



General Assembly

January Session, 2013

Raised Bill No. 5598

LCO No. 2015

02015 _____ GAE

Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND THE DISPOSITION OF SURPLUS STATE PROPERTY, SHORT TERM EMERGENCY LEASES, THE DEFINITION OF EXECUTIVE SESSION AND DUPLICATIVE STATEMENTS OF FINANCIAL INTEREST.

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 Section 4b-21 of the general statutes is repealed and the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 July 1, 2013*):

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 Administrative
7 Services, any land or interest therein if such action seems advisable to
8 protect the state's interest or to effect a needed economy, and may,
9 subject to the provisions of said section, contract through the
10 Commissioner of Administrative Services for the sale or exchange of
11 any land or interest therein belonging to the state except that The

12 University of Connecticut may purchase or acquire for the state and
13 may dispose of or exchange any land or interest therein directly. When
14 the General Assembly is not in session, the Commissioner of
15 Administrative Services, with the approval of the State Properties
16 Review Board, may give or obtain an option upon any land or interest
17 therein which is not under the control of the trustees of any state
18 institution, the State Board of Education or the Commissioner of
19 Correction when such action seems advisable, and such option shall
20 remain in force until the fifteenth day of August following the next
21 session of the General Assembly.

22 (b) Any state agency, department or institution having custody and
23 control of land, an improvement to land or interest in land, belonging
24 to the state, shall inform the Secretary of the Office of Policy and
25 Management, in writing, not less than six months before the date when
26 the agency, department or institution anticipates such land,
27 improvement or interest or any part thereof is not needed by the
28 agency, department or institution. Upon receipt of such notification,
29 the secretary, [shall arrange for such agency, department or institution
30 to forthwith transfer custody and control of such land, improvement or
31 interest to] at his or her discretion, shall determine whether the agency,
32 department or institution shall retain custody and control of such land
33 improvement or interest, or whether such responsibility shall be
34 transferred to the Department of Administrative Services, along with
35 [adequate funding for] any available funds specifically related to the
36 personnel and other operating expenses required for the maintenance
37 of such land, improvement or interest, and shall notify all state
38 agencies, departments and institutions that such land, improvement or
39 interest is available.

40 [Within ninety] (c) Not later than thirty days [of] after receipt of
41 such notification from the secretary, [any] the following agencies shall
42 determine and notify the secretary in writing if the land, improvement
43 or interest serves the following needs: (1) The Commissioner of

44 Economic and Community Development, whether it can be used or
45 adapted for economic development or exchanged for property that can
46 be used for economic development, used as an emergency shelter or
47 transitional living facility for homeless persons, or used for the
48 construction, rehabilitation or renovation of housing for persons and
49 families of low and moderate income; (2) the Commissioner of
50 Transportation, whether it can be used for transportation purposes; (3)
51 the Commissioner of Energy and Environmental Protection, whether it
52 can be used for open space purposes or to otherwise support the
53 department's mission; (4) the Commissioner of Agriculture, whether it
54 can be used for farming or agricultural purposes; (5) the Commissioner
55 of Veterans' Affairs, whether it can be used for veterans' housing; (6)
56 the Commissioner of Children and Families and the Commissioner of
57 Developmental Services, whether it can be used to support their
58 respective departments' missions; and (6) the Department of
59 Administrative Services, whether it can be used to house state agencies
60 or leased. Any state agency, department or institution that is interested
61 in utilizing the land, improvement or interest shall submit a plan to the
62 secretary that sets forth the proposed use for the land, improvement or
63 interest and a budget and timetable for such use. [If the Commissioner
64 of Economic and Community Development determines that such land,
65 improvement or interest can be utilized or adapted for use as an
66 emergency shelter or transitional living facility for homeless persons or
67 can be utilized or exchanged for property which can be utilized for the
68 construction, rehabilitation or renovation of housing for persons and
69 families of low and moderate income, said commissioner may (1)
70 within such ninety-day period, submit to the secretary, in lieu of such
71 plan, a preliminary plan indicating that the land, improvement or
72 interest can be utilized, adapted or exchanged for such housing
73 purposes and stating the type of housing that is planned and (2) within
74 six months after the end of such ninety-day period, submit a
75 comprehensive plan for the development of such housing to the
76 secretary, in a form prescribed by the secretary. If the Commissioner of
77 Economic and Community Development submits preliminary and

