



General Assembly

Substitute Bill No. 5598

January Session, 2013



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 Section 4b-21 of the general statutes is repealed and the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 and the municipality where the land is located, in
26 writing, not less than six months before the date when the agency,
27 department or institution anticipates such land, improvement or
28 interest or any part thereof is not needed by the agency, department or
29 institution. Upon receipt of such notification, the secretary, [shall
30 arrange for such agency, department or institution to forthwith
31 transfer custody and control of such land, improvement or interest to]
32 at his or her discretion, shall determine whether the agency,
33 department or institution shall retain custody and control of such land
34 improvement or interest, or whether such responsibility shall be
35 transferred to the Department of Administrative Services, along with
36 [adequate funding for] any available funds specifically related to the
37 personnel and other operating expenses required for the maintenance
38 of such land, improvement or interest, and shall notify all state
39 agencies, departments and institutions that such land, improvement or
40 interest is available. [Within ninety]

41 (c) Not later than thirty days [of] after receipt of such notification
42 from the secretary, [any] the following agencies shall determine and
43 notify the secretary in writing if the land, improvement or interest
44 serves the following needs: (1) The Commissioner of Economic and
45 Community Development, whether it can be used or adapted for
46 economic development or exchanged for property that can be used for
47 economic development, used as an emergency shelter or transitional
48 living facility for homeless persons, or used for the construction,
49 rehabilitation or renovation of housing for persons and families of low
50 and moderate income; (2) the Commissioner of Transportation,

51 whether it can be used for transportation purposes; (3) the
52 Commissioner of Energy and Environmental Protection, whether it can
53 be used for open space purposes or to otherwise support the
54 department's mission; (4) the Commissioner of Agriculture, whether it
55 can be used for farming or agricultural purposes; (5) the Commissioner
56 of Veterans' Affairs, whether it can be used for veterans' housing; (6)
57 the Commissioner of Children and Families, whether it can be used to
58 support the department's mission; (7) the Commissioner of
59 Developmental Services, whether it can be used to support the
60 department's mission; and (8) the Commissioner of Administrative
61 Services, whether it can be used to house state agencies or leased. Any
62 state agency, department or institution that is interested in utilizing the
63 land, improvement or interest shall submit a plan to the secretary that
64 sets forth the proposed use for the land, improvement or interest and a
65 budget and timetable for such use. [If the Commissioner of Economic
66 and Community Development determines that such land,
67 improvement or interest can be utilized or adapted for use as an
68 emergency shelter or transitional living facility for homeless persons or
69 can be utilized or exchanged for property which can be utilized for the
70 construction, rehabilitation or renovation of housing for persons and
71 families of low and moderate income, said commissioner may (1)
72 within such ninety-day period, submit to the secretary, in lieu of such
73 plan, a preliminary plan indicating that the land, improvement or
74 interest can be utilized, adapted or exchanged for such housing
75 purposes and stating the type of housing that is planned and (2) within
76 six months after the end of such ninety-day period, submit a
77 comprehensive plan for the development of such housing to the
78 secretary, in a form prescribed by the secretary. If the Commissioner of
79 Economic and Community Development submits preliminary and
80 comprehensive plans to the secretary within such periods, the agency,
81 department or institution having custody and control of the land,
82 improvement or interest shall transfer custody and control to the
83 Commissioner of Economic and Community Development in
84 accordance with such procedures as the secretary may prescribe. If (A)
85 the Commissioner of Economic and Community Development does

86 not submit a preliminary plan to the secretary within such ninety-day
87 period or so submits a preliminary plan but does not submit a
88 comprehensive plan to the secretary within such six-month period,
89 and (B)] If one or more agencies, departments or institutions submit a
90 plan for such land, improvement or interest to the secretary within
91 such [ninety-day] ~~thirty-day~~ period, the secretary shall analyze such
92 agency, department or institution plan or plans and determine
93 whether [(i)] custody and control of the land, improvement or interest
94 shall be transferred to one of such agencies, departments or
95 institutions, in which case the agency, department or institution
96 having custody of the land, improvement or interest shall make such
97 transfer. [, or (ii) the land, improvement or interest shall be treated as
98 surplus.]

