



General Assembly

**Substitute Bill No. 5376**

January Session, 2009

\*            HB05376APP            042809            \*

**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 Section 4b-21 of the general statutes is repealed and the  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, six months prior to the date when it is  
25 anticipated that such land, improvement or interest or any part thereof  
26 is not needed by the agency, department or institution. Upon receipt of  
27 such notification, the secretary shall arrange for such agency,  
28 department or institution to forthwith transfer custody and control of  
29 such land, improvement or interest to the Department of Public Works,  
30 along with adequate funding for personnel and other operating  
31 expenses required for the maintenance of such land, improvement or  
32 interest, and shall notify all state agencies, departments and  
33 institutions that such land, improvement or interest is available.  
34 Within ninety days of receipt of such notification from the secretary,  
35 any state agency, department or institution that is interested in  
36 utilizing the land, improvement or interest shall submit a plan to the  
37 secretary that sets forth the proposed use for the land, improvement or  
38 interest and a budget and timetable for such use. If the Commissioner  
39 of Economic and Community Development determines that such land,  
40 improvement or interest can be utilized or adapted for use as an  
41 emergency shelter or transitional living facility for homeless persons or  
42 can be utilized or exchanged for property which can be utilized for the  
43 construction, rehabilitation or renovation of housing for persons and  
44 families of low and moderate income, said commissioner may (1)  
45 within such ninety-day period, submit to the secretary, in lieu of such  
46 plan, a preliminary plan indicating that the land, improvement or  
47 interest can be utilized, adapted or exchanged for such housing  
48 purposes and stating the type of housing that is planned, and (2)  
49 within six months after the end of such ninety-day period, submit a  
50 comprehensive plan for the development of such housing to the  
51 secretary, in a form prescribed by the secretary. If the Commissioner of  
52 Economic and Community Development submits preliminary and  
53 comprehensive plans to the secretary within such periods, the agency,

54 department or institution having custody and control of the land,  
55 improvement or interest shall transfer custody and control to the  
56 Commissioner of Economic and Community Development in  
57 accordance with such procedures as the secretary may prescribe. If (A)  
58 the Commissioner of Economic and Community Development does  
59 not submit a preliminary plan to the secretary within such ninety-day  
60 period or so submits a preliminary plan but does not submit a  
61 comprehensive plan to the secretary within such six-month period,  
62 and (B) one or more agencies, departments or institutions submit a  
63 plan for such land, improvement or interest to the secretary within  
64 such ninety-day period, the secretary shall analyze such agency,  
65 department or institution plan or plans and determine whether (i)  
66 custody and control of the land, improvement or interest shall be  
67 transferred to one of such agencies, departments or institutions, in  
68 which case the agency, department or institution having custody of the  
69 land, improvement or interest shall make such transfer, or (ii) the land,  
70 improvement or interest shall be treated as 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 Secretary of the Office of  
80 Policy and Management shall obtain an economic cost-benefit analysis  
81 that documents the direct and indirect costs, savings and qualitative  
82 and quantitative benefits that will result from retaining, selling,  
83 exchanging or leasing such land, improvement, interest or part thereof.  
84 Such analysis shall, at a minimum, include an estimate of any  
85 applicable costs associated with the environmental remediation, reuse  
86 or mothballing of such property for future use. Upon its completion, a  
87 copy of any cost-benefit analysis performed pursuant to this

88 subsection shall be provided to the joint standing committee of the  
89 General Assembly having cognizance of matters relating to the  
90 purchase and sale of state property and facilities. The Commissioner of  
91 Public Works may sell, exchange or lease, or enter into agreements  
92 concerning, such land, improvement, interest or part thereof, after (1)  
93 notifying (A) the municipality or municipalities in which such land,  
94 improvement or interest is located, (B) the members of the General  
95 Assembly representing such municipality or municipalities, and (C)  
96 any potential developer of an incentive housing development, as  
97 defined in section 8-13m, who has registered with the Commissioner of  
98 Economic and Community Development to be notified of any such  
99 state surplus land, and (2) obtaining the approval of (A) the Secretary  
100 of the Office of Policy and Management, (B) the State Properties  
101 Review Board, and (C) the joint standing committees of the General  
102 Assembly having cognizance of matters relating to (i) state revenue,  
103 and (ii) the purchase and sale of state property and facilities, and (3) if  
104 such land, improvement, interest or part thereof was purchased or  
105 improved with proceeds of tax-exempt obligations issued or to be  
106 issued by the state, obtaining the approval of the Treasurer. The  
107 Treasurer may disapprove such a transaction only if the transaction  
108 would affect the tax-exempt status of such obligations and could not  
109 be modified to maintain such tax-exempt status. If a proposed  
110 agreement for such a conveyance has not been submitted to the State  
111 Properties Review Board within three years after the Commissioner of  
112 Public Works provides such notice to such municipality and such  
113 members of the General Assembly, or if the board does not approve  
114 the proposed agreement within five years after such notice, the  
115 Commissioner of Public Works may not convey such land,  
116 improvement or interest without again so notifying such municipality  
117 and such members of the General Assembly. In the case of a proposed  
118 lease of land, an improvement to land or an interest in land, or any  
119 part thereof, with a person, firm or corporation in the private sector,  
120 for a term of six months or more, the Commissioner of Public Works  
121 shall comply with such notice requirement by notifying in writing the  
122 chief executive officer of the municipality in which the land,

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

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

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

155 (f) The requirements of subsections (b) to (d), inclusive, of this

156 section shall not apply to land which the Commissioner of  
157 Environmental Protection has acquired pursuant to 42 USC 9601 et  
158 seq., the federal Comprehensive Environmental Response,  
159 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, 2009</i>	4b-21

**GAE**      *Joint Favorable Subst.*

**APP**      *Joint Favorable*