



General Assembly

January Session, 2009

Governor's Bill No. 6372

LCO No. 2997

*02997 _____ *

Referred to Committee on Government Administration and Elections

Introduced by:

REP. CAFERO, 142nd Dist.

SEN. MCKINNEY, 28th Dist.

AN ACT CONCERNING STATE LANDS.

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 Section 4b-21 of the general statutes is repealed and the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 from passage*):

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 and
7 with the approval of the Secretary of the Office of Policy and
8 Management, any land or interest therein if such action seems
9 advisable to protect the state's interest or to effect a needed economy,
10 and may, subject to the provisions of said section, contract through the
11 Commissioner of Public Works, with the approval of the secretary, for
12 the sale or exchange of any land or interest therein belonging to the
13 state except that The University of Connecticut, with the approval of
14 the secretary, may purchase or acquire for the state and may dispose of

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

24 (b) Any state agency, department or institution having custody and
25 control of land, an improvement to land or interest in land, belonging
26 to the state, shall inform the Secretary of the Office of Policy and
27 Management, in writing, six months prior to the date when it is
28 anticipated that such land, improvement or interest or any part thereof
29 [is not] will not be needed by the agency, department or institution.
30 Upon receipt of such notification, the secretary shall arrange for such
31 agency, department or institution to forthwith transfer custody and
32 control of such land, improvement or interest to the Department of
33 Public Works, along with adequate funding for personnel and other
34 operating expenses required for the maintenance of such land,
35 improvement or interest, and shall notify all state agencies,
36 departments and institutions that such land, improvement or interest
37 is available. ~~[Within ninety]~~ At the discretion of the secretary, any
38 agency, department or institution that informs the secretary that any
39 land, improvement or interest in land is not needed shall retain
40 responsibility for its security and maintenance until the Commissioner
41 of Public Works receives custody and control of such land,
42 improvement or interest, if any. Not less than thirty days [of] after
43 receipt of such notification from the secretary, any state agency,
44 department or institution that is interested in utilizing the land,
45 improvement or interest shall submit a plan to the secretary that sets
46 forth the proposed use for the land, improvement or interest and a
47 budget and timetable for such use. If the Commissioner of Economic
48 and Community Development determines that such land,

49 improvement or interest can be utilized or adapted for use as an
50 emergency shelter or transitional living facility for homeless persons or
51 can be utilized or exchanged for property which can be utilized for the
52 construction, rehabilitation or renovation of housing for persons and
53 families of low and moderate income, said commissioner may (1)
54 within such [~~ninety-day~~] thirty-day period, submit to the secretary, in
55 lieu of such plan, a preliminary plan indicating that the land,
56 improvement or interest can be utilized, adapted or exchanged for
57 such housing purposes and stating the type of housing that is planned,
58 and (2) within [~~six~~] three months after the end of such [~~ninety-day~~]
59 thirty-day period, submit a comprehensive plan for the development
60 of such housing to the secretary, in a form prescribed by the secretary.
61 If the Commissioner of Economic and Community Development
62 submits preliminary and comprehensive plans to the secretary within
63 such periods, the agency, department or institution having custody
64 and control of the land, improvement or interest shall transfer custody
65 and control to the Commissioner of Economic and Community
66 Development in accordance with such procedures as the secretary may
67 prescribe. If (A) the Commissioner of Economic and Community
68 Development does not submit a preliminary plan to the secretary
69 within such [~~ninety-day~~] thirty-day period or so submits a preliminary
70 plan but does not submit a comprehensive plan to the secretary within
71 such [~~six-month~~] three-month period, and (B) one or more agencies,
72 departments or institutions submit a plan for such land, improvement
73 or interest to the secretary within such [~~ninety-day~~] thirty-day period,
74 the secretary shall analyze such agency, department or institution plan
75 or plans and determine whether (i) custody and control of the land,
76 improvement or interest shall be transferred to one of such agencies,
77 departments or institutions, in which case the agency, department or
78 institution having custody of the land, improvement or interest shall
79 make such transfer, or (ii) the land, improvement or interest shall be
80 treated as surplus.