99 [(c)] (d) If the secretary determines that such land, improvement or
100 interest or part thereof was purchased or improved with proceeds of
101 tax exempt obligations issued or to be issued by the state, the secretary
102 shall notify the Treasurer. If the secretary determines that such land,
103 improvement, interest or part thereof may properly be treated as
104 surplus, [he] the secretary shall hold an informational public meeting
105 in the municipality where the land, improvement or interest is located
106 to inform the public about the process for the disposition of surplus
107 property, to provide a description of the land, improvement or interest
108 at issue, to inform the public of its right to submit written comments
109 under section 4b-47, as amended by this act, and to allow members of
110 the public the opportunity to comment at the meeting. After holding
111 such meeting, the secretary shall notify the Commissioner of
112 Administrative Services [. If the secretary also determines that such
113 land, improvement or interest or part thereof was purchased or
114 improved with proceeds of tax exempt obligations issued or to be
115 issued by the state, he shall also notify the Treasurer. The] of the
116 secretary's determination that such land, improvement or interest may
117 be treated as surplus.

118 (e) After receiving notification from the secretary that such land,

119 improvement or interest may be treated as surplus, the Commissioner
120 of Administrative Services shall offer to transfer such land,
121 improvement or interest to the municipality in which the land,
122 improvement or interest is located, provided (1) prior to such transfer,
123 the municipality by vote of its legislative body accepts such transfer,
124 and (2) a resolution of such municipal action, verified by the clerk of
125 the municipality, is delivered to the Commissioner of Administrative
126 Services not more than one hundred twenty days after receiving notice
127 from the commissioner regarding the proposed transfer. If the
128 municipality fails to deliver such resolution to the commissioner
129 within such one-hundred-twenty-day period, the municipality shall be
130 deemed to have declined the proposed transfer, provided the
131 commissioner may extend the one-hundred-twenty-day period
132 deadline by not more than an additional sixty days. The municipality
133 shall waive all rights to purchase the land, improvement, interest or
134 part thereof if the municipality declines or is deemed to have declined
135 the transfer of such land, improvement, interest or part thereof.

136 (f) If the municipality declines or is deemed to have declined the
137 transfer of the property, the Commissioner of Administrative Services
138 may sell, exchange or lease, or enter into agreements concerning, such
139 land, improvement, interest or part thereof, after (1) notifying (A) the
140 municipality or municipalities in which such land, improvement or
141 interest is located, (B) the members of the General Assembly
142 representing such municipality or municipalities, (C) the regional
143 planning organization, as defined in section 4-124i, of the region where
144 the land, improvement or interest is located, (D) the Connecticut
145 Economic Resource Center, and [(C)] (E) any potential developer of an
146 incentive housing development, as defined in section 8-13m, who has
147 registered with the Commissioner of Economic and Community
148 Development to be notified of any such state surplus land, and (2)
149 obtaining the approval of (A) the Secretary of the Office of Policy and
150 Management, (B) the State Properties Review Board, and (C) the joint
151 standing committees of the General Assembly having cognizance of
152 matters relating to (i) state revenue, and (ii) the purchase and sale of

153 state property and facilities, and (3) if such land, improvement, interest
154 or part thereof was purchased or improved with proceeds of tax-
155 exempt obligations issued or to be issued by the state, obtaining the
156 approval of the Treasurer. The Treasurer may disapprove such a
157 transaction only if the transaction would affect the tax-exempt status of
158 such obligations and could not be modified to maintain such tax-
159 exempt status. If a proposed agreement for such a conveyance has not
160 been submitted to the State Properties Review Board within [three
161 years] one year after the Commissioner of Administrative Services
162 provides such notice to such municipality and such members of the
163 General Assembly, or if the board does not approve the proposed
164 agreement within [five] two years after such notice, the Commissioner
165 of Administrative Services may not convey such land, improvement or
166 interest without again so notifying such municipality and such
167 members of the General Assembly.

168 (g) In the case of a proposed lease of land, an improvement to land
169 or an interest in land, or any part thereof, with a person, firm or
170 corporation in the private sector, for a term of six months or more, the
171 Commissioner of Administrative Services shall comply with such
172 notice requirement by notifying in writing the chief executive officer of
173 the municipality in which the land, improvement or interest is located
174 and the members of the General Assembly representing such
175 municipality, not less than two weeks before seeking the approval of
176 said secretary, board and committees, concerning the proposed lease
177 and the manner in which the lessee proposes to use the land,
178 improvement or interest. [Each agency, department or institution
179 which informs the secretary that any land, improvement or interest in
180 land is not needed shall retain responsibility for its security and
181 maintenance until the Commissioner of Administrative Services
182 receives custody and control of the property, if any.]

