



General Assembly

Substitute Bill No. 5359

February Session, 2014



AN ACT ESTABLISHING THE PUBLIC-PRIVATE PARTNERSHIP COMMISSION.

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

1 Section 1. (NEW) (*Effective from passage*) (a) There is established the
2 Public-Private Partnership Commission within the Department of
3 Administrative Services. The commission shall make
4 recommendations to the Governor concerning projects submitted by
5 state agencies to the Governor under subsection (a) of section 4-256 of
6 the general statutes, as amended by this act.

7 (b) The commission shall consist of the following members:

8 (1) One appointed by the speaker of the House of Representatives;

9 (2) One appointed by the president pro tempore of the Senate;

10 (3) One appointed by the majority leader of the House of
11 Representatives;

12 (4) One appointed by the majority leader of the Senate;

13 (5) One appointed by the minority leader of the House of
14 Representatives;

15 (6) One appointed by the minority leader of the Senate;

16 (7) Two appointed by the Governor; and

17 (8) The Commissioner of Administrative Services, or a designee.

18 (c) All appointments to the commission shall be made not later than
19 thirty days after the effective date of this section. Any vacancy shall be
20 filled by the appointing authority. Members shall serve until January 1,
21 2015, at which point the commission shall terminate. Members of the
22 commission shall receive no compensation for their services but shall
23 be reimbursed for necessary expenses incurred in the performance of
24 their duties.

25 (d) The speaker of the House of Representatives and the president
26 pro tempore of the Senate shall select the chairpersons of the
27 commission from among the members of the commission. Such
28 chairpersons shall schedule the first meeting of the commission, which
29 shall be held not later than sixty days after the effective date of this
30 section. A majority of the members of said commission shall
31 constitute a quorum for the transaction of any business. Any action
32 taken by said commission shall be by majority vote of those present.

33 (e) Not later than fifteen days after receipt of an agency submittal of
34 a project under section 4-256 of the general statutes, as amended by
35 this act, the commission shall meet to consider such project and make
36 recommendations concerning such project. Not later than five days
37 after any such meeting, the commission shall submit any
38 recommendations concerning such project to the Governor.

39 Sec. 2. Section 4-256 of the 2014 supplement to the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective from*
41 *passage*):

42 (a) On and after October 27, 2011, and prior to January 1, 2015, the
43 Governor shall approve not more than five projects to be implemented
44 as public-private partnership projects. The Governor shall not approve
45 any such project unless the Governor finds that the project will result
46 in job creation and economic growth. Any agency seeking to establish

47 a public-private partnership shall, after consultation with the
48 Commissioners of Economic and Community Development,
49 Administrative Services and Transportation, the State Treasurer and
50 the Secretary of the Office of Policy and Management, submit one or
51 more projects to the Governor for approval.

52 (b) In determining whether a project is suitable for a public-private
53 partnership agreement, the agency shall conduct an analysis of the
54 feasibility, desirability and the convenience to the public of the project
55 and whether the project furthers the public policy goals of section 4-
56 255, this section and sections 4-257 to 4-263, inclusive, taking into
57 consideration the following, when applicable:

58 (1) The essential characteristics of the proposed facility;

59 (2) The projected demand for use of the facility and its economic
60 and social impact on the community and the state;

61 (3) The technical function and feasibility of the project and its
62 conformity with the state plan of conservation and development
63 adopted under chapter 297;

64 (4) The benefit to clients of the agency and the public as a whole;

65 (5) An analysis of the value provided for the cost of the project, that
66 at a minimum includes a cost-benefit analysis, an assessment of
67 opportunity costs and any nonfinancial benefits of the project;

68 (6) Any operational or technological risk associated with the
69 proposed project;

70 (7) The cost of the investment to be made and the economic and
71 financial feasibility of the project;

72 (8) An analysis of public versus private financing on a present value
73 basis, and the eligibility of the project for other public funds from local
74 or federal government sources;

75 (9) The impact to the state's finances of undertaking the project by
76 the agency; and

77 (10) The advantages and disadvantages of using a public-private
78 partnership rather than having the state agency perform the function.

79 (c) An agency shall not include a project solely based upon the
80 amount of potential revenue generated by such project.

81 (d) Any agency submitting a project in accordance with subsection
82 (a) of this section shall at the same time transmit, in accordance with
83 the provisions of section 11-4a, a copy of its submission to the Public-
84 Private Partnership Commission established under section 1 of this act
85 and to the joint standing committees of the General Assembly having
86 cognizance of matters relating to finance, revenue and bonding and
87 appropriations and the budgets of state agencies. Said committees
88 shall hold public hearings on any such submission.

89 (e) The Governor shall notify the agency when a project has been
90 approved as a public-private partnership project.

91 (f) On or before January 15, 2013, and annually thereafter, the
92 Governor shall report, in accordance with the provisions of section 11-
93 4a, to the General Assembly concerning the status of the public-private
94 partnerships established under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	4-256

GAE *Joint Favorable Subst.*