



General Assembly

January Session, 2011

**Raised Bill No. 1219**

LCO No. 4974

\*04974\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE LEASING OF JUDICIAL BRANCH FACILITIES.**

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

1 Section 1. (NEW) (*Effective January 1, 2012, and applicable to any lease*  
2 *existing on, or entered into on or after, said date for premises occupied or to be*  
3 *occupied primarily by the Judicial Department*) (a) Notwithstanding any  
4 provision in section 4b-23 of the general statutes, as amended by this  
5 act, to the contrary, the Chief Court Administrator shall be responsible  
6 for soliciting, negotiating and executing leases, lease-purchase  
7 agreements and renewals of such leases and agreements with private  
8 or public entities for any leased premises to be occupied primarily by  
9 the Judicial Department. The Chief Court Administrator shall (1)  
10 review all Judicial Department lease requests included in, and  
11 scheduled to begin during, the first year of each state-wide facility and  
12 capital plan approved pursuant to section 4b-23 of the general statutes,  
13 as amended by this act, and (2) provide the Secretary of the Office of  
14 Policy and Management with an estimate of the gross cost and total  
15 square footage needs for each such lease. The secretary shall approve a  
16 gross cost and a total square footage for each such lease and transmit

17 each decision to the Judicial Department and the State Properties  
18 Review Board. The Chief Court Administrator shall submit to the  
19 secretary, for approval, only negotiated lease requests that exceed such  
20 approved cost, or that exceed such approved square footage by at least  
21 ten per cent. The secretary shall approve or disapprove any such lease  
22 request not more than ten working days after the secretary receives the  
23 request. If the secretary fails to act on the request during such period,  
24 the request shall be deemed to have been approved and shall be  
25 forwarded to the board. The Chief Court Administrator shall adopt  
26 policies and procedures to implement the provisions of this subsection.

27 (b) Whenever any bid is made to the Chief Court Administrator in  
28 response to a request for proposal for a lease or lease-purchase of real  
29 estate, or whenever any person or entity proposes to lease real estate to  
30 the Judicial Department, the bidder or such person or entity shall be  
31 the owner of said real estate, or the Chief Court Administrator shall  
32 have the option to void any contract subsequently made with the  
33 bidder, person or entity.

34 (c) In all dealings with the Judicial Department concerning the  
35 leasing of premises, the owner of record or beneficial owner shall be  
36 disclosed to the Chief Court Administrator and the bid shall be  
37 revealed to the owner of record or beneficial owner or the Chief Court  
38 Administrator shall have the option to void any lease or lease-  
39 purchase agreement subsequently made concerning any such dealing.

40 (d) After the Chief Court Administrator authorizes a lease or lease-  
41 purchase agreement under the provisions of this section, the public  
42 auditors of the state and the auditors of the Judicial Department shall  
43 have the right to audit the books of any contractor employed by the  
44 Judicial Department pursuant to such authorization, or of any party  
45 negotiating with the Chief Court Administrator for the acquisition of  
46 real estate by lease; provided, such audit shall be limited to the lease or  
47 lease-purchase authorized by the Chief Court Administrator and the  
48 State Properties Review Board, and provided further that in the case of

49 a party negotiating with the Chief Court Administrator, such audit  
50 may also be conducted after the negotiations have ended, if a lease or  
51 lease-purchase agreement is consummated with the Chief Court  
52 Administrator.

53 Sec. 2. Subsection (a) of section 4b-1 of the general statutes is  
54 repealed and the following is substituted in lieu thereof (*Effective*  
55 *January 1, 2012, and applicable to any lease existing on, or entered into on or*  
56 *after, said date for premises occupied or to be occupied primarily by the*  
57 *Judicial Department*):