81 (c) If the secretary determines that such land, improvement, interest
82 or part thereof may properly be treated as surplus, he shall notify the

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

117 Public Works shall comply with such notice requirement by notifying
118 in writing the chief executive officer of the municipality in which the
119 land, improvement or interest is located and the members of the
120 General Assembly representing such municipality, not less than two
121 weeks before seeking the approval of said secretary, board and
122 committees, concerning the proposed lease and the manner in which
123 the lessee proposes to use the land, improvement or interest. Each
124 agency, department or institution which informs the secretary that any
125 land, improvement or interest in land is not needed shall retain
126 responsibility for its security and maintenance until the Commissioner
127 of Public Works receives custody and control of the property, if any.
128 The Treasurer shall execute and deliver any deed or instrument
129 necessary to convey the title to any property the sale or exchange of
130 which or a contract for the sale or exchange of which is authorized by
131 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. Each
137 committee shall have thirty days from the date such request is received
138 to convene a meeting to vote to approve or disapprove such action. If
139 such request is withdrawn, altered, amended or otherwise changed,
140 said commissioner shall resubmit such request, and each committee
141 shall have thirty days from the date of such resubmittal to convene a
142 meeting to vote to approve or disapprove such action. If a committee
143 does not act on a request or the resubmittal of a request, as the case
144 may be, within that time, the request shall be deemed to be approved
145 by the committee.

146 (e) The Commissioner of Transportation, with the advice and
147 consent of the Secretary of the Office of Policy and Management and
148 the State Properties Review Board, may sell, lease and convey, in the
149 name of the state, or otherwise dispose of, or enter into agreements

150 concerning, any land and buildings owned by the state which real
151 property is not necessary for highway purposes. Not later than one
152 year after the date that a determination is made that such property is
153 not necessary for highway purposes and that the department intends
154 to dispose of such property, the commissioner shall notify the state
155 representative and the state senator representing the municipality in
156 which such property is located.

157 (f) Prior to the sale of any such property, the Department of
158 Transportation shall obtain a full appraisal on such property that is
159 valued at over twenty-five thousand dollars. Except as provided in
160 subsection (g) of this section, the transfer of any such property to
161 another state agency or municipality for purposes specified by the
162 department shall be exempt from such appraisal requirement. The
163 department shall obtain a second appraisal if such property is valued
164 over one hundred thousand dollars and is not to be sold through
165 public bid or auction. Any appraisals or value reports shall be obtained
166 prior to the determination of a sale price for such property.

167 (g) Notwithstanding the provisions of subsection (e) of this section
168 and section 3-14b, as amended by this act, no residential property
169 upon which a single-family dwelling is situated at the time it is
170 acquired by the Department of Transportation for highway purposes
171 may be sold or transferred pursuant to this section for a period of
172 twenty-five years after the date of such acquisition without the
173 department first offering the owner or owners of the property at the
174 time of its acquisition a right of first refusal to purchase the property at
175 the amount of its appraised value, as determined in accordance with
176 the provisions of subsection (f) of this section. Notice of such offer shall
177 be sent to each such owner by registered or certified mail, return
178 receipt requested, not later than one year after the date that a
179 determination is made that such property is not necessary for highway
180 purposes. Any such offer shall be terminated by the department if the
181 department does not receive written notice of the owner's acceptance
182 of such offer not later than sixty days after the date such offer was

183 mailed to such owner. Whenever such offer is not accepted, the
184 department shall offer any such property that meets local zoning
185 requirements for residential or commercial use to other state agencies
186 and shall offer such property that does not meet local zoning
187 requirements for residential or commercial use to all abutting
188 landowners in accordance with department regulations. If the sale or
189 transfer of such property pursuant to this subsection results in the
190 nonconforming use under local zoning requirements of the existing
191 property of an abutting landowner, the Commissioner of
192 Transportation may sell or transfer such property to such abutting
193 landowner without public bid or auction. The Commissioner of
194 Transportation shall adopt regulations, in accordance with the
195 provisions of chapter 54, that establish procedures for the disposition
196 of such excess property pursuant to the provisions of this subsection in
197 the event such property is owned by more than one person. The
198 provisions of this subsection shall not be deemed to apply to property
199 offered for sale to municipalities prior to July 1, 1988.

200 (h) Whenever the Department of Transportation has, in good faith
201 and with reasonable diligence, attempted to ascertain the identity of
202 persons entitled to notice pursuant to subsection (g) of this section and
203 has mailed such notice to the last known address of record for such
204 persons, the failure to actually notify such persons shall not invalidate
205 any subsequent disposition of property pursuant to this subsection
206 and subsections (e) to (g), inclusive, of this section.