78 comprehensive plans to the secretary within such periods, the agency,
79 department or institution having custody and control of the land,
80 improvement or interest shall transfer custody and control to the
81 Commissioner of Economic and Community Development in
82 accordance with such procedures as the secretary may prescribe. If (A)
83 the Commissioner of Economic and Community Development does
84 not submit a preliminary plan to the secretary within such ninety-day
85 period or so submits a preliminary plan but does not submit a
86 comprehensive plan to the secretary within such six-month period,
87 and (B)] If one or more agencies, departments or institutions submit a
88 plan for such land, improvement or interest to the secretary within
89 such [ninety-day] ~~thirty-day~~ period, the secretary shall analyze such
90 agency, department or institution plan or plans and determine
91 whether [(i)] custody and control of the land, improvement or interest
92 shall be transferred to one of such agencies, departments or
93 institutions, in which case the agency, department or institution
94 having custody of the land, improvement or interest shall make such
95 transfer. [, or (ii) the land, improvement or interest shall be treated as
96 surplus.]

97 (d) The secretary may, in his or her discretion, hold an informational
98 public meeting in the municipality where the land, improvement or
99 interest is located to inform the public about the process for the
100 disposition of surplus property, to provide a description of the land,
101 improvement or interest at issue, to inform the public of its right to
102 submit written comments under section 4b-47, as amended by this act,
103 and to allow members of the public the opportunity to comment at the
104 meeting.

105 [(c)] (e) If the secretary determines that such land, improvement or
106 interest or part thereof was purchased or improved with proceeds of
107 tax exempt obligations issued or to be issued by the state, he shall
108 notify the Treasurer. If the secretary determines that such land,
109 improvement, interest or part thereof may properly be treated as

110 surplus, he shall also notify the Commissioner of Administrative
111 Services. [If the secretary also determines that such land, improvement
112 or interest or part thereof was purchased or improved with proceeds of
113 tax exempt obligations issued or to be issued by the state, he shall also
114 notify the Treasurer.] If the secretary makes such determination, the
115 Commissioner of Administrative Services shall offer to transfer such
116 land, improvement or interest to the municipality in which the land,
117 improvement or interest is located, provided (1) that prior to such
118 transfer, the municipality by vote of its legislative body accepts such
119 transfer, and (2) a resolution of such municipal action, verified by the
120 clerk of the municipality, is delivered to the Commissioner of
121 Administrative Services not more than sixty days after receiving notice
122 from the commissioner regarding the proposed transfer. If the
123 municipality fails to deliver such resolution to the commissioner
124 within such sixty-day period, the municipality shall be deemed to have
125 declined the proposed transfer, provided the commissioner may
126 extend the sixty-day period deadline by not more than an additional
127 sixty days. The municipality shall waive all rights to purchase the land,
128 improvement, interest or part thereof, including all rights under
129 section 3-14b, if the municipality declines or is deemed to have
130 declined the transfer of such land, improvement, interest or part
131 thereof.

132 [The] (f) If the municipality declines or is deemed to have declined
133 the transfer of the property, the Commissioner of Administrative
134 Services may sell, exchange or lease, or enter into agreements
135 concerning, such land, improvement, interest or part thereof, after (1)
136 notifying (A) the municipality or municipalities in which such land,
137 improvement or interest is located, (B) the members of the General
138 Assembly representing such municipality or municipalities, (C) the
139 regional planning organization, as defined in section 4-124i, of the
140 region where the land, improvement or interest is located, (D) the
141 Connecticut Economic Resource Center, and [(C)] (E) any potential
142 developer of an incentive housing development, as defined in section

143 8-13m, who has registered with the Commissioner of Economic and
144 Community Development to be notified of any such state surplus land,
145 and (2) obtaining the approval of (A) the Secretary of the Office of
146 Policy and Management, (B) the State Properties Review Board, and
147 (C) the joint standing committees of the General Assembly having
148 cognizance of matters relating to (i) state revenue, and (ii) the purchase
149 and sale of state property and facilities, and (3) if such land,
150 improvement, interest or part thereof was purchased or improved with
151 proceeds of tax-exempt obligations issued or to be issued by the state,
152 obtaining the approval of the Treasurer. The Treasurer may
153 disapprove such a transaction only if the transaction would affect the
154 tax-exempt status of such obligations and could not be modified to
155 maintain such tax-exempt status. If a proposed agreement for such a
156 conveyance has not been submitted to the State Properties Review
157 Board within [three years] one year after the Commissioner of
158 Administrative Services provides such notice to such municipality and
159 such members of the General Assembly, or if the board does not
160 approve the proposed agreement within [five] two years after such
161 notice, the Commissioner of Administrative Services may not convey
162 such land, improvement or interest without again so notifying such
163 municipality and such members of the General Assembly.