58 (a) The Commissioner of Public Works shall (1) be responsible for  
59 the administrative functions of construction and planning of all capital  
60 improvements undertaken by the state, except (A) highway and bridge  
61 construction, the construction and planning of capital improvements  
62 related to mass transit, marine and aviation transportation, (B) the  
63 Connecticut Marketing Authority, (C) planning and construction of  
64 capital improvements to the State Capitol building or the Legislative  
65 Office Building and related facilities by the Joint Committee on  
66 Legislative Management, (D) any project as defined in subdivision (16)  
67 of section 10a-109c, undertaken by The University of Connecticut, and  
68 (E) construction and planning of capital improvements related to the  
69 Judicial Department if such construction and planning do not  
70 constitute a project within the meaning of subsection (g) of section 4b-  
71 55, including the preparation of preliminary plans, estimates of cost,  
72 development of designs, working plans and specifications, award of  
73 contracts and supervision and inspection. For the purposes of this  
74 subparagraph (E), the term "Judicial Department" does not include the  
75 courts of probate, the Division of Criminal Justice and the Public  
76 Defender Services Commission, except where such agencies share  
77 facilities in state-maintained courts; (2) select consultant firms in  
78 accordance with the provisions of sections 4b-56 to 4b-59, inclusive, to  
79 assist in the development of plans and specifications when in the  
80 commissioner's judgment such assistance is desirable; (3) render  
81 technical advice and service to all state agencies in the preparation and

82 correlation of plans for necessary improvement of their physical  
83 plants; (4) cooperate with those charged with fiscal programming and  
84 budget formulation in the development of a capital program and a  
85 capital budget for the state; (5) except as otherwise provided by  
86 statute, be responsible for the purchase, sale, lease, sublease and  
87 acquisition of property and space to house state agencies and, subject  
88 to the provisions of section 4b-21, the sale or exchange of any land or  
89 interest in land belonging to the state; (6) maintain a complete and  
90 current inventory of all state-owned or leased property and premises,  
91 including space-utilization data; (7) supervise the care and control of  
92 buildings and grounds owned or leased by the state in Hartford,  
93 except the building and grounds of the State Capitol and the  
94 Legislative Office Building and parking garage and related structures  
95 and facilities and grounds, as provided in section 2-71h, and the  
96 Connecticut Marketing Authority and property under the supervision  
97 of the Office of the Chief Court Administrator under the terms of  
98 section 4b-11; and (8) be responsible for the administrative functions of  
99 establishing and maintaining security standards for all facilities  
100 housing the offices and equipment of the state except (A) Department  
101 of Transportation mass transit, marine and aviation facilities, (B) the  
102 State Capitol and the Legislative Office Building and related facilities,  
103 (C) facilities under the care and control of The University of  
104 Connecticut or other constituent units of the state system of higher  
105 education, (D) Judicial Department facilities, (E) Department of Public  
106 Safety facilities, (F) Military Department facilities, (G) Department of  
107 Correction facilities, (H) Department of Children and Families client-  
108 occupied facilities, (I) facilities occupied by the Governor, Lieutenant  
109 Governor, Attorney General, Comptroller, Secretary of the State and  
110 Treasurer, and (J) facilities occupied by the Board of Pardons and  
111 Paroles. As used in this subdivision, "security" has the meaning  
112 assigned to it in section 4b-130. Subject to the provisions of chapter 67,  
113 said commissioner may appoint such employees as are necessary for  
114 carrying out the duties prescribed to said commissioner by the general  
115 statutes.

116       Sec. 3. Subsection (d) of section 4b-3 of the general statutes is  
117 repealed and the following is substituted in lieu thereof (*Effective*  
118 *January 1, 2012, and applicable to any lease existing on, or entered into on or*  
119 *after, said date for premises occupied or to be occupied primarily by the*  
120 *Judicial Department*):

