



General Assembly

February Session, 2012

Raised Bill No. 5290

LCO No. 1022

* _____HB05290JUD___032712_____*

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. Subsection (d) of section 4b-3 of the 2012 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2012*):

4 (d) Notwithstanding any other statute or special act to the contrary,
5 the Commissioner of Administrative Services shall be the sole person
6 authorized to represent the state in its dealings with third parties for
7 the acquisition or leasing of real estate for housing the offices or
8 equipment of all agencies of the state or for the state-owned public
9 buildings or realty and the Commissioner of Construction Services
10 shall be the sole person authorized to represent the state in its dealings
11 with third parties for the construction or development of real estate or
12 state-owned public buildings or realty, as provided for in sections 2-90,
13 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, 4b-24, 4b-26, 4b-27, 4b-30, as
14 amended by this act, and 4b-32, subsection (c) of section 4b-66 and
15 sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10a-95, 10a-72, 10a-89,
16 10a-90, 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45,

17 32-1c, 32-39, 48-9, 51-27d and 51-27f, except that (1) the Joint
18 Committee on Legislative Management may represent the state in the
19 planning and construction of the Legislative Office Building and
20 related facilities, in Hartford; (2) the Chief Court Administrator may
21 represent the state in providing for (A) space for the Court Support
22 Services Division as part of a new or existing contract for an alternative
23 incarceration program pursuant to section 54-103b or a program
24 developed pursuant to section 46b-121i, 46b-121j, 46b-121k or 46b-121l,
25 or (B) other real estate needs of the Judicial Branch when delegated
26 authority to do so by the Commissioner of Administrative Services; (3)
27 the board of trustees of a constituent unit of the state system of higher
28 education may represent the state in the leasing of real estate for
29 housing the offices or equipment of such constituent unit, provided no
30 lease payments for such realty are made with funds generated from
31 the general revenues of the state; (4) the Labor Commissioner may
32 represent the state in the leasing of premises required for employment
33 security operations as provided in subsection (c) of section 31-250; (5)
34 the Commissioner of Developmental Services may represent the state
35 in the leasing of residential property as part of the program developed
36 pursuant to subsection (b) of section 17a-218, provided such residential
37 property does not exceed two thousand five hundred square feet, for
38 the community placement of persons eligible to receive residential
39 services from the department; (6) the Commissioner of Mental Health
40 and Addiction Services may represent the state in the leasing of
41 residential units as part of a program developed pursuant to section
42 17a-455a, provided each such residential unit does not exceed two
43 thousand five hundred square feet; and (7) the Connecticut Marketing
44 Authority may represent the state in the leasing of land or markets
45 under the control of the Connecticut Marketing Authority, and, except
46 for the housing of offices or equipment in connection with the initial
47 acquisition of an existing state mass transit system or the leasing of
48 land by the Connecticut Marketing Authority for a term of one year or
49 more in which cases the actions of the Department of Transportation
50 and the Connecticut Marketing Authority shall be subject to the review
51 and approval of the State Properties Review Board. The Commissioner

52 of Administrative Services shall have the power to establish and
53 implement any procedures necessary for the commissioner to assume
54 the commissioner's responsibilities as said sole bargaining agent for
55 state realty acquisitions and shall perform the duties necessary to carry
56 out such procedures. The Commissioner of Administrative Services or
57 the Commissioner of Construction Services may appoint, within each
58 department's budget and subject to the provisions of chapter 67, such
59 personnel deemed necessary by the applicable commissioner to carry
60 out the provisions hereof, including experts in real estate, construction
61 operations, financing, banking, contracting, architecture and
62 engineering. The Attorney General's office, at the request of the
63 Commissioner of Administrative Services, shall assist the
64 Commissioner of Administrative Services in contract negotiations
65 regarding the purchase or lease of real estate, and, at the request of the
66 Commissioner of Construction Services, shall assist said commissioner
67 in contract negotiations regarding the construction of real estate.

68 Sec. 2. Subsection (f) of section 4b-3 of the 2012 supplement to the
69 general statutes is repealed and the following is substituted in lieu
70 thereof (*Effective July 1, 2012*):

71 (f) The State Properties Review Board shall review real estate
72 acquisitions, sales, leases and subleases proposed by the
73 Commissioner of Administrative Services or proposed by the Chief
74 Court Administrator pursuant to the authority delegated to the Chief
75 Court Administrator by the Commissioner of Administrative Services,
76 the acquisition, other than by condemnation, or the sale or lease of any
77 property by the Commissioner of Transportation under subdivision
78 (11) of section 13b-4, subject to section 4b-23 and subsection (h) of
79 section 13a-73 and review, for approval or disapproval, any contract
80 for a project described in subsection (h) of section 4b-91. Such review
81 shall consider all aspects of the proposed actions, including feasibility
82 and method of acquisition and the prudence of the business method
83 proposed. The board shall also cooperate with and advise and assist
84 the Commissioner of Administrative Services and the Commissioner of

85 Transportation in carrying out their duties. The board shall have access
86 to all information, files and records, including financial records, of the
87 Commissioner of Administrative Services and the Commissioner of
88 Transportation, and shall, when necessary, be entitled to the use of
89 personnel employed by said commissioners. The board shall approve
90 or disapprove any acquisition of development rights of agricultural
91 land by the Commissioner of Agriculture under section 22-26cc. The
92 board shall hear any appeal under section 8-273a and shall render a
93 final decision on the appeal within thirty days thereafter. The written
94 decision of the board shall be a final decision for the purposes of
95 sections 4-180 and 4-183. The provisions of this section shall not apply
96 to any airport, airport site or any part thereof operated by the
97 Connecticut Airport Authority established pursuant to section 15-
98 120bb.

99 Sec. 3. Subsection (a) of section 4b-30 of the general statutes is
100 repealed and the following is substituted in lieu thereof (*Effective July*
101 *1, 2012*):

102 (a) The Commissioner of Administrative Services shall assign office
103 space and provide necessary accommodations in state-owned facilities
104 for state agencies, other than institutions, the Legislative [Department]
105 Branch and the Judicial [Department] Branch. Subject to the provisions
106 of section 4b-23, the commissioner shall execute all leases for offices or
107 any other type of space or facility necessary to meet the needs of all
108 state agencies, the Judicial [Department] Branch, the Division of
109 Criminal Justice, the Public Defender Services Commission and
110 institutions. Any provisions of the general statutes to the contrary
111 notwithstanding, the Commissioner of Administrative Services shall
112 be the sole authority for negotiating such leases, provided any such
113 leases, intending to provide for the needs of institutions, shall further
114 be subject to the approval of the board of trustees of the institution
115 involved and provided further, the Commissioner of Administrative
116 Services shall expedite the handling of leases to meet emergency and
117 short term needs. Subject to the provisions of section 4b-23, the

118 commissioner may delegate authority to the Chief Court
119 Administrator to negotiate and enter into leases for office, court or
120 parking facilities for the Judicial Branch when the commissioner deems
121 such delegation to be appropriate and such leases will be consistent
122 with relevant real estate and contracting laws. For the purposes of this
123 section, the term "Judicial [Department] Branch" does not include the
124 courts of probate, the Division of Criminal Justice and the Public
125 Defender Services Commission, except where they share facilities in
126 state-maintained courts.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	4b-3(d)
Sec. 2	<i>July 1, 2012</i>	4b-3(f)
Sec. 3	<i>July 1, 2012</i>	4b-30(a)

JUD *Joint Favorable*