sale or exchange of  
131 which is authorized by this section.

132 (d) Upon approval of the proposed action of the Commissioner of  
133 Public Works by said secretary and board, said commissioner shall  
134 request approval of such action by the joint standing committees of the  
135 General Assembly having cognizance of matters relating to state  
136 revenue and the purchase and sale of state property and facilities,  
137 provided the preparation and review of any requisite environmental  
138 impact evaluation, as required pursuant to sections 22a-1b to 22a-1e,  
139 inclusive, shall be completed prior to such request. Additionally, when  
140 seeking the approval of each such committee, the Commissioner of  
141 Public Works shall provide each committee with a statement  
142 indicating whether: (1) An evaluation of archaeological resources on  
143 such land has been conducted, (2) such proposed sale is consistent  
144 with the state plan of conservation and development and any revisions  
145 thereto, as described in chapter 297, and (3) for any improvements on  
146 such land, a review of the architectural significance of such  
147 improvements has been conducted. Each committee shall have thirty  
148 days from the date such request is received to convene a meeting to  
149 vote to approve, conditionally approve or disapprove such action.  
150 Each such committee may extend such thirty-day period by an  
151 additional sixty days upon a majority vote of such committee's  
152 members. If such request is withdrawn, altered, amended or otherwise

153 changed by the Commissioner of Public Works, said commissioner  
154 shall resubmit such request, and each committee shall have thirty days  
155 from the date of such resubmittal to convene a meeting to vote to  
156 approve, conditionally approve or disapprove such action, except that  
157 each such committee may extend such thirty-day period by an  
158 additional sixty days upon a majority vote of such committee's  
159 members. If a committee does not act on a request or the resubmittal of  
160 a request, as the case may be, [within that time] by the applicable  
161 deadline for such action, the request shall be deemed to be approved  
162 by the committee.

163 (e) No provision of this section shall be construed to limit,  
164 supersede or repeal any other provision of law relating to the powers  
165 or duties of any state agency.

166 (f) The requirements of subsections (b) to (d), inclusive, of this  
167 section shall not apply to land which the Commissioner of  
168 Environmental Protection has acquired pursuant to 42 USC 9601 et  
169 seq., the federal Comprehensive Environmental Response,  
170 Compensation and Liability Act of 1980, as amended, (CERCLA).

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	4b-21

**Statement of Purpose:**

To make certain reforms to the process used for the sale of surplus state real property.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*