



General Assembly

January Session, 2009

Committee Bill No. 5376

LCO No. 4616

04616HB05376GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT REQUIRING THE PERFORMANCE OF A COST-BENEFIT ANALYSIS PRIOR TO THE SALE OF SURPLUS STATE PROPERTY.

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

1 Section 1. Section 4b-21 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

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

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

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

71 (c) If the secretary determines that such land, improvement, interest
72 or part thereof may properly be treated as surplus, he shall notify the
73 Commissioner of Public Works. If the secretary also determines that
74 such land, improvement or interest or part thereof was purchased or
75 improved with proceeds of tax exempt obligations issued or to be
76 issued by the state, he shall also notify the Treasurer. Within available
77 appropriations, prior to making any determination whether to retain,
78 sell, exchange, lease or enter into agreements concerning, such land,
79 improvement, interest or part thereof, the Commissioner of Public
80 Works shall obtain an economic cost-benefit analysis that documents
81 the direct and indirect costs, savings and qualitative and quantitative
82 benefits that will result from retaining, selling, exchanging or leasing
83 such land, improvement, interest or part thereof. Such analysis shall, at

84 a minimum, include an estimate of any applicable costs associated
85 with the environmental remediation, reuse or mothballing of such
86 property for future use. Upon its completion, a copy of any cost-benefit
87 analysis performed pursuant to this subsection shall be provided to the
88 joint standing committee of the General Assembly having cognizance
89 of matters relating to the purchase and sale of state property and
90 facilities. The Commissioner of Public Works may sell, exchange or
91 lease, or enter into agreements concerning, such land, improvement,
92 interest or part thereof, after (1) notifying (A) the municipality or
93 municipalities in which such land, improvement or interest is located,
94 (B) the members of the General Assembly representing such
95 municipality or municipalities, and (C) any potential developer of an
96 incentive housing development, as defined in section 8-13m, who has
97 registered with the Commissioner of Economic and Community
98 Development to be notified of any such state surplus land, and (2)
99 obtaining the approval of (A) the Secretary of the Office of Policy and
100 Management, (B) the State Properties Review Board, and (C) the joint
101 standing committees of the General Assembly having cognizance of
102 matters relating to (i) state revenue, and (ii) the purchase and sale of
103 state property and facilities, and (3) if such land, improvement, interest
104 or part thereof was purchased or improved with proceeds of tax-
105 exempt obligations issued or to be issued by the state, obtaining the
106 approval of the Treasurer. The Treasurer may disapprove such a
107 transaction only if the transaction would affect the tax-exempt status of
108 such obligations and could not be modified to maintain such tax-
109 exempt status. If a proposed agreement for such a conveyance has not
110 been submitted to the State Properties Review Board within three
111 years after the Commissioner of Public Works provides such notice to
112 such municipality and such members of the General Assembly, or if
113 the board does not approve the proposed agreement within five years
114 after such notice, the Commissioner of Public Works may not convey
115 such land, improvement or interest without again so notifying such
116 municipality and such members of the General Assembly. In the case
117 of a proposed lease of land, an improvement to land or an interest in

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

135 (d) Upon approval of the proposed action of the Commissioner of
136 Public Works by said secretary and board, said commissioner shall
137 request approval of such action by the joint standing committees of the
138 General Assembly having cognizance of matters relating to state
139 revenue and the purchase and sale of state property and facilities. Each
140 committee shall have thirty days from the date such request is received
141 to convene a meeting to vote to approve or disapprove such action.
142 Each committee may make recommendations to the Commissioner of
143 Public Works concerning such proposed action. If such request is
144 withdrawn, altered, amended or otherwise changed, said
145 commissioner shall resubmit such request, and each committee shall
146 have thirty days from the date of such resubmittal to convene a
147 meeting to vote to approve or disapprove such action. If a committee
148 does not act on a request or the resubmittal of a request, as the case
149 may be, within that time, the request shall be deemed to be approved
150 by the committee.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	4b-21

Statement of Purpose:

To assist the state in making an informed decision regarding the disposition of surplus lands and buildings.

[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.]

Co-Sponsors: REP. SPALLONE, 36th Dist.

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