164 (g) In the case of a proposed lease of land, an improvement to land
165 or an interest in land, or any part thereof, with a person, firm or
166 corporation in the private sector, for a term of six months or more, the
167 Commissioner of Administrative Services shall comply with such
168 notice requirement by notifying in writing the chief executive officer of
169 the municipality in which the land, improvement or interest is located
170 and the members of the General Assembly representing such
171 municipality, not less than two weeks before seeking the approval of
172 said secretary, board and committees, concerning the proposed lease
173 and the manner in which the lessee proposes to use the land,
174 improvement or interest. [Each agency, department or institution
175 which informs the secretary that any land, improvement or interest in

176 land is not needed shall retain responsibility for its security and
177 maintenance until the Commissioner of Administrative Services
178 receives custody and control of the property, if any.]

179 (h) The Treasurer shall execute and deliver any deed or instrument
180 necessary to convey the title to any property the sale or exchange of
181 which or a contract for the sale or exchange of which is authorized by
182 this section.

183 ~~[(d)]~~ (i) Upon approval of the proposed action of the Commissioner
184 of Administrative Services by said secretary and board, said
185 commissioner shall request approval of such action by the joint
186 standing committees of the General Assembly having cognizance of
187 matters relating to state revenue and the purchase and sale of state
188 property and facilities. Each committee shall have not more than thirty
189 days from the date such request is received to convene a meeting to
190 vote to approve or disapprove such action or to notify the
191 Commissioner of Administrative Services, in writing, that it is waiving
192 its right to convene a meeting. If such request is withdrawn, altered,
193 amended or otherwise changed, said commissioner shall resubmit
194 such request, and each committee shall have not more than thirty days
195 from the date of such resubmittal to convene a meeting to vote to
196 approve or disapprove such action or to notify the Commissioner of
197 Administrative Services, in writing, that it is waiving its right to
198 convene a meeting. If a committee does not act on a request or the
199 resubmittal of a request, as the case may be, within [that time] such
200 thirty-day period, the request shall be deemed to be approved by the
201 committee.

202 ~~[(e) No]~~ (j) Except as provided in subsection (e), no provision of this
203 section shall be construed to limit, supersede or repeal any other
204 provision of law relating to the powers or duties of any state agency.

205 ~~[(f)]~~ (k) The requirements of subsections (b) to ~~[(d)]~~ (i), inclusive, of
206 this section shall not apply to land which the Commissioner of Energy

207 and Environmental Protection has acquired pursuant to 42 USC 9601 et
208 seq., the federal Comprehensive Environmental Response,
209 Compensation and Liability Act of 1980, as amended, (CERCLA).

210 Sec. 2. Subsection (c) of section 4b-47 of the general statutes is
211 repealed and the following is substituted in lieu thereof (*Effective July*
212 *1, 2013*):

213 (c) Nothing in this section shall be construed to:

214 (1) Limit the applicability of sections 22a-1a to 22a-1i, inclusive, with
215 respect to the sale or transfer of state land or any interest in state land,
216 except that if an environmental impact evaluation was prepared
217 pursuant to sections 22a-1b and 22a-1c or an environmental statement
218 was prepared for such state land or interest in state land pursuant to
219 any other state or federal law or regulation, as specified in section 22a-
220 1f, such state agency, department or institution shall be exempt from
221 the notice and public comment requirements set forth in subsections
222 (a) and (b) of this section;

223 (2) Affect any purchase and sale agreement entered into between
224 the state and any second party that was in effect prior to October 1,
225 2007, or any subsequent sale, transfer, easement, lease or other such
226 agreement made pursuant to any such purchase and sale agreement;

227 (3) Apply to the conveyance of any parcel of state land or any
228 interest in state land pursuant to an act of the General Assembly;

229 (4) Apply to the sale or transfer of state lands between state
230 agencies;

231 (5) Apply to any easement that is granted to a municipality or a
232 regulated utility or utilities that (A) primarily benefits the state or an
233 agency or institution of the state, (B) is ordered as the result of a state
234 or federal regulatory process or proceeding, or (C) is necessary as a
235 result of the construction or reconstruction of any Department of

