

Legislative History for Connecticut Act

PA 14-112

SB271

House	6726-6727, 6733-6736	6
Senate	813-814, 872-873	4
Gov. Admin. & <u>Elections</u>	501, 503-504, 631-641	14
		24

H – 1200

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 20
6540 – 6911**

THE CLERK:

House Calendar 326, Favorable Report of the joint standing Committee on Government Administration and Elections, Substitute Senate Bill 247, AN ACT ELIMINATING AND MODIFYING CERTAIN REPORTING AND REGULATORY REQUIREMENTS OF THE DEPARTMENT OF ADMINISTRATION -- ADMINISTRATIVE SERVICES AND REPEALING OBSOLETE PROVISIONS.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

I move, I would like to move the following item to Consent Calendar as amended by Senate "A."

DEPUTY SPEAKER GODFREY:

The question is on moving this onto the Consent Calendar as -- as amended by Senate "A." Is there objection?

Hearing none, so ordered.

Mr. Clerk, 425.

THE CLERK:

House Calendar 425, Favorable Report of the joint standing Committee on Government Administration and Elections, Senate Bill 271, AN ACT CONCERNING THE STATE'S AUTHORITY TO PURCHASE AND TO RECEIVE DONATIONS

mhr/md/ch/cd/gm
HOUSE OF REPRESENTATIVES

216
May 7, 2014

OF REAL PROPERTY.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Yes, Mr. Speaker. I'd like to move the following item to the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

Question is putting this on the Consent Calendar.

Is there objection?

Hearing none, so ordered.

Mr. Clerk, 506.

THE CLERK:

House Calendar 506, Favorable Report of the joint standing Committee on Appropriations, Senate Bill 55, AN ACT CONCERNING COMPLIMENTS THAT -- COMPLAINTS THAT ALLEGEDLY -- THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to move the following item to the Consent Calendar, as amended by Senate "A."

DEPUTY SPEAKER GODFREY:

The question is placing this on a Consent

506 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

506 is removed from the Consent Calendar.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to remove Calendar 508 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

Calendar 508 is removed from the Consent Calendar.

SB72

Mr. Clerk, would you kindly call the Consent Calendar.

THE CLERK:

Mr. Speaker, Consent Calendar Number 1, consisting of Calendar Numbers 548; 512, as amended by Senate "A"; 450, as amended by Senate "C"; 236, as amended by Senate "A"; Calendar 425; Calendar 518, as amended by Senate "A"; Calendar 452; Calendar 511; Calendar 5 -- excuse me -- 458; Calendar 491; Calendar 467; Calendar 468; item under suspension, 535; Senate Bill 00114, as considered under suspension; Senate Bill 417, suspension; Calendar Number 537, as amended by Senate "A"; Calendar 498; Calendar 499, as amended by Senate "A"; Calendar 508; and, House Bill -- what

SB176
SB179
SB70
SB247
SB271
SB426
SB154
SB155
SB262
SB456
SB463
SB493
SB114
SB417
SB269
SB309
HB5312

is it? Is off -- excuse me -- and House Bill 5312,
which was done under suspension with Senate "A" and
"B."

DEPUTY SPEAKER GODFREY:

Thank you, Mr. Clerk.

Just -- just for my own clarification, was --
that was 326 not 236?

THE CLERK:

Three-two-six.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Aresimowicz, what's your pleasure
on today's Consent Calendar?

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move passage of the bills on
today's Consent.

DEPUTY SPEAKER GODFREY:

Question is on passage of the bills on the
Consent Calendar.

Staff and guests please come to the well of the
House. Members take their seat. The machine will be
open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll, by --
on today's first Consent Calendar. Will members
please report to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted?

Ladies and gentlemen, before I call for the
machine being locked, I need to note that the board is
not completely in line with the motion. Calendar 520
"A," which unfortunately is up on the board, was --
there was no motion to put that on the Consent
Calendar. Unless there's objection, we'll just fix it
ministerially and proceed on. Is there any objection
to that solution?

Thank you all.

If all the -- if everyone has voted, the machine
will be locked. Clerk will take a tally.

And the Clerk will announce the tally.

THE CLERK:

Consent Calendar Number 1.

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	148
Those voting Nay	0

Those absent and not voting 3

DEPUTY SPEAKER GODFREY:

The Consent Calendar as moved, the bills on it
are passed.

And now, Mr. Clerk, we will do Calendar 528.

