



General Assembly

Substitute Bill No. 203

February Session, 2008

* SB00203ENV__041708__ *

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2 statutes is repealed and the following is substituted in lieu thereof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. If a proposed agreement for such a conveyance has not
105 been submitted to the State Properties Review Board within three
106 years after the Commissioner of Public Works provides such notice to
107 such municipality and such members of the General Assembly, or if
108 the board does not approve the proposed agreement within five years
109 after such notice, the Commissioner of Public Works may not convey
110 such land, improvement or interest without again so notifying such
111 municipality and such members of the General Assembly. If five years
112 or longer elapses between the date of the original appraisal of the fair
113 market value for any such land to be conveyed and the conveyance of
114 such land, the Commissioner of Public Works shall obtain a new
115 appraisal of the fair market value for any such land to be conveyed
116 and the Secretary of the Office of Policy and Management shall again
117 notify all state agencies that such land is available, in accordance with
118 the provisions of subsection (b) of this section. In the case of a
119 proposed lease of land, an improvement to land or an interest in land,
120 or any part thereof, with a person, firm or corporation in the private
121 sector, for a term of six months or more, the Commissioner of Public
122 Works shall comply with such notice requirement by notifying in
123 writing the chief executive officer of the municipality in which the

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

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

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

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

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

175 (g) During each legislative session, the Commissioner of Public
176 Works shall appear before the joint standing committee of the General
177 Assembly having cognizance of matters relating to state property and
178 shall present information to such committee on the status of the state's
179 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

ENV *Joint Favorable Subst.*