236 Transportation highway or facility;

237 (6) Apply to the sale or transfer of state land or an interest in state
238 land that was designated as surplus, pursuant to subsections (b) [and
239 (c)] to (h), inclusive, of section 4b-21, as amended by this act, prior to
240 October 1, 2007, provided the provisions of this section were complied
241 with at the time of such designation;

242 (7) Apply to the transfer of ten acres or less by the Department of
243 Transportation or the Department of Education;

244 (8) Limit state agency or public comments to a particular subject
245 matter area;

246 (9) Limit the publication of any public notifications, comments or
247 reports that are required under this section solely to the Environmental
248 Monitor; or

249 (10) Limit the solicitation of public comment solely to the
250 Environmental Monitor.

251 Sec. 3. Subsection (a) of section 8-37y of the general statutes is
252 repealed and the following is substituted in lieu thereof (*Effective July*
253 *1, 2013*):

254 (a) The Commissioner of Economic and Community Development
255 may, with the approval of the Commissioner of Administrative
256 Services, the Secretary of the Office of Policy and Management and the
257 State Properties Review Board, sell, exchange, lease or enter into
258 agreements concerning any real property, as defined in section 8-39,
259 belonging to the state and transferred to the custody and control of the
260 Department of Economic and Community Development under the
261 provisions of [subsection] subsections (b) and (c) of section 4b-21, as
262 amended by this act. The commissioner shall require, as a condition of
263 any sale, exchange, lease or agreement entered into pursuant to this
264 section, that such real property be used only for an emergency shelter

265 or transitional living facility for homeless persons or for the provision
266 of low and moderate income housing, including, but not limited to, the
267 construction, rehabilitation or renovation of housing for persons and
268 families of low and moderate income, except that such condition, in
269 the discretion of the commissioner, may be subordinated in the case of
270 a subsequent first mortgage or a requirement of a governmental
271 program relating to such real property, and except that in the case of
272 an exchange of real property, the commissioner (1) shall require that
273 the parcel received by the commissioner, as a condition of such
274 exchange, shall be suitable for an emergency shelter or transitional
275 living facility for homeless persons or for the construction,
276 rehabilitation or renovation of housing for persons and families of low
277 and moderate income, and (2) shall release any restrictions required to
278 be imposed by this subsection on the parcel transferred by the
279 commissioner. Prior to any such sale, exchange, lease or agreement, the
280 commissioner shall notify the chief executive officer or officers of the
281 municipality or municipalities in which such real property is located.
282 No such real property may be sold, exchanged or leased by the
283 commissioner under this subsection without the approval of the
284 municipality or municipalities in which the real property is located.

285 Sec. 4. Section 17a-27b of the general statutes is repealed and the
286 following is substituted in lieu thereof (*Effective July 1, 2013*):

287 Notwithstanding any provision of the general statutes or
288 regulations adopted thereunder or any public or special act, the
289 Connecticut Juvenile Training School project, as defined in subsection
290 (k) of section 4b-55, shall be exempt from the provisions of subsections
291 (b) [~~(c) and (d)~~] to (i), inclusive, of section 4b-21, as amended by this
292 act, sections 4b-23, 4b-28, 14-311, 16a-31, 16a-38, 22-6, 22a-6, 22a-12,
293 22a-14 to 22a-20, inclusive, 22a-39, 25-32 and 29-406 and chapter 54.

294 Sec. 5. (NEW) (*Effective from passage*) Notwithstanding the provisions
295 of sections 4b-3 and 4b-23 of the general statutes, the Commissioner of
296 Administrative Services may enter into a lease having a term of not

297 more than twelve months without obtaining the approval of the Office
298 of Policy and Management and the State Properties Review Board,
299 provided the Governor declares (1) an emergency exists because a state
300 facility has been damaged, destroyed or otherwise rendered unusable
301 due to any cause, (2) such emergency would adversely affect public
302 safety or the proper conduct of essential state government operations,
303 and (3) the state has an immediate need to acquire alternative space.