207 [(e)] (i) No provision of this section shall be construed to limit,
208 supersede or repeal any other provision of law relating to the powers
209 or duties of any state agency.

210 [(f)] (j) The requirements of subsections (b) to (d), inclusive, of this
211 section shall not apply to land which the Commissioner of
212 Environmental Protection has acquired pursuant to 42 USC 9601 et
213 seq., the federal Comprehensive Environmental Response,
214 Compensation and Liability Act of 1980, as amended, (CERCLA).

215 Sec. 2. Section 3-14b of the general statutes is repealed and the
216 following is substituted in lieu thereof (*Effective from passage*):

217 Prior to the sale of any parcel of land, or a portion thereof owned by
218 the state, except a transfer or conveyance to the party against whom
219 foreclosure was taken or who conveyed to the state in lieu of
220 foreclosure under the provisions of section 17b-138, the state agency,
221 department or institution responsible for the sale of such land shall
222 first notify, in writing, the chief executive officer or officers of the
223 municipality in which such land is situated and the affected state
224 representative and state senator for such municipality of the state's
225 intention to sell such land, and no agreement to sell such land may be
226 entered into or sale may be made by the state except as follows:

227 (a) Not later than [~~forty-five~~] thirty days after such notice has been
228 so given, such chief executive officer or officers [~~may~~] shall give
229 written notice to the state [~~of~~] concerning the municipality's [~~desire to~~]
230 intent regarding the purchase of such land and shall have the right to
231 purchase the interest in the land which the state has declared its intent
232 to sell, subject to conditions of sale acceptable to the state.

233 (b) If the chief executive officer or officers of the municipality fail to
234 give notice, as provided in subsection (a) of this section, or give notice
235 to the state of the municipality's [~~desire~~] intent not to purchase such
236 land, such municipality shall have waived its right to purchase the
237 land in accordance with the terms of this section.

238 (c) Not later than sixty days after notice has been given by the
239 municipality of its [~~desire to~~] intent regarding the purchase of such
240 land, as provided in subsection (a) of this section, the state acting
241 through the state agency, department or institution shall sell such land
242 to the municipality, provided the state and the municipality agree
243 upon the conditions of sale and the amount to be paid therefor.

244 (d) If the municipality fails to purchase such land not later than
245 sixty days after notice has been given by the municipality of its desire

246 to purchase the land, as provided in subsection (a) of this section, such
247 municipality shall have waived rights to purchase the land in
248 accordance with the terms of this section, subject to the provisions of
249 subsection (e) of this section.

250 (e) Notwithstanding the provisions of subsections (b) and (d) of this
251 section, if the state thereafter proposes to sell such land to any person
252 upon terms different from those offered to the municipality, the state
253 shall first notify the municipality of such proposal, in the manner
254 provided in subsection (a) of this section, and of the terms of such
255 proposed sale, and such municipality shall have the option to purchase
256 such land upon such terms and may thereupon, in the same manner
257 and within the same time limitations as are provided in subsections (a)
258 and (c) of this section, proceed to purchase such land.

259 [(f) Notwithstanding the provisions of subsection (d) of this section,
260 the towns of Preston and Norwich shall retain any right provided for
261 by this section with regard to the property known as the Norwich State
262 Hospital property provided the Commissioner of Public Works
263 determines that such towns continue to make good faith efforts to
264 purchase such property and have otherwise complied with the
265 provisions of this section.]

266 Sec. 3. Subsection (d) of section 13b-59 of the general statutes is
267 repealed and the following is substituted in lieu thereof (*Effective from*
268 *passage*):

269 (d) "License, permit and fee revenues" means (1) all fees and other
270 charges required by, or levied pursuant to sections 12-487, 13b-80 and
271 13b-97, subsection (b) of section 14-12, sections 14-16a, 14-21c, 14-44h
272 and 14-44i, subsection (v) of section 14-49, subsections (b) and (f) of
273 section 14-50, subdivisions (5), (6), (7), (8), (11), (12) and (13) of
274 subsection (a) of section 14-50a, sections 14-52, 14-58, 14-67l and 14-69,
275 subsection (e) of section 14-73, sections 14-96q and 14-103a, subsection
276 (a) of section 14-164a, subsection (a) of section 14-192, subsection (d) of
277 section 14-270, sections 14-319 and 14-320 and sections 13b-410a to

278 13b-410c, inclusive; (2) all aeronautics, waterways, and other fees and
279 charges required by, or levied pursuant to [sections 13a-80 and] section
280 13a-80a, subsection (b) of section 13b-42 and subsections (b) and (c) of
281 section 15-13; and (3) all motor vehicle related fines, penalties or other
282 charges as defined in subsection (g).