THE CLERK:

House Calendar 528, Favorable Report of the joint
standing Committee on Insurance and Real Estate,
Senate Bill 480, AN ACT CONCERNING LIFE INSURANCE
PROCEDURE LICENSES AND REGISTRATIONS OF BROKER-
DEALERS, AGENTS, INVESTMENT ADVISERS AND INVESTMENT
ADVISER AGENTS.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Insurance and
Real Estate Committee, Representative Megna.

REP. MEGNA (97th):

Thank -- thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint
committee's Favorable Report and passage of the bill,
in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

The question is on passage and concurrence.
Would you explain the bill, please, Representative --

REP. MEGNA (97th):

S - 671

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2014**

**VOL. 57
PART 3
703 – 1013**

mhr/gbr
SENATE

82
April 17, 2014

Mr. President, with no objection, I request that it be placed on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

Mr. Clerk, would you return to the call of the Calendar, please.

THE CLERK:

Also on page 11, Calendar 177, Senate Bill Number 271, AN ACT CONCERNING THE STATE'S AUTHORITY TO PURCHASE AND TO RECEIVE DONATIONS OF REAL PROPERTY; Favorable Report of the Committee on Government Administration and Elections.

THE CHAIR:

Acting on acceptance and approval of the bill, will you remark further?

Senator Musto.

SENATOR MUSTO:

Yes, I would move it. Thank you, Mr. President.

To the Circle, this -- this act pretty much comports with current practice. Although the State often receives gifts of real property, the statutory basis for it is somewhat unclear, and so surprisingly -- maybe not -- we're trying to clarify it. And that's really all it does is allow the state clear statutory authority to accept the gifts of real property.

And it does have some notwithstanding language in it regarding the Commissioner of DAS. And if you'll excuse me -- I'm sorry -- but I just want to make sure I get this right for you. It may purchase the acquire -- it may purchase or acquire real property on behalf of a state agency that does not otherwise possess statutory authority to do so. And that's, again, really current practice right now. So I would ask the Circle's approval.

mhr/gbr
SENATE

83
April 17, 2014

Thank you, Mr. President.

(Senator Coleman in the Chair.)

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further?

If not, Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President.

If there's no objection, I would ask this item be placed on the Consent Calendar.

THE CHAIR:

Without objection, this item may be placed on a Consent.

Mr. Clerk.

THE CLERK:

On page 13, Calendar 207, Senate Bill Number 193, AN ACT CONCERNING DISCLOSURE OF FEES FOR THE PROCESSING OF INSURANCE PREMIUM PAYMENTS; Favorable Report of the Committee on Insurance and Real Estate.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

(Inaudible) to the Circle. Mr. President, I move for acceptance of the joint committee's Favorable Report and passage of the bill.

THE CHAIR:

mhr/gbr
SENATE

141
April 17, 2014

Page 8, Calendar 74, Senate Bill Number 95; also on page 8, Calendar 80, Senate Bill 188.

On Calendar page 9 -- I'm sorry -- on page, yeah, page 9, Calendar 110, Senate Bill 125; Calendar 112, Senate Bill 255; Calendar 113, Senate Bill Number 256; Calendar 122, Senate Bill 260.

On page 11, Calendar 163, Senate Bill 280; Calendar 177, Senate Bill 271.

On page 13, Calendar 207, Senate Bill Number 193.

On page 14, Calendar 225, Senate Bill Number 281.

On page 15, Calendar 244, Senate Bill 283.

Page 17, Calendar 255, Senate Bill 477.

On page 23, Calendar 288, Senate Bill 413; Calendar 290, Senate Bill 418.

And on page 25, Calendar 303, Senate Bill Number 217.

THE CHAIR:

I'm sorry. At this time, Mr. Clerk, will you call for a roll call vote, and the machine will be open on the second Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the second Consent Calendar of the day. Immediate roll call has been ordered in the Senate.

THE CHAIR:

If all members voted, all members voted, the machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

On the second Consent Calendar for today.

mhr/gbr
SENATE

142
April 17, 2014

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Absent, not voting	1

THE CHAIR:

The Consent Calendar passes.

Mr. Clerk -- oh, I'm sorry -- Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might go back to the item that was removed from Consent and ask for a roll call vote on that item. That was Calendar page 8, Calendar 78, Senate Bill 186.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote, and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call has been ordered in the Senate.
Immediate roll call ordered in the Senate. An
immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted; all members voted? The machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

Senate Bill Number 186.