183 (h) The Treasurer shall execute and deliver any deed or instrument
184 necessary to convey the title to any property the sale or exchange of
185 which or a contract for the sale or exchange of which is authorized by

186 this section.

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

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

210 ~~[(f)]~~ (k) The requirements of subsections (b) to ~~[(d)]~~ (i), inclusive, of
211 this section shall not apply to land which the Commissioner of Energy
212 and Environmental Protection has acquired pursuant to 42 USC 9601 et
213 seq., the federal Comprehensive Environmental Response,
214 Compensation and Liability Act of 1980, as amended, (CERCLA).

215 Sec. 2. Section 3-14b of the general statutes is repealed and the
216 following is substituted in lieu thereof (*Effective July 1, 2013*):

217 Prior to the sale of any parcel of land, or a portion thereof owned by
218 the state, except a transfer or conveyance to the party against whom
219 foreclosure was taken or who conveyed to the state in lieu of
220 foreclosure under the provisions of section 17b-138, or as provided in
221 subsection (g) of this section, the state agency, department or
222 institution responsible for the sale of such land shall first notify, in
223 writing, the chief executive officer or officers of the municipality in
224 which such land is situated and the affected state representative and
225 state senator for such municipality of the state's intention to sell such
226 land, and no agreement to sell such land may be entered into or sale
227 may be made by the state except as follows:

228 (a) Not later than forty-five days after such notice has been so given,
229 such chief executive officer or officers may give written notice to the
230 state of the municipality's desire to purchase such land and shall have
231 the right to purchase the interest in the land which the state has
232 declared its intent to sell, subject to conditions of sale acceptable to the
233 state.

234 (b) If the chief executive officer or officers of the municipality fail to
235 give notice, as provided in subsection (a) of this section, or give notice
236 to the state of the municipality's desire not to purchase such land, such
237 municipality shall have waived its right to purchase the land in
238 accordance with the terms of this section.

239 (c) Not later than sixty days after notice has been given by the
240 municipality of its desire to purchase such land, as provided in
241 subsection (a) of this section, the state acting through the state agency,
242 department or institution shall sell such land to the municipality,
243 provided the state and the municipality agree upon the conditions of
244 sale and the amount to be paid therefor.

245 (d) If the municipality fails to purchase such land not later than
246 sixty days after notice has been given by the municipality of its desire
247 to purchase the land, as provided in subsection (a) of this section, such
248 municipality shall have waived rights to purchase the land in

249 accordance with the terms of this section, subject to the provisions of
250 subsection (e) of this section.

251 (e) Notwithstanding the provisions of subsections (b) and (d) of this
252 section, if the state thereafter proposes to sell such land to any person
253 upon terms different from those offered to the municipality, the state
254 shall first notify the municipality of such proposal, in the manner
255 provided in subsection (a) of this section, and of the terms of such
256 proposed sale, and such municipality shall have the option to purchase
257 such land upon such terms and may thereupon, in the same manner
258 and within the same time limitations as are provided in subsections (a)
259 and (c) of this section, proceed to purchase such land.

260 (f) Notwithstanding the provisions of subsection (d) of this section,
261 the towns of Preston and Norwich shall retain any right provided for
262 by this section with regard to the property known as the Norwich State
263 Hospital property, provided the Commissioner of Administrative
264 Services determines that such towns continue to make good faith
265 efforts to purchase such property and have otherwise complied with
266 the provisions of this section.

267 (g) The provisions of this section shall not apply to the sale or
268 transfer of land, an interest in land or an improvement to land under
269 the provisions of section 4b-21, as amended by this act.

