



General Assembly

January Session, 2021

Raised Bill No. 6577

LCO No. 4421



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

AN ACT CONCERNING THE STATE PROPERTIES REVIEW BOARD.

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

1 Section 1. Subsections (d) to (f), inclusive, of section 4b-3 of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2021*):

4 (d) Notwithstanding any [other statute] provision of the general
5 statutes or special act, [to the contrary,] the Commissioner of
6 Administrative Services shall be the sole person authorized to represent
7 the state in its dealings with third parties for the construction,
8 development, acquisition or leasing of real estate for housing the offices
9 or equipment of all agencies of the state or for the state-owned public
10 buildings or realty, as provided for in sections 2-90, 4b-1 to 4b-5,
11 inclusive, 4b-21, 4b-23, as amended by this act, 4b-24, 4b-26, 4b-27, 4b-
12 30 and 4b-32, subsection (c) of section 4b-66 and sections 4b-67 to 4b-69,
13 inclusive, 4b-71, 4b-72, 10-95, 10a-72, 10a-89, 10a-90, 10a-114, 10a-130,
14 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9, 51-27d
15 and 51-27f, except that (1) the Joint Committee on Legislative

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

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

63 (e) The State Properties Review Board shall be within the
64 [Department of Administrative Services] Legislative Department and
65 shall have independent decision-making authority.

66 (f) The State Properties Review Board shall review for approval or
67 disapproval (1) real estate acquisitions, sales, leases and subleases
68 proposed by the Commissioner of Administrative Services or proposed
69 by the Chief Court Administrator pursuant to the authority delegated
70 to the Chief Court Administrator by the Commissioner of
71 Administrative Services, (2) the acquisition, other than by
72 condemnation, or the sale, [or] lease or licensing of any real property or
73 any other contractual agreement concerning any real property by the
74 Commissioner of Transportation under subdivision (11) of section 13b-
75 4 or subsection (b) of section 13b-36, subject to section 4b-23, as amended
76 by this act, and subsection (h) of section 13a-73, [and review, for
77 approval or disapproval,] (3) any contract for a project described in
78 subsection (h) of section 4b-91, (4) any acquisition of development rights
79 of agricultural land by the Commissioner of Agriculture under section
80 22-26cc or 22-26nn, as amended by this act, (5) any real estate acquisition
81 by any other state agency under any provision of the general statutes
82 that is paid for with bonds, as defined in section 3-20, and (6) any lease
83 or sublease, licensing or other contractual agreement concerning real
84 property proposed by a quasi-public agency under section 3 of this act.

85 Such review shall consider all aspects of the proposed actions, including
86 feasibility and method of acquisition and the prudence of the business
87 method proposed. The board shall also cooperate with and advise and
88 assist the Commissioner of Administrative Services and the
89 Commissioner of Transportation in carrying out their duties. The board
90 shall have access to all information, files and records, including financial
91 records, of the Commissioner of Administrative Services, [and] the
92 Commissioner of Transportation, [and shall, when necessary, be entitled
93 to the use of personnel employed by said commissioners. The board
94 shall approve or disapprove any acquisition of development rights of
95 agricultural land by the Commissioner of Agriculture under section 22-
96 26cc] any other state agency acquiring real estate described in
97 subdivision (5) of this subsection and any quasi-public agency
98 submitting a proposed agreement described in subdivision (6) of this
99 subsection. The board shall hear any appeal under section 8-273a and
100 shall render a final decision on the appeal within thirty days thereafter.
101 The written decision of the board shall be a final decision for the
102 purposes of sections 4-180 and 4-183. The provisions of this section shall
103 not apply to any airport, airport site or any part thereof operated by the
104 Connecticut Airport Authority established pursuant to section 15-
105 120bb.

106 Sec. 2. Subsection (i) of section 4b-23 of the general statutes is repealed
107 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

108 (i) As used in this subsection, (1) "project" means any state program,
109 except the downtown Hartford higher education center project, as
110 defined in section 4b-55, requiring consultant services if the cost of such
111 services is estimated to exceed [one hundred] twenty-five thousand
112 dollars or, in the case of a constituent unit of the state system of higher
113 education, the cost of such services is estimated to exceed three hundred
114 thousand dollars, or in the case of a building or premises under the
115 supervision of the Office of the Chief Court Administrator or property
116 where the Judicial Department is the primary occupant, the cost of such
117 services is estimated to exceed three hundred thousand dollars; (2)
118 "consultant" means "consultant" as defined in section 4b-55; and (3)