121       (d) Notwithstanding any other statute or special act to the contrary,  
122 the Commissioner of Public Works shall be the sole person authorized  
123 to represent the state in its dealings with third parties for the  
124 acquisition, construction, development or leasing of real estate for  
125 housing the offices or equipment of all agencies of the state or for the  
126 state-owned public buildings or realty hereinafter provided for in  
127 sections 2-90, 4b-1 to 4b-5, inclusive, as amended by this act, 4b-21, 4b-  
128 23, as amended by this act, 4b-24, 4b-26, as amended by this act, 4b-27,  
129 as amended by this act, 4b-30, as amended by this act, and 4b-32, as  
130 amended by this act, subsection (c) of section 4b-66 and sections 4b-67  
131 to 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, 10a-89, 10a-90, 10a-114,  
132 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9,  
133 51-27d and 51-27f, except that the Joint Committee on Legislative  
134 Management may represent the state in the planning and construction  
135 of the Legislative Office Building and related facilities, in Hartford; the  
136 Chief Court Administrator may represent the state in providing for  
137 space for the Court Support Services Division as part of a new or  
138 existing contract for an alternative incarceration program pursuant to  
139 section 54-103b or a program developed pursuant to section 46b-121i,  
140 46b-121j, 46b-121k or 46b-121l; the board of trustees of a constituent  
141 unit of the state system of higher education may represent the state in  
142 the leasing of real estate for housing the offices or equipment of such  
143 constituent unit, provided no lease payments for such realty are made  
144 with funds generated from the general revenues of the state; the Labor  
145 Commissioner may represent the state in the leasing of premises  
146 required for employment security operations as provided in subsection  
147 (c) of section 31-250; the Commissioner of Developmental Services may  
148 represent the state in the leasing of residential property as part of the  
149 program developed pursuant to subsection (b) of section 17a-218,

150 provided such residential property does not exceed two thousand five  
151 hundred square feet, for the community placement of persons eligible  
152 to receive residential services from the department; the Chief Court  
153 Administrator shall represent the state in the solicitation, negotiation  
154 and execution of leases, lease-purchase agreements and renewals of  
155 such leases and agreements for premises to be occupied primarily by  
156 the Judicial Department; and the Connecticut Marketing Authority  
157 may represent the state in the leasing of land or markets under the  
158 control of the Connecticut Marketing Authority, and, except for the  
159 housing of offices or equipment in connection with the initial  
160 acquisition of an existing state mass transit system or the leasing of  
161 land by the Connecticut Marketing Authority for a term of one year or  
162 more in which cases the actions of the Department of Transportation  
163 and the Connecticut Marketing Authority shall be subject to the review  
164 and approval of the State Properties Review Board. The Commissioner  
165 of Public Works shall have the power to establish and implement any  
166 procedures necessary for the commissioner to assume the  
167 commissioner's responsibilities as said sole bargaining agent for state  
168 realty acquisitions and shall perform the duties necessary to carry out  
169 such procedures. The Commissioner of Public Works may appoint,  
170 within the commissioner's budget and subject to the provisions of  
171 chapter 67, such personnel deemed necessary by the commissioner to  
172 carry out the provisions hereof, including experts in real estate,  
173 construction operations, financing, banking, contracting, architecture  
174 and engineering. The Attorney General's office, at the request of the  
175 commissioner, shall assist the commissioner in contract negotiations  
176 regarding the purchase, lease or construction of real estate.

177 Sec. 4. Subsection (e) of section 4b-23 of the general statutes is  
178 repealed and the following is substituted in lieu thereof (*Effective*  
179 *January 1, 2012, and applicable to any lease existing on, or entered into on or*  
180 *after, said date for premises occupied or to be occupied primarily by the*  
181 *Judicial Department*):