Total Number Voting	33
Those voting Yea	23
Those voting Nay	10
Absent, not voting	3

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 2
493 – 783**

2014

put right where you are. Thank you. And with that welcome Commissioner.

COMMISSIONER DONALD DEFRONZO: Mr. Chairman. Good afternoon -- well it's actually -- I guess it is afternoon. Good afternoon, Senator Musto, Representative Jutila, other distinguished members of the committee. My name is Don Defronzo and I first want to thank the committee for raising three concepts on behalf of DAS and for the opportunity to provide comment on these bills as well as three other bills before the committee. We have submitted more detailed written testimony so I'll just try and highlight my -- my comments in -- in my testimony today.

DAS asked the committee to raise Senate Bill 287, AN ACT ELIMINATING AND MODIFYING CERTAIN REPORTING AND REGULATORY REQUIREMENTS OF THE DEPARTMENT'S ADMINISTRATIVE AND REPEALING OBSOLETE PROVISIONS. The purpose of this bill is to eliminate or modify a number of obsolete and or confusing statutory provisions that relate to DAS. Most of these provisions have been identified by the auditors of public accounts and DAS has committed to working with the auditors to repeal or revise the noted provisions. And there's -- there's -- we have a detailed testimony on that so I won't get into that unless there's follow up questioning.

Senate Bill 248, AN ACT CONCERNING PUBLIC WORKS PROJECTS AND THE THRESHOLD FOR COMPETITIVE BIDDING, SUBCONTRACTOR PREQUALIFICATION, CONSTRUCTION MANAGER AT RISK PROJECT DELIVERY CONTRACTS, THE HIRING OF CONSULTANTS AND THE PURCHASING OF CERTAIN PROPERTY AND SERVICES is another DAS bill. It is intended to streamline and improve DAS's construction processes.

SB 271

HB 5049

HB 5312

HB 5359

actually obtain the prequalification status. DAS is also seeking to remove unnecessary and costly barriers to the most effective utilization of construction manager at risk project delivery method by allowing projects to be bid and a guaranteed maximum price to be established in phases when the building will be occupied during the construction period.

We believe this will encourage a greater number of bids at each phase of work and provide greater reliability in the number of bids. Finally the Senate Bill 248 makes a series of clarifications to ensure that DAS is able to fully utilize all potential delivery methods available to the State and providing construction related services to our client agencies including the use of on call consultants when we have multiple related projects and utilization of cooperative purchasing plans, DAS contracts, et cetera to allow for more efficient construction of time sensitive projects. The third DAS bill is Senate Bill 271, AN ACT CONCERNING THE STATE'S AUTHORITY TO PURCHASE AND RECEIVE DONATIONS OF REAL PROPERTY.

This bill clarifies that the State may accept gifts of real property and interest in real property through DAS and eliminates any question about the ability of the State to accept donations of land and other property in the absence of such specific statutory language. Senate Bill 271 is also designed to remove any ambiguity about DAS's authority to purchase or acquire real property, interest in real property and other rights or interests in land on behalf of the State that do not otherwise possess specific statutory authority to do so themselves.

DAS is seeking these clarifications based upon an opinion of the Office of the Attorney General that the existing statutory language is not clear. Okay. So I would like again to thank the committee for raising these three bills. I'd also like to make three brief comments on three other bills before the committee.

First DAS wholeheartedly supports the Governor's proposed House Bill 5049, AN ACT ELIMINATING UNNECESSARY GOVERNMENT REGULATIONS. We've been working with the Governor's staff to identify DAS regulations that are outdated, unnecessary and burdensome or ineffective and we'll continue that process through the session. House Bill 5312, AN ACT REQUIRING AN ONLINE EXPLANATION BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES OF ANY CONTRACT -- OF ANY CONTRACT EXTENDED WITHOUT USING COMPETITIVE BIDDING, directs DAS to post an explanation anytime it extends a contract pursuant to Section 4A-59A and submit an annual report summarize -- summarizing that information. Only a few contracts per year if any are extended pursuant to 4A-59A.

In the past few years DAS has instituted rigorous review and approval processes to reduce the number of contracts that are extended pursuant to section 4A-59A. Indeed DAS processes 250 to 300 contracts per year and has exercised this authority only on three occasions in the past two years. DAS however does not oppose the requirement that DAS post the reasons for the extension of contracts because we agree with the proponents that doing so will provide greater transparency and clarity about the process to vendors, agencies and members of the general public.

