



Senate

General Assembly

File No. 302

February Session, 2018

Senate Joint Resolution No. 35

Senate, April 5, 2018

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist. and SEN. MCLACHLAN, M. of the 24th Dist., Chairpersons of the Committee on the part of the Senate, that the joint resolution ought to be adopted.

RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO PROTECT REAL PROPERTY HELD OR CONTROLLED BY THE STATE.

Resolved by this Assembly:

1 Section 1. That the following be proposed as an amendment to the
2 Constitution of the State, which, when approved and adopted in the
3 manner provided by the Constitution, shall, to all intents and
4 purposes, become a part thereof:

5 Article third of the Constitution is amended by adding section 19 as
6 follows:

7 Sec. 19. (a) The general assembly shall not enact any legislation
8 requiring a state agency to sell, transfer or otherwise dispose of any
9 real property or interest in real property that is under the custody or
10 control of such agency to any person or entity other than another state
11 agency unless a committee of the general assembly has held a public

12 hearing regarding such sale, transfer or disposition of such property or
13 interest and the act of the general assembly requiring such sale,
14 transfer or disposition of real property or interest in real property is
15 limited in subject matter to provisions concerning such sale, transfer or
16 disposition.

17 (b) In the case of real property or an interest in real property that is
18 under the custody or control of the Department of Agriculture or the
19 Department of Energy and Environmental Protection, or a successor
20 agency of either department, in addition to complying with the
21 requirements of subsection (a) of this section, any act requiring the
22 sale, transfer or disposition of such property or interest shall pass upon
23 roll call by a yea vote of at least two-thirds of the total membership of
24 each house.

25 RESOLVED: That the foregoing proposed amendment to the
26 Constitution be continued to the next session of the General Assembly
27 elected at the general election to be held on November 6, 2018, and
28 published with the laws passed at the present session, or be presented
29 to the electors at the general election to be held on November 6, 2018,
30 whichever the case may be, according to article sixth of the
31 amendments to the Constitution. The designation of said proposed
32 amendment to be used on the ballots at such election shall be "Shall the
33 Constitution of the State be amended to require (1) a public hearing
34 and the enactment of legislation limited in subject matter to the
35 transfer, sale or disposition of state-owned or state-controlled real
36 property or interests in real property in order for the General
37 Assembly to require a state agency to sell, transfer or dispose of any
38 real property or interest in real property that is under the custody or
39 control of the agency, and (2) if such property is under the custody or
40 control of the Department of Agriculture or the Department of Energy
41 and Environmental Protection, that such enactment of legislation be
42 passed by a two-thirds vote of the total membership of each house of
43 the General Assembly?"

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Secretary of the State	GF - Cost	5,000	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The resolution proposes an amendment to the State Constitution that the general assembly will not enact legislation requiring a state agency to sell, transfer, or dispose of real property that is in the custody of a state agency without 1) holding a public hearing, and 2) the sale passing by a two-thirds vote in each chamber.

The Secretary of the State is anticipated to incur a cost of \$5,000 in FY 19 (for the November 2018 election) for providing posters with the proposed constitutional amendment question and explanation to each polling place in every municipality. The FY 19 cost may be shifted into FY 21 pursuant to the requirements of the constitutional amendment process.

This cost will cover the printing and mailing of the posters. Since all materials required for placing a constitutional amendment on the ballot are supplied by the State, and the vote will occur on the same day as a regularly scheduled statewide election, no costs will be incurred by municipalities.

The Out Years

The cost identified above is one-time. However, the FY 19 cost may

be shifted into FY 21 pursuant to the requirements of the constitutional amendment process, as noted above.

OLR Bill Analysis**SJ 35*****RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO PROTECT REAL PROPERTY HELD OR CONTROLLED BY THE STATE.*****SUMMARY**

This resolution proposes a constitutional amendment that, with limited exceptions, prohibits the legislature from enacting legislation requiring a state agency to sell, transfer, or otherwise dispose of real property or interest in real property to non-state entities.

Under the resolution, the legislature may require an agency to take such actions only if the legislature (1) holds a public hearing on the sale, transfer, or disposition of the subject property or interest and (2) passes an act whose subject matter is limited to the same. In addition to complying with these requirements, for real property or interest in real property under the custody or control of the departments of agriculture or energy and environmental protection, or their successor agencies, passage must be by at least a two-thirds roll call vote of the membership of each chamber.

The ballot designation to be used when the amendment is presented at the general election is:

"Shall the Constitution of the State be amended to require (1) a public hearing and the enactment of legislation limited in subject matter to the transfer, sale or disposition of state-owned or state-controlled real property or interests in real property in order for the General Assembly to require a state agency to sell, transfer or dispose of any real property or interest in real property that is under the custody or control of the agency, and (2) if such property is under the custody or control of the

Department of Agriculture or the Department of Energy and Environmental Protection, that such enactment of legislation be passed by a two-thirds vote of the total membership of each house of the General Assembly?"

EFFECTIVE DATE: If the resolution passes by at least three-fourths of the membership of each house of the General Assembly, it will appear on the November 6, 2018 general election ballot. If it passes by a majority of the membership of each house but less than three-fourths, it will be referred to the 2019 session of the legislature. If it passes in that session by a majority of each house, it will appear on the 2020 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 17 Nay 0 (03/23/2018)