182 (e) Implementation of the state facility plan shall be the

183 responsibility of the Commissioner of Public Works, except with  
184 respect to Judicial Department facilities leased under the authority of  
185 the Chief Court Administrator. [He] Said commissioner shall conduct a  
186 study of each proposed facility in the plan to determine: (1) The  
187 method of choice for satisfying each such facility need, (2) the  
188 geographical areas best suited to such need, (3) the feasibility and cost  
189 of such acquisition using a life-cycle cost analysis as established by  
190 subdivision (2) of subsection (b) of section 16a-38, (4) the degree to  
191 which the plan promotes the goals addressed in subsection (e) of  
192 section 4b-31, and (5) any other relevant factors. Said commissioner  
193 shall review and approve each facility plan implementation action and  
194 shall submit to the Properties Review Board a list of each such action  
195 approved and the method and plan by which it shall be accomplished.  
196 Said commissioner shall endeavor to locate human services agencies in  
197 the same buildings as municipal and private agencies that provide  
198 human services. The results of said commissioner's study along with  
199 all supportive materials shall be immediately sent to the Properties  
200 Review Board. The board shall meet to review the decision of the  
201 commissioner and may request the commissioner or any member of  
202 his department, and the head of the requesting agency or any of his  
203 employees to appear for the purpose of supplying pertinent  
204 information. Said board shall call a meeting within two weeks of the  
205 receipt of the commissioner's decision, and may meet as often as  
206 necessary, to review said decision. The board, within ninety days after  
207 the receipt of the decision of the Commissioner of Public Works, shall  
208 either accept, reject or request modification of such decision, except  
209 that when more time is required, the board may have a ninety-day  
210 extension of time, provided the board shall advise the Commissioner  
211 of Public Works in writing as to the reasons for such extension of time.  
212 If such decision is disapproved by the board, it shall so inform the  
213 commissioner along with its reasons therefor, and the commissioner  
214 shall inform the head of the requesting agency and the Secretary of the  
215 Office of Policy and Management that its request has been rejected. If  
216 such decision is approved by the board it shall inform the

217 commissioner of such approval and the commissioner shall  
218 immediately communicate his decision to the head or acting head of  
219 such governmental unit and to the Secretary of the Office of Policy and  
220 Management and shall set forth the procedures to be taken to  
221 accomplish the results of such decision. The decision to make public  
222 such decision shall rest solely with the commissioner both as to time  
223 and manner of disclosure, but in no event shall such period exceed one  
224 year. The commissioner shall, when he deems it to be in the public  
225 interest, authorize the disclosure of such information; however, in the  
226 absence of such authorization, any unauthorized disclosure shall be  
227 subject to the criminal provisions of section 4b-27, as amended by this  
228 act. All decisions made by the commissioner under the provisions of  
229 this section shall require review by the board. Except as otherwise  
230 hereinafter provided, the approval or disapproval of the Properties  
231 Review Board shall be binding on the commissioner and the  
232 requesting agency with regard to the acquisition of any real estate by  
233 lease or otherwise, notwithstanding any other statute or special act to  
234 the contrary. A majority vote of the board shall be required to accept or  
235 reject a decision of the commissioner.

236 Sec. 5. Section 4b-26 of the general statutes is repealed and the  
237 following is substituted in lieu thereof (*Effective January 1, 2012, and*  
238 *applicable to any lease existing on, or entered into on or after, said date for*  
239 *premises occupied or to be occupied primarily by the Judicial Department*):

240 (a) The expert members of the staff of the [commissioner]  
241 Commissioner of Public Works shall be responsible for ensuring that  
242 sellers, lessors [,] and contractors strictly comply with all agreed plans,  
243 specifications, requirements and contractual terms for all real estate  
244 contracts and leases under the jurisdiction of the commissioner.

245 (b) The Attorney General shall be responsible for determining the  
246 legal sufficiency of all contracts and leases, except leases and lease-  
247 purchase agreements entered into by the Judicial Department, both as  
248 to substance and to form, and [said Attorney General] shall enforce all

249 terms of all agreements, including, but not limited to, the obligations of  
250 all landlords to meet the terms of leases.

251 (c) The Chief Court Administrator shall be responsible for  
252 determining the legal sufficiency of all leases and lease-purchase  
253 agreements for premises to be occupied primarily by the Judicial  
254 Department, both as to substance and to form, and shall enforce all  
255 terms of all agreements, including, but not limited to, the obligations of  
256 all landlords to meet the terms of leases.