CONNECTICUT Land Conservation Council

STEERING COMMITTEE

Tim Abbott, Chairman
Uitchfield Hills Greenway

Alicia Sullivan, Co-Chair
Trust for Public Land

David Bingham
Water Land Trust

Hunter Brawley
Biological Consulting Group

Sandy Breslin
Amulon Connecticut

Margot Burns
*Lower Connecticut River Valley
Council of Government*

Kevin Case
Land Trust Alliance

Stephanie Clark
*Josiah's Tract Conservation
and Historic Trust*

Jim Gooch
Connecticut Farmstead Trust

Ginny Gwynn
Greenwich Land Trust

Eric Hammerling
*Connecticut Forest & Park
Association*

Mary Michelle Hirschhoff
The Game Club of New Haven

Flame Labella
Northwest Hills Association

Connie Manes
Kent Land Trust

Tom Odell
*CT Association of Conservation
and Historic Land Commissions*

David Sutherland
The Nature Conservancy

Humphrey Tyler
Long Hill Conservation Trust

STAFF
Amy P. Paterson, Esq.
Executive Director

Testimony Regarding Raised S.B. 271

To the Committee on Government Administration and Elections
Submitted by: Amy Blaymore Paterson, Esq., Executive Director
March 3, 2014

Chairmen Musto and Jutila and Members of the Committee on Government Administration & Elections:

Thank you for this opportunity to submit testimony on behalf of the Connecticut Land Conservation Council (CLCC) with respect to Raised S.B. 271, An Act Concerning the State's Authority to Purchase and to Receive Donations of Real Property.

CLCC works with land trusts (now numbering over 137), other conservation and advocacy organizations, government entities and landowners to increase the pace, quality, scale and permanency of land conservation in Connecticut while assuring the perpetual, high quality stewardship of conserved lands in the state.

CLCC has been studying the issue of state lands protection for over two years, working with several conservation organizations and the Department of Energy and Environmental Protection (DEEP) on a strategy to identify, prioritize and permanently protect lands valuable for conservation purposes in accordance with PA 12-152, and to ensure that there is a process to provide an opportunity for public input before such state lands are exchanged, sold or otherwise conveyed.

To that end, CLCC respectfully contends that it would be helpful to include the following modifications of the provisions of S.B. 271 related to the state's acquisition and divestiture of real property through donation or purchase:

1. A requirement that upon acquisition, the subject real property (or interest therein, as provided in the bill) be evaluated for its conservation, recreational and agricultural values consistent with the provisions of PA 12-152;
2. Clarification that the written acknowledgement of a gift of the subject real property (or interest therein, as provided in the bill) include confirmation of the donative intent for the use of such property; and
3. Clarification of or reference to the process by which such real property is to be exchanged or otherwise disposed of by the state, which provides the public with notice and an opportunity to comment.

Thank you for your consideration of these comments.



DEPARTMENT OF ADMINISTRATIVE SERVICES

STATE OF CONNECTICUT

SB 271165 Capitol Avenue
Hartford, CT 06106-1658

**An Act Concerning the State's Authority to Purchase
and to Receive Donations of Real Property**

**Government Administrations & Elections Committee
March 3, 2014**

The Department of Administrative Services (DAS) thanks the Government Administration & Elections Committee for raising Senate Bill 271 and offers the following testimony in support of the bill.

Section 1 of SB 271 clarifies that the State may accept gifts of real property and interests in real property, through the Department of Administrative Services, as long as the procedural requirements of Conn. Gen. Stat. § 4b-22 (approval of the Attorney General, the Governor and the Office of Policy and Management) are met. SB 271 does not impact any existing authority provided to specific agencies or offices to accept gifts of land, property or other interests. Rather, this bill simply eliminates any question about the ability of the State to accept donations of land and other property interests in the absence of such specific statutory language.

Recently, DAS and other state agencies have been approached by private owners seeking to donate land and other interests in real property to the State. The Office of the Attorney General has opined that existing statutory authority of the State to accept such donations is not clear, and has advised that DAS seek a clarification to the statutes.

Similarly, **Section 2** is also designed to remove any ambiguity or doubt about DAS's authority to purchase or acquire real property and interests in real property on behalf of state agencies that do not otherwise possess the specific statutory authority to do so themselves. This section reiterates that such purchases or acquisitions are subject to the State's existing processes - approval of the Attorney General, the Office of Policy and Management and the State Properties Review Board.