270 Sec. 3. Subsection (c) of section 4b-47 of the general statutes is
271 repealed and the following is substituted in lieu thereof (*Effective July*
272 *1, 2013*):

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

274 (1) Limit the applicability of sections 22a-1a to 22a-1i, inclusive, with
275 respect to the sale or transfer of state land or any interest in state land,
276 except that if an environmental impact evaluation was prepared
277 pursuant to sections 22a-1b and 22a-1c or an environmental statement
278 was prepared for such state land or interest in state land pursuant to
279 any other state or federal law or regulation, as specified in section 22a-

280 If, such state agency, department or institution shall be exempt from
281 the notice and public comment requirements set forth in subsections
282 (a) and (b) of this section;

283 (2) Affect any purchase and sale agreement entered into between
284 the state and any second party that was in effect prior to October 1,
285 2007, or any subsequent sale, transfer, easement, lease or other such
286 agreement made pursuant to any such purchase and sale agreement;

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

289 (4) Apply to the sale or transfer of state lands between state
290 agencies;

291 (5) Apply to any easement that is granted to a municipality or a
292 regulated utility or utilities that (A) primarily benefits the state or an
293 agency or institution of the state, (B) is ordered as the result of a state
294 or federal regulatory process or proceeding, or (C) is necessary as a
295 result of the construction or reconstruction of any Department of
296 Transportation highway or facility;

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

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

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

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

309 (10) Limit the solicitation of public comment solely to the
310 Environmental Monitor.

311 Sec. 4. Subsection (a) of section 8-37y of the general statutes is
312 repealed and the following is substituted in lieu thereof (*Effective July*
313 *1, 2013*):

314 (a) The Commissioner of Economic and Community Development
315 may, with the approval of the Commissioner of Administrative
316 Services, the Secretary of the Office of Policy and Management and the
317 State Properties Review Board, sell, exchange, lease or enter into
318 agreements concerning any real property, as defined in section 8-39,
319 belonging to the state and transferred to the custody and control of the
320 Department of Economic and Community Development under the
321 provisions of [subsection] subsections (b) and (c) of section 4b-21, as
322 amended by this act. The commissioner shall require, as a condition of
323 any sale, exchange, lease or agreement entered into pursuant to this
324 section, that such real property be used only for an emergency shelter
325 or transitional living facility for homeless persons or for the provision
326 of low and moderate income housing, including, but not limited to, the
327 construction, rehabilitation or renovation of housing for persons and
328 families of low and moderate income, except that such condition, in
329 the discretion of the commissioner, may be subordinated in the case of
330 a subsequent first mortgage or a requirement of a governmental
331 program relating to such real property, and except that in the case of
332 an exchange of real property, the commissioner (1) shall require that
333 the parcel received by the commissioner, as a condition of such
334 exchange, shall be suitable for an emergency shelter or transitional
335 living facility for homeless persons or for the construction,
336 rehabilitation or renovation of housing for persons and families of low
337 and moderate income, and (2) shall release any restrictions required to
338 be imposed by this subsection on the parcel transferred by the
339 commissioner. Prior to any such sale, exchange, lease or agreement, the
340 commissioner shall notify the chief executive officer or officers of the
341 municipality or municipalities in which such real property is located.

342 No such real property may be sold, exchanged or leased by the
343 commissioner under this subsection without the approval of the
344 municipality or municipalities in which the real property is located.

345 Sec. 5. Section 17a-27b of the general statutes is repealed and the
346 following is substituted in lieu thereof (*Effective July 1, 2013*):

347 Notwithstanding any provision of the general statutes or
348 regulations adopted thereunder or any public or special act, the
349 Connecticut Juvenile Training School project, as defined in subsection
350 (k) of section 4b-55, shall be exempt from the provisions of subsections
351 (b) [, (c) and (d)] to (i), inclusive, of section 4b-21, as amended by this
352 act, sections 4b-23, 4b-28, 14-311, 16a-31, 16a-38, 22-6, 22a-6, 22a-12,
353 22a-14 to 22a-20, inclusive, 22a-39, 25-32 and 29-406 and chapter 54.

354 Sec. 6. (NEW) (*Effective from passage*) Notwithstanding the provisions
355 of sections 4b-3 and 4b-23 of the general statutes, the Commissioner of
356 Administrative Services may enter into a lease having a term of not
357 more than twelve months without obtaining the approval of the Office
358 of Policy and Management and the State Properties Review Board,
359 provided the Governor declares (1) an emergency exists because a state
360 facility has been damaged, destroyed or otherwise rendered unusable
361 due to any cause, (2) such emergency would adversely affect public
362 safety or the proper conduct of essential state government operations,
363 and (3) the state has an immediate need to acquire alternative space.