119 "consultant services" means "consultant services" as defined in section
120 4b-55. Any contracts entered into by the Commissioner of
121 Administrative Services with any consultants for employment (A) for
122 any project under the provisions of this section, (B) in connection with a
123 list established under subsection (d) of section 4b-51, or (C) by task letter
124 issued by the Commissioner of Administrative Services to any
125 consultant on such list pursuant to which the consultant will provide
126 services valued in excess of [one hundred] twenty-five thousand dollars,
127 shall be subject to the approval of the Properties Review Board prior to
128 the employment of such consultant or consultants by the commissioner.
129 The Properties Review Board shall, not later than thirty days after
130 receipt of such selection of or contract with any consultant, approve or
131 disapprove the selection of or contract with any consultant made by the
132 Commissioner of Administrative Services pursuant to sections 4b-1 and
133 4b-55 to 4b-59, inclusive. If upon the expiration of the thirty-day period
134 a decision has not been made, the Properties Review Board shall be
135 deemed to have approved such selection or contract.

136 Sec. 3. (NEW) (*Effective October 1, 2021*) Any quasi-public agency, as
137 defined in section 1-120 of the general statutes, shall submit any
138 proposed lease or sublease, licensing or other contractual arrangement
139 concerning real property to the State Properties Review Board for
140 approval or disapproval. The provisions of this section shall not be
141 construed to apply to any mortgage loan granted by a quasi-public
142 agency.

143 Sec. 4. Subsection (a) of section 22-26nn of the general statutes is
144 repealed and the following is substituted in lieu thereof (*Effective October*
145 *1, 2021*):

146 (a) The Commissioner of Agriculture may establish a community
147 farms program for the preservation of farmland that does not meet the
148 criteria of the farmland preservation program established pursuant to
149 section 22-26cc for reasons of size, soil quality or location but that may
150 contribute to local economic activity through agricultural production.
151 The commissioner may purchase up to one hundred per cent of the

152 value of development rights directly from an eligible owner, or may
153 acquire development rights on qualifying farmland jointly with a
154 municipality, subject to the review and approval of the State Properties
155 Review Board and the appraisal and review required by the regulations
156 adopted pursuant to this section. For the purposes of this section,
157 "development rights" and "owner" have the same meanings as provided
158 in section 22-26bb.

159 Sec. 5. Section 4-9a of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2021*):

161 (a) The Governor shall appoint the chairperson and executive
162 director, if any, of all boards and commissions within the Executive
163 Department, except [the State Properties Review Board,] the State
164 Elections Enforcement Commission, the Commission on Human Rights
165 and Opportunities, the Commission on Fire Prevention and Control, the
166 Citizen's Ethics Advisory Board and the Transportation Policy Advisory
167 Council.

168 (b) Public members shall constitute not less than one-third of the
169 members of each board and commission within the Executive
170 Department, except the Commission on Human Rights and
171 Opportunities. Public member means an elector of the state who has no
172 substantial financial interest in, is not employed in or by, and is not
173 professionally affiliated with, any industry, profession, occupation,
174 trade or institution regulated or licensed by the relevant board or
175 commission, and who has had no professional affiliation with any such
176 industry, profession, occupation, trade or institution for three years
177 preceding his appointment to the board or commission. Except as
178 otherwise specifically provided by the general statutes, this section shall
179 not apply to the Commission on Fire Prevention and Control, boards
180 and commissions the membership of which is entirely composed of state
181 department heads, elected officials or deputies appointed by such
182 department heads or where the membership of such board or
183 commission is determined in accordance with the provisions of any
184 federal law.

185 (c) Notwithstanding any provision of law, the term of each member
186 of each board and commission within the executive branch, except the
187 State Board of Education, the Board of Regents for Higher Education,
188 the Commission on Human Rights and Opportunities, the State
189 Elections Enforcement Commission, [the State Properties Review
190 Board,] the Citizen's Ethics Advisory Board, the Commission on
191 Medicolegal Investigations, the Psychiatric Security Review Board, the
192 Commission on Fire Prevention and Control, the E 9-1-1 Commission,
193 the Culture and Tourism Advisory Committee, and the board of trustees
194 of each constituent unit of the state system of higher education,
195 commencing on or after July 1, 1979, shall be coterminous with the term
196 of the Governor or until a successor is chosen, whichever is later.

197 (d) Each member of each board and commission within the executive
198 branch shall serve at the pleasure of the appointing authority except
199 where otherwise specifically provided by any provision of the general
200 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	4b-3(d) to (f)
Sec. 2	<i>October 1, 2021</i>	4b-23(i)
Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>October 1, 2021</i>	22-26nn(a)
Sec. 5	<i>October 1, 2021</i>	4-9a

Statement of Purpose:

To expand the purview of the State Properties Review Board to include licensing agreements, the purchasing of agricultural development rights and contracts entered into by other state agencies and quasi-public agencies and to move the board to within the Legislative Department.

[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.]