



General Assembly

February Session, 2010

Raised Bill No. 5510

LCO No. 2313

02313_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING THE DISPOSITION 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 Section 4b-21 of the general statutes is repealed and the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, 2010*):

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 and regional councils of governments that such land,
34 improvement or interest is available. Within ninety days of receipt of
35 such notification from the secretary, any state agency, department, [or]
36 institution or regional council of government that is interested in
37 utilizing the land, improvement or interest shall submit a plan to the
38 secretary that sets forth the proposed use for the land, improvement or
39 interest and a budget and timetable for such use. If the Commissioner
40 of Economic and Community Development determines that such land,
41 improvement or interest can be utilized or adapted for economic
42 development or use as an emergency shelter or transitional living
43 facility for homeless persons or can be utilized or exchanged for
44 property which can be utilized for economic development or the
45 construction, rehabilitation or renovation of housing for persons and
46 families of low and moderate income, said commissioner may (1)
47 within such ninety-day period, submit to the secretary, in lieu of such
48 plan, a preliminary plan indicating that the land, improvement or
49 interest can be utilized, adapted or exchanged for such economic

50 development or housing purposes and stating the type of housing that
51 is planned, and (2) within six months after the end of such ninety-day
52 period, submit a comprehensive plan for the development of such
53 land, improvement or interest for economic development or housing to
54 the secretary, in a form prescribed by the secretary. If the
55 Commissioner of Economic and Community Development submits
56 preliminary and comprehensive plans to the secretary within such
57 periods, the agency, department or institution having custody and
58 control of the land, improvement or interest shall transfer custody and
59 control to the Commissioner of Economic and Community
60 Development in accordance with such procedures as the secretary may
61 prescribe. If (A) the Commissioner of Economic and Community
62 Development does not submit a preliminary plan to the secretary
63 within such ninety-day period or so submits a preliminary plan but
64 does not submit a comprehensive plan to the secretary within such six-
65 month period, and (B) one or more agencies, departments, [or]
66 institutions or councils submit a plan for such land, improvement or
67 interest to the secretary within such ninety-day period, the secretary
68 shall analyze such agency, department, [or] institution or council plan
69 or plans and determine whether (i) custody and control of the land,
70 improvement or interest shall be transferred to one of such agencies,
71 departments, [or] institutions or councils, in which case the agency,
72 department or institution having custody of the land, improvement or
73 interest shall make such transfer, or (ii) the land, improvement or
74 interest shall be treated as surplus.

75 (c) If the secretary determines that such land, improvement, interest
76 or part thereof may properly be treated as surplus, he shall notify the
77 Commissioner of Public Works. If the secretary also determines that
78 such land, improvement or interest or part thereof was purchased or
79 improved with proceeds of tax exempt obligations issued or to be
80 issued by the state, he shall also notify the Treasurer. Within available
81 appropriations, prior to making any determination whether to retain,
82 sell, exchange, lease or enter into agreements concerning such land,
83 improvement, interest or part thereof, the Secretary of the Office of

84 Policy and Management shall obtain an economic cost-benefit analysis
85 that documents the direct and indirect costs, savings and qualitative
86 and quantitative benefits that will result from retaining, selling,
87 exchanging or leasing such land, improvement, interest or part thereof.
88 Such analysis shall, at a minimum, include an estimate of any
89 applicable costs associated with the environmental remediation, reuse
90 or mothballing of such property for future use. Upon its completion, a
91 copy of any cost-benefit analysis performed pursuant to this
92 subsection shall be provided to the joint standing committee of the
93 General Assembly having cognizance of matters relating to the
94 purchase and sale of state property and facilities. The Commissioner of
95 Public Works may sell, exchange or lease, or enter into agreements
96 concerning, such land, improvement, interest or part thereof, after (1)
97 notifying (A) the municipality or municipalities in which such land,
98 improvement or interest is located, (B) the members of the General
99 Assembly representing such municipality or municipalities, and (C)
100 any potential developer of an incentive housing development, as
101 defined in section 8-13m, who has registered with the Commissioner of
102 Economic and Community Development to be notified of any such
103 state surplus land, and (2) obtaining the approval of (A) the Secretary
104 of the Office of Policy and Management, (B) the State Properties
105 Review Board, and (C) the joint standing committees of the General
106 Assembly having cognizance of matters relating to (i) state revenue,
107 and (ii) the purchase and sale of state property and facilities, and (3) if
108 such land, improvement, interest or part thereof was purchased or
109 improved with proceeds of tax-exempt obligations issued or to be
110 issued by the state, obtaining the approval of the Treasurer. The
111 Treasurer may disapprove such a transaction only if the transaction
112 would affect the tax-exempt status of such obligations and could not
113 be modified to maintain such tax-exempt status. If a proposed
114 agreement for such a conveyance has not been submitted to the State
115 Properties Review Board within three years after the Commissioner of
116 Public Works provides such notice to such municipality and such
117 members of the General Assembly, or if the board does not approve

118 the proposed agreement within five years after such notice, the
119 Commissioner of Public Works may not convey such land,
120 improvement or interest without again so notifying such municipality
121 and such members of the General Assembly. In the case of a proposed
122 lease of land, an improvement to land or an interest in land, or any
123 part thereof, with a person, firm or corporation in the private sector,
124 for a term of six months or more, the Commissioner of Public Works
125 shall comply with such notice requirement by notifying in writing the
126 chief executive officer of the municipality in which the land,
127 improvement or interest is located and the members of the General
128 Assembly representing such municipality, not less than two weeks
129 before seeking the approval of said secretary, board and committees,
130 concerning the proposed lease and the manner in which the lessee
131 proposes to use the land, improvement or interest. Each agency,
132 department or institution which informs the secretary that any land,
133 improvement or interest in land is not needed shall retain
134 responsibility for its security and maintenance until the Commissioner
135 of Public Works receives custody and control of the property, if any.
136 The Treasurer shall execute and deliver any deed or instrument
137 necessary to convey the title to any property the sale or exchange of
138 which or a contract for the sale or exchange of which is authorized by
139 this section.

140 (d) Upon approval of the proposed action of the Commissioner of
141 Public Works by said secretary and board, said commissioner shall
142 request approval of such action by the joint standing committees of the
143 General Assembly having cognizance of matters relating to state
144 revenue and the purchase and sale of state property and facilities. Each
145 committee shall have thirty days from the date such request is received
146 to convene a meeting to vote to approve or disapprove such action.
147 Each committee may make recommendations to the Commissioner of
148 Public Works concerning such proposed action. If such request is
149 withdrawn, altered, amended or otherwise changed, said
150 commissioner shall resubmit such request, and each committee shall
151 have thirty days from the date of such resubmittal to convene a

152 meeting to vote to approve or disapprove such action. If a committee
153 does not act on a request or the resubmittal of a request, as the case
154 may be, within that time, the request shall be deemed to be approved
155 by the committee.

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

159 (f) The requirements of subsections (b) to (d), inclusive, of this
160 section shall not apply to land which the Commissioner of
161 Environmental Protection has acquired pursuant to 42 USC 9601 et
162 seq., the federal Comprehensive Environmental Response,
163 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, 2010	4b-21

Statement of Purpose:

To assist the state in making an informed decision regarding the disposition of surplus lands and buildings, to involve regional councils of governments in the process for such disposition, to allow the Department of Economic and Community Development to recommend the use of such land for economic development and to require the Secretary of the Office of Policy and Management to obtain a cost-benefit analysis concerning such disposition.

[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.]