364 Sec. 7. Subdivision (6) of section 1-200 of the general statutes is
365 repealed and the following is substituted in lieu thereof (*Effective from*
366 *passage*):

367 (6) "Executive sessions" means a meeting of a public agency at
368 which the public is excluded for one or more of the following
369 purposes: (A) Discussion concerning the appointment, employment,
370 performance, evaluation, health or dismissal of a public officer or
371 employee, provided that such individual may require that discussion
372 be held at an open meeting; (B) strategy and negotiations with respect

373 to pending claims or pending litigation to which the public agency or a
374 member thereof, because of the member's conduct as a member of such
375 agency, is a party until such litigation or claim has been finally
376 adjudicated or otherwise settled; (C) matters concerning security
377 strategy or the deployment of security personnel, or devices affecting
378 public security; (D) discussion of the selection of a site or the lease, sale
379 or purchase of real estate by the state or a political subdivision of the
380 state when publicity regarding such site, lease, sale, purchase or
381 construction would [cause a likelihood of increased price] adversely
382 impact the price of such site, lease, sale, purchase or construction until
383 such time as all of the property has been acquired or all proceedings or
384 transactions concerning same have been terminated or abandoned; and
385 (E) discussion of any matter which would result in the disclosure of
386 public records or the information contained therein described in
387 subsection (b) of section 1-210.

388 Sec. 8. Section 4b-4 of the general statutes is repealed and the
389 following is substituted in lieu thereof (*Effective from passage*):

390 (a) No nonclerical employee in the unit in the Department of
391 Administrative Services that is responsible for acquiring, leasing and
392 selling real property on behalf of the state shall be directly involved in
393 any enterprise that does business with the state or be directly or
394 indirectly involved in any enterprise concerned with real estate
395 acquisition or development. Each member of the State Properties
396 Review Board [shall file, with the State Properties Review Board and
397 with the Office of State Ethics,] and each such employee of the
398 Department of Administrative Services shall file, [with the Department
399 of Administrative Services and] with the Office of State Ethics, a
400 statement of financial interests pursuant to the provisions of section 1-
401 83.

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

404 Sec. 9. Section 4a-1a of the general statutes is repealed and the

405 following is substituted in lieu thereof (*Effective July 1, 2013*):

406 (a) (1) Wherever the term "Commissioner of Public Works" or
 407 "Public Works Commissioner" is used in the following sections of the
 408 general statutes, the term "Commissioner of Administrative Services"
 409 shall be substituted in lieu thereof; and (2) wherever the term
 410 "Department of Public Works" is used in the following sections of the
 411 general statutes, the term "Department of Administrative Services"
 412 shall be substituted in lieu thereof: 1-205, 1-210, 2-71h, 3-10, 3-14b, as
 413 amended by this act, 4-87, 4b-2, 4b-4, as amended by this act, 4b-12, 4b-
 414 13, 4b-17, 4b-21, as amended by this act, 4b-24a, 4b-25, 4b-27, 4b-29, 4b-
 415 30, 4b-30a, 4b-33, 4b-34, 4b-35, 4b-46, 4b-65, 4b-67, 4b-68, 4b-69, 4b-71,
 416 4b-72, 4b-73, 4b-74, 4b-130, 4b-132, 8-37y, as amended by this act, 10a-
 417 89, 10a-150, 13a-80i, 13b-42, 13b-55, 16a-38h, 17b-655, [18-31b,] 20-68,
 418 20-311b, 20-503, 22a-324, 31-250, 32-6, 32-228, 45a-80, 46a-29, 51-27a, 51-
 419 27c, 51-27d, 51-51k and 51-279.

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

424 Sec. 10. Section 18-31b of the general statutes is repealed. (*Effective*
 425 *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>	3-14b
Sec. 3	<i>July 1, 2013</i>	4b-47(c)
Sec. 4	<i>July 1, 2013</i>	8-37y(a)
Sec. 5	<i>July 1, 2013</i>	17a-27b
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	1-200(6)
Sec. 8	<i>from passage</i>	4b-4
Sec. 9	<i>July 1, 2013</i>	4a-1a
Sec. 10	<i>July 1, 2013</i>	Repealer section