257 [(c)] (d) In any lease containing a tax escalation clause, there shall be  
258 a provision that the state shall be relieved of all liability for increased  
259 taxes unless the landlord shall notify the commissioner or, in the case  
260 of a lease entered into by the Judicial Department, the Chief Court  
261 Administrator, of any pending increase in sufficient time to permit the  
262 state, on behalf of the landlord, to contest such increase if the  
263 commissioner or the Chief Court Administrator determines it to be  
264 appropriate.

265 [(d)] (e) The Attorney General shall determine when to take any  
266 such appeal and shall be responsible for perfecting and prosecuting  
267 such appeal.

268 Sec. 6. Section 4b-27 of the general statutes is repealed and the  
269 following is substituted in lieu thereof (*Effective January 1, 2012, and*  
270 *applicable to any lease existing on, or entered into on or after, said date for*  
271 *premises occupied or to be occupied primarily by the Judicial Department):*

272 [No] (a) Except as provided in subsection (b) of this section, no  
273 person affiliated with any requesting agency shall discuss outside of  
274 that agency its real estate needs or interests prior to formal notification  
275 to the commissioner, and in no event without the authorization and  
276 supervision of the Commissioner of Public Works, which authorization  
277 shall be filed with the review board; nor shall anyone with knowledge  
278 of said needs gained as a result of his employment by the state disclose  
279 any information regarding state real estate needs to anyone except as

280 authorized by the commissioner.

281 (b) In the case of leases for premises to be occupied primarily by the  
282 Judicial Department, no person affiliated with the Judicial Department  
283 shall discuss outside of that department its real estate needs or  
284 interests unless authorized by the Chief Court Administrator to do so.

285 (c) Anyone who discloses any such information without authority  
286 by the commissioner or the Chief Court Administrator before [said]  
287 such information is made public by the commissioner or the Chief  
288 Court Administrator shall be guilty of a class A misdemeanor.

289 Sec. 7. Section 4b-30 of the general statutes is repealed and the  
290 following is substituted in lieu thereof (*Effective January 1, 2012, and*  
291 *applicable to any lease existing on, or entered into on or after, said date for*  
292 *premises occupied or to be occupied primarily by the Judicial Department*):

293 (a) The Commissioner of Public Works shall assign office space and  
294 provide necessary accommodations in state-owned facilities for state  
295 agencies, other than institutions, the Legislative Department and the  
296 Judicial Department. Subject to the provisions of section 4b-23, as  
297 amended by this act, the commissioner shall execute all leases for  
298 offices or any other type of space or facility necessary to meet the  
299 needs of all state agencies, [the Judicial Department,] the Division of  
300 Criminal Justice, the Public Defender Services Commission and  
301 institutions. Any provisions of the general statutes to the contrary  
302 notwithstanding, the Commissioner of Public Works shall be the sole  
303 authority for negotiating such leases, provided any such leases,  
304 intending to provide for the needs of institutions, shall further be  
305 subject to the approval of the board of trustees of the institution  
306 involved and provided further, the Commissioner of Public Works  
307 shall expedite the handling of leases to meet emergency and short term  
308 needs, except that the Chief Court Administrator shall be the sole  
309 authority for negotiating any leases for premises to be occupied  
310 primarily by the Judicial Department. For the purposes of this section,  
311 the term "Judicial Department" does not include the courts of probate,

312 the Division of Criminal Justice and the Public Defender Services  
313 Commission, except where they share facilities in state-maintained  
314 courts.

315 (b) The Commissioner of Public Works shall have the primary  
316 responsibility for ensuring that the lessor of the offices, space or other  
317 facilities which are covered by each [such] lease under the  
318 commissioner's authority complies with the provisions of the lease and  
319 the Chief Court Administrator shall have the primary responsibility  
320 for ensuring that the lessor of the offices, space or other facilities which  
321 are covered by each lease under the Chief Court Administrator's  
322 authority complies with the provisions of the lease. In carrying out  
323 such responsibility the commissioner or, in the case of leases for  
324 premises occupied primarily by the Judicial Department, the Chief  
325 Court Administrator, shall inspect such offices, space and other  
326 facilities at least once annually.