304 Sec. 6. Subdivision (6) of section 1-200 of the general statutes is
305 repealed and the following is substituted in lieu thereof (*Effective from*
306 *passage*):

307 (6) "Executive sessions" means a meeting of a public agency at
308 which the public is excluded for one or more of the following
309 purposes: (A) Discussion concerning the appointment, employment,
310 performance, evaluation, health or dismissal of a public officer or
311 employee, provided that such individual may require that discussion
312 be held at an open meeting; (B) strategy and negotiations with respect
313 to pending claims or pending litigation to which the public agency or a
314 member thereof, because of the member's conduct as a member of such
315 agency, is a party until such litigation or claim has been finally
316 adjudicated or otherwise settled; (C) matters concerning security
317 strategy or the deployment of security personnel, or devices affecting
318 public security; (D) discussion of the selection of a site or the lease, sale
319 or purchase of real estate by the state or a political subdivision of the
320 state when publicity regarding such site, lease, sale, purchase or
321 construction would [cause a likelihood of increased] adversely impact
322 the price paid by the public agency until such time as all of the
323 property has been acquired or all proceedings or transactions
324 concerning same have been terminated or abandoned; and (E)
325 discussion of any matter which would result in the disclosure of public
326 records or the information contained therein described in subsection
327 (b) of section 1-210.

328 Sec. 7. Section 4b-4 of the general statutes is repealed and the

329 following is substituted in lieu thereof (*Effective from passage*):

330 (a) No nonclerical employee in the unit in the Department of
331 Administrative Services that is responsible for acquiring, leasing and
332 selling real property on behalf of the state shall be directly involved in
333 any enterprise that does business with the state or be directly or
334 indirectly involved in any enterprise concerned with real estate
335 acquisition or development. Each member of the State Properties
336 Review Board [shall file, with the State Properties Review Board and
337 with the Office of State Ethics,] and each such employee of the
338 Department of Administrative Services shall file, [with the Department
339 of Administrative Services and] with the Office of State Ethics, a
340 statement of financial interests pursuant to the provisions of section 1-
341 83.

342 (b) The provisions of sections 1-82, 1-82a and 1-88 shall apply to any
343 alleged violation of this section.

344 Sec. 7. Section 4a-1a of the general statutes is repealed and the
345 following is substituted in lieu thereof (*Effective July 1, 2013*):

346 (a) (1) Wherever the term "Commissioner of Public Works" or
347 "Public Works Commissioner" is used in the following sections of the
348 general statutes, the term "Commissioner of Administrative Services"
349 shall be substituted in lieu thereof; and (2) wherever the term
350 "Department of Public Works" is used in the following sections of the
351 general statutes, the term "Department of Administrative Services"
352 shall be substituted in lieu thereof: 1-205, 1-210, 2-71h, 3-10, 3-14b, 4-87,
353 4b-2, 4b-4, as amended by this act, 4b-12, 4b-13, 4b-17, 4b-21, as
354 amended by this act, 4b-24a, 4b-25, 4b-27, 4b-29, 4b-30, 4b-30a, 4b-33,
355 4b-34, 4b-35, 4b-46, 4b-65, 4b-67, 4b-68, 4b-69, 4b-71, 4b-72, 4b-73, 4b-74,
356 4b-130, 4b-132, 8-37y, as amended by this act, 10a-89, 10a-150, 13a-80i,
357 13b-42, 13b-55, 16a-38h, 17b-655, [18-31b,] 20-68, 20-311b, 20-503, 22a-
358 324, 31-250, 32-6, 32-228, 45a-80, 46a-29, 51-27a, 51-27c, 51-27d, 51-51k
359 and 51-279.

360 (b) The Legislative Commissioners' Office shall, in codifying the
 361 provisions of this section, make such technical, grammatical and
 362 punctuation changes as are necessary to carry out the purposes of this
 363 section.

364 Sec. 8. Section 18-31b of the general statutes is repealed. (*Effective*
 365 *July 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	4b-21
Sec. 2	<i>July 1, 2013</i>	4b-47(c)
Sec. 3	<i>July 1, 2013</i>	8-37y(a)
Sec. 4	<i>July 1, 2013</i>	17a-27b
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	1-200(6)
Sec. 7	<i>from passage</i>	4b-4
Sec. 7	<i>July 1, 2013</i>	4a-1a
Sec. 8	<i>July 1, 2013</i>	Repealer section

Statement of Purpose:

To streamline the current process for the disposition of surplus real property, to allow the Commissioner of Administrative Services to enter into one-year leases without the approval of certain agencies after the governor declares a building-specific emergency, to allow the state to meet in executive session to discuss real estate transactions and to eliminate the requirement that nonclerical employees in the Department of Administrative Services file duplicate statements of financial interest with the department or the State Properties Review Board and the Office of State Ethics.

[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.]