



General Assembly

Substitute Bill No. 6495

January Session, 2011

* _____HB06495GAE___033111_____*

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 Section 4b-21 of the general statutes is repealed and the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, 2011*):

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 the regional planning organization, as defined in
34 section 4-124i, of the region where such land, improvement or interest
35 is located that such land, improvement or interest is available. Such
36 regional planning organization may make recommendations to the
37 secretary for the use of such land. Within ninety days of receipt of such
38 notification from the secretary, any state agency, department or
39 institution that is interested in utilizing the land, improvement or
40 interest shall submit a plan to the secretary that sets forth the proposed
41 use for the land, improvement or interest and a budget and timetable
42 for such use. If the Commissioner of Economic and Community
43 Development determines that such land, improvement or interest can
44 be utilized or adapted for economic development or use as an
45 emergency shelter or transitional living facility for homeless persons or
46 can be utilized or exchanged for property which can be utilized for
47 economic development or the construction, rehabilitation or
48 renovation of housing for persons and families of low and moderate
49 income, said commissioner may (1) within such ninety-day period,
50 submit to the secretary, in lieu of such plan, a preliminary plan
51 indicating that the land, improvement or interest can be utilized,
52 adapted or exchanged for such economic development or housing
53 purposes and stating the type of housing or economic development

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

78 (c) If the secretary determines that such land, improvement, interest
79 or part thereof may properly be treated as surplus, he shall notify the
80 Commissioner of Public Works. If the secretary also determines that
81 such land, improvement or interest or part thereof was purchased or
82 improved with proceeds of tax exempt obligations issued or to be
83 issued by the state, he shall also notify the Treasurer. The
84 Commissioner of Public Works may sell, exchange or lease, or enter
85 into agreements concerning, such land, improvement, interest or part
86 thereof, after (1) notifying (A) the municipality or municipalities in
87 which such land, improvement or interest is located, (B) the members

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

123 responsibility for its security and maintenance until the Commissioner
124 of Public Works receives custody and control of the property, if any.
125 The Treasurer shall execute and deliver any deed or instrument
126 necessary to convey the title to any property the sale or exchange of
127 which or a contract for the sale or exchange of which is authorized by
128 this section.

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

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

148 (f) The requirements of subsections (b) to (d), inclusive, of this
149 section shall not apply to land which the Commissioner of
150 Environmental Protection has acquired pursuant to 42 USC 9601 et
151 seq., the federal Comprehensive Environmental Response,
152 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, 2011</i>	4b-21
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GAE *Joint Favorable Subst.*