283 Sec. 4. Subsection (b) of section 13b-61 of the general statutes is
284 repealed and the following is substituted in lieu thereof (*Effective from*
285 *passage*):

286 (b) Notwithstanding any provision of subsection (a) of this section
287 to the contrary, there shall be paid promptly to the State Treasurer and
288 thereupon, unless required to be applied by the terms of any lien,
289 pledge or obligation created by or pursuant to the 1954 declaration,
290 part III (C) of chapter 240, credited to the Special Transportation Fund:

291 (1) On and after July 1, 1984, all moneys received or collected by the
292 state or any officer thereof on account of, or derived from, sections 12-
293 458 and 12-479, provided the State Comptroller is authorized to record
294 as revenue to the General Fund for the fiscal year ending June 30, 1984,
295 the amount of tax levied in accordance with said sections 12-458 and
296 12-479, on all fuel sold or used prior to the end of said fiscal year and
297 which tax is received no later than July 31, 1984;

298 (2) On and after July 1, 1984, all moneys received or collected by the
299 state or any officer thereof on account of, or derived from, motor
300 vehicle receipts;

301 (3) On and after July 1, 1984, all moneys received or collected by the
302 state or any officer thereof on account of, or derived from, (A)
303 subsection (a) of section 14-192, and (B) royalty payments for retail
304 sales of gasoline; [pursuant to section 13a-80;]

305 (4) On and after July 1, 1985, all moneys received or collected by the
306 state or any officer thereof on account of, or derived from, license,
307 permit and fee revenues as defined in section 13b-59, except as

308 provided under subdivision (3) of this subsection;

309 (5) On or after July 1, 1989, all moneys received or collected by the
310 state or any officer thereof on account of, or derived from, section 13b-
311 70;

312 (6) On and after July 1, 1984, all transportation-related federal
313 revenues of the state;

314 (7) On and after July 1, 1997, all moneys received or collected by the
315 state or any officer thereof on account of, or derived from, fees for the
316 relocation of a gasoline station under section 14-320;

317 (8) On and after July 1, 1997, all moneys received or collected by the
318 state or any officer thereof on account of, or derived from, section 14-
319 319;

320 (9) On and after July 1, 1997, all moneys received or collected by the
321 state or any officer thereof on account of, or derived from, fees
322 collected pursuant to section 14-327b for motor fuel quality registration
323 of distributors;

324 (10) On and after July 1, 1997, all moneys received or collected by
325 the state or any officer thereof on account of, or derived from, annual
326 registration fees for motor fuel dispensers and weighing or measuring
327 devices pursuant to section 43-3;

328 (11) On and after July 1, 1997, all moneys received or collected by
329 the state or any officer thereof on account of, or derived from, fees for
330 the issuance of identity cards pursuant to section 1-1h;

331 (12) On and after July 1, 1997, all moneys received or collected by
332 the state or any officer thereof on account of, or derived from, safety
333 fees pursuant to subsection (w) of section 14-49;

334 (13) On and after July 1, 1997, all moneys received or collected by
335 the state or any officer thereof on account of, or derived from, late fees

336 for the emissions inspection of motor vehicles pursuant to subsection
 337 (k) of section 14-164c;

338 (14) On and after July 1, 1997, all moneys received or collected by
 339 the state or any officer thereof on account of, or derived from, the sale
 340 of information by the Commissioner of Motor Vehicles pursuant to
 341 subsection (b) of section 14-50a; and

342 (15) On and after October 1, 1998, all moneys received by the state
 343 or any officer thereof on account of, or derived from, section 14-212b.

344 Sec. 5. Sections 16, 19 and 24 of special act 08-8, sections 25 and 26 of
 345 special act 07-11, section 8 of special act 06-10, section 30 of special act
 346 03-19 and section 13a-80 of the general statutes are repealed. (*Effective*
 347 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4b-21
Sec. 2	<i>from passage</i>	3-14b
Sec. 3	<i>from passage</i>	13b-59(d)
Sec. 4	<i>from passage</i>	13b-61(b)
Sec. 5	<i>from passage</i>	Repealer section

Statement of Purpose:

To implement the Governor's budget recommendations and to expedite the sale of surplus state properties.

[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.]