327 Sec. 8. Section 4b-32 of the general statutes is repealed and the  
328 following is substituted in lieu thereof (*Effective January 1, 2012, and*  
329 *applicable to any lease existing on, or entered into on or after, said date for*  
330 *premises occupied or to be occupied primarily by the Judicial Department*):

331 All renewals of state leases existing on July 1, 1975, shall be subject  
332 to the approval of the commissioner or, in the case of leases for  
333 premises occupied primarily by the Judicial Department, the Chief  
334 Court Administrator, and the State Properties Review Board under  
335 regulations to be adopted by said commissioner and said board.

336 Sec. 9. Section 4b-33 of the general statutes is repealed and the  
337 following is substituted in lieu thereof (*Effective January 1, 2012, and*  
338 *applicable to any lease existing on, or entered into on or after, said date for*  
339 *premises occupied or to be occupied primarily by the Judicial Department*):

340 (a) Any person, firm, partnership, association, corporation or other  
341 entity, seeking to enter into a lease or lease-purchase agreement with  
342 the state through the Commissioner of Public Works or the Chief

343 Court Administrator, shall file a sworn statement with said  
344 commissioner or, in the case of a lease or lease-purchase agreement for  
345 premises to be occupied primarily by the Judicial Department, the  
346 Chief Court Administrator, disclosing the names of any persons  
347 having a financial interest in the property or premises involved,  
348 including the beneficiary of any undisclosed trust or the equitable  
349 owner of such property or premises. Corporate applicants shall  
350 disclose the names and addresses of officers and stockholders, except  
351 that this requirement shall not apply to publicly held corporations.

352 (b) If, before the approval of any such lease, lease-purchase  
353 agreement or renewal of such lease or agreement, by the State  
354 Properties Review Board, there is a change in the persons or the  
355 stockholders of a corporation, having a financial interest in the  
356 property or premises involved, the applicant shall submit an affidavit  
357 to the Commissioner of Public Works or, in the case of a lease, lease-  
358 purchase agreement or renewal of such lease or agreement for  
359 premises to be occupied primarily by the Judicial Department, the  
360 Chief Court Administrator, indicating the change, not later than five  
361 business days after the change. The commissioner or the Chief Court  
362 Administrator shall forward a copy of such affidavit to the State  
363 Properties Review Board upon receipt.

364 (c) Failure to make any disclosure required by this section to the  
365 Commissioner of Public Works or the Chief Court Administrator shall  
366 be punishable by a civil penalty of not more than one thousand dollars,  
367 which may be imposed by [such] the commissioner after notice and  
368 opportunity to be heard at a hearing conducted in accordance with  
369 sections 4-176e to 4-184, inclusive, or by the Chief Court Administrator  
370 after notice and a hearing before a judge or judge trial referee and  
371 submission of a report of the findings of fact made by such judge or  
372 judge trial referee to the Chief Court Administrator.

373 Sec. 10. Section 4b-34 of the general statutes is repealed and the  
374 following is substituted in lieu thereof (*Effective January 1, 2012, and*

375 *applicable to any lease existing on, or entered into on or after, said date for*  
376 *premises occupied or to be occupied primarily by the Judicial Department):*

377 (a) Except as provided under subsection (e) of this section,  
378 whenever it appears from the specifications of the requesting agency  
379 or institution that the space needs equal or exceed two thousand five  
380 hundred square feet and the Commissioner of Public Works or, in the  
381 case of premises to be occupied primarily by the Judicial Department,  
382 the Chief Court Administrator, has determined that such needs will be  
383 met by lease of space, the commissioner or the Chief Court  
384 Administrator shall give public notice of such space needs and  
385 specifications by advertising, at least once, in a newspaper having a  
386 substantial circulation in the area in which such space is sought, no  
387 less than fifteen days prior to the date of final selection. A copy of such  
388 notice shall be sent to the regional chapter of the Connecticut  
389 Association of Realtors serving the area in which such space is sought.  
390 The provisions of this subsection shall not be construed to require the  
391 commissioner or the Chief Court Administrator to lease space only  
392 from persons responding to such advertisements.

