



General Assembly

**Substitute Bill No. 203**

February Session, 2008

\* SB00203GAE\_\_022608\_\_ \*

**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2 statutes is repealed and the following is substituted in lieu thereof  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. Any  
40 such agency, department or institution may request an extension of  
41 such ninety-day period in order to develop a plan and submit it to the  
42 secretary. If the Commissioner of Economic and Community  
43 Development determines that such land, improvement or interest can  
44 be utilized or adapted for use as an emergency shelter or transitional  
45 living facility for homeless persons or can be utilized or exchanged for  
46 property which can be utilized for the construction, rehabilitation or  
47 renovation of housing for persons and families of low and moderate  
48 income, said commissioner may (1) within such ninety-day period, or  
49 extension thereof, submit to the secretary, in lieu of such plan, a  
50 preliminary plan indicating that the land, improvement or interest can  
51 be utilized, adapted or exchanged for such housing purposes and  
52 stating the type of housing that is planned, and (2) within six months  
53 after the end of such ninety-day period, or extension thereof, submit a  
54 comprehensive plan for the development of such housing to the  
55 secretary, in a form prescribed by the secretary. If the Commissioner of

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

76 (c) If the secretary determines that such land, improvement, interest  
77 or part thereof may properly be treated as surplus, he shall notify the  
78 Commissioner of Public Works. Concomitantly, the secretary shall  
79 send such notice to the joint standing committee of the General  
80 Assembly having cognizance of matters relating to state property. If  
81 the secretary also determines that such land, improvement or interest  
82 or part thereof was purchased or improved with proceeds of tax  
83 exempt obligations issued or to be issued by the state, he shall also  
84 notify the Treasurer. The Commissioner of Public Works may sell,  
85 exchange or lease, or enter into agreements concerning, such land,  
86 improvement, interest or part thereof, after (1) notifying (A) the  
87 municipality or municipalities in which such land, improvement or  
88 interest is located, (B) the members of the General Assembly  
89 representing such municipality or municipalities, and (C) any potential

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

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

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

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

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

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

177 (g) During each legislative session, the Commissioner of Public  
178 Works shall appear before the joint standing committee of the General  
179 Assembly having cognizance of matters relating to state property and  
180 shall present information to such committee on the status of the state's  
181 surplus property under the commissioner's custody and control.

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

**Statement of Legislative Commissioners:**

In subsection (b), after the word agency, "department or institution" was added for consistency with the remainder of the language in the subsection, and ", or extension thereof," was inserted after the word "period" for consistency with the new language.

**GAE**      *Joint Favorable Subst.*