393 (b) The commissioner shall maintain a list of prospective lessors,  
394 which shall be updated at least annually after suitable notice to the  
395 public through the various media in the state.

396 (c) The commissioner shall maintain and continuously update an  
397 inventory of potential space to lease.

398 (d) Whenever space sufficient to meet the needs of a requesting  
399 agency or institution or the Judicial Department is owned by a political  
400 subdivision of the state and is available for lease, the commissioner or,  
401 in the case of premises to be occupied primarily by the Judicial  
402 Department, the Chief Court Administrator, may lease such space  
403 without complying with the requirements of subsection (a) of this  
404 section, if [he] the commissioner or the Chief Court Administrator has  
405 determined that the rent and other terms of the proposed lease are at  
406 least as favorable to the state as prevailing rental rates and terms for

407 privately owned space.

408 (e) The provisions of subsection (a) of this section shall not apply in  
 409 the case of (1) a terminating lease which the commissioner or, in the  
 410 case of a lease for premises occupied primarily by the Judicial  
 411 Department, the Chief Court Administrator decides to renegotiate, if  
 412 the commissioner or the Chief Court Administrator submits his  
 413 proposal to the State Properties Review Board not later than nine  
 414 months before the expiration of such lease, (2) a lease (A) which is  
 415 renegotiated or on holdover status, for a term of not more than  
 416 eighteen months, and (B) which is for an agency that is scheduled to  
 417 move into a state-owned building, or (3) the lease of new facilities  
 418 following a declaration by the commissioner or, in the case of a lease  
 419 for premises to be occupied primarily by the Judicial Department, the  
 420 Chief Court Administrator, that (A) an emergency exists because a  
 421 state facility has been damaged, destroyed or otherwise rendered  
 422 unusable due to any cause, and (B) such emergency would adversely  
 423 affect public safety or the proper conduct of essential state  
 424 governmental operations. The State Properties Review Board shall  
 425 approve or disapprove a lease proposal under subdivision (3) of this  
 426 subsection within five days after receipt of the proposal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2012, and applicable to any lease existing on, or entered into on or after, said date for premises occupied or to be occupied primarily by the Judicial Department</i>	New section

Sec. 2	<i>January 1, 2012, and applicable to any lease existing on, or entered into on or after, said date for premises occupied or to be occupied primarily by the Judicial Department</i>	4b-1(a)
Sec. 3	<i>January 1, 2012, and applicable to any lease existing on, or entered into on or after, said date for premises occupied or to be occupied primarily by the Judicial Department</i>	4b-3(d)
Sec. 4	<i>January 1, 2012, and applicable to any lease existing on, or entered into on or after, said date for premises occupied or to be occupied primarily by the Judicial Department</i>	4b-23(e)
Sec. 5	<i>January 1, 2012, and applicable to any lease existing on, or entered into on or after, said date for premises occupied or to be occupied primarily by the Judicial Department</i>	4b-26
Sec. 6	<i>January 1, 2012, and applicable to any lease existing on, or entered into on or after, said date for premises occupied or to be occupied primarily by the Judicial Department</i>	4b-27
Sec. 7	<i>January 1, 2012, and applicable to any lease existing on, or entered into on or after, said date for premises occupied or to be occupied primarily by the Judicial Department</i>	4b-30

Sec. 8	<i>January 1, 2012, and applicable to any lease existing on, or entered into on or after, said date for premises occupied or to be occupied primarily by the Judicial Department</i>	4b-32
Sec. 9	<i>January 1, 2012, and applicable to any lease existing on, or entered into on or after, said date for premises occupied or to be occupied primarily by the Judicial Department</i>	4b-33
Sec. 10	<i>January 1, 2012, and applicable to any lease existing on, or entered into on or after, said date for premises occupied or to be occupied primarily by the Judicial Department</i>	4b-34

**Statement of Purpose:**

To authorize the Judicial Branch to lease its own facilities.

*[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.]*