Finally, **Section 3** makes clear that the University of Connecticut's existing authority to purchase, acquire, dispose of or exchange real property is unchanged.

We again thank the Committee for raising Senate Bill 271 and request your support for this bill. If there are any questions about this testimony, please feel free to contact Terrence Tulloch-Reid (Terrence.Reid@ct.gov) or Andrea Keilty (Andrea.Keilty@ct.gov).



Office of the General Counsel
Richard F. Orr
General Counsel

Government Administration and Elections Committee

March 3, 2014

Public Hearing

Testimony

By

**Richard F. Orr, Esq.
General Counsel
University of Connecticut**

Co-Chairs, Ranking Members, and Members of the Government Administration and Elections Committee, thank you for allowing me to submit written testimony today on Raised bill 271, *An Act Concerning the State's Authority to Purchase and Receive Donations of Real Property.*

First and foremost, I would like to thank the Committee for its long-term support of the University of Connecticut and for raising this bill.

The University supports Raised Bill 271 which, in section 2, reaffirms that UConn has the authority to purchase or acquire for the state and may dispose of or exchange any land or interest directly. The University has had this authority since the initial UCONN 2000 legislation was enacted in 1995, now codified as 10a-109d(7) and 4b-21. However, there were questions as to (i) whether approval of other agencies was required and (ii) whether this authority was contingent on whether the General Assembly was in session. The Attorney General reached the conclusions in two formal opinions (attached) which were issued on October 17 and 23, 2013 that the University had the authority to purchase, dispose of, or exchange land without the approval of other agencies and the University had that authority regardless of whether the General Assembly was in session.

However, we believe there is a benefit to having the authority clearly stated in the plain statutory language which is more readily accessible than Attorney General opinions.

We urge the Committee to vote affirmatively on this legislation. Please do not hesitate to contact me if you have any questions or need additional information.

Thank you again for your continued support of the University of Connecticut.

343 MANSFIELD ROAD UNIT 1177
STORRS, CT 06269-1177
PHONE 860 486 5796
FAX 860 486 4369
richard.orr@uconn.edu
www.generalcounsel.uconn.edu

An Equal Opportunity Employer

GEORGE C. JEPSEN
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of The Attorney General
State of Connecticut

October 17, 2013

Susan Herbst
President
University of Connecticut
Office of the President
352 Mansfield Road, Unit 1048
Storrs, CT 06269-1048

Dear President Herbst:

By letter dated October 10, 2013 you have inquired as to the authority of the University of Connecticut ("UConn") to acquire or dispose of real estate. In particular you note that the Auditors of Public Accounts have raised a question as to whether UConn is required to have such real estate transactions pre-approved by the State's Office of Policy and Management ("OPM") and the State Properties Review Board ("SPRB"). For the reasons that follow, you are advised that such preapproval is not legally required.

Section 4b-21(a) of the Connecticut General Statutes provides in pertinent part that:

[w]hen the General Assembly is not in session, the trustees of any state institution, the State Board of Education or the Commissioner of Correction may, subject to the provisions of section 4b-23, purchase or acquire for the state, through the Commissioner of Public Works, any land or interest therein if such action seems advisable to protect the state's interest or to effect a needed economy, and may, subject to the provisions of said section, contract through the Commissioner of Public Works for the sale or exchange of any land or interest therein belonging to the state except that The University of Connecticut may purchase or acquire for the state

President Susan Herbst
 October 17, 2013
 Page 2

and may dispose of or exchange any land or interest therein directly.

(Emphasis added). The language emphasized above was contained in P.A. 95-230, §34.¹

In addressing your inquiry we are guided by a basic tenet of statutory construction, namely, that when statutory language is "plain and unambiguous, we need look no further than the words themselves because we assume that the language expresses the legislature's intent." State v. White, 204 Conn. 410, 421 (1987) (internal quotations omitted); State v. Parra, 251 Conn. 622 (1999).

The starting point for analysis then is the statutory language. "In the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language" Conn. Gen. Stat. §1-1(a). The Connecticut Supreme Court has advised that "[t]o ascertain the commonly approved usage of a word, it is appropriate to look to the dictionary definition of the term." State v. Rivera, 250 Conn. 188, 200 n. 12 (1999); Marchesi v. Board of Selectman of the Town of Lyme, 309 Conn. 608, 616 (2013).

The statutory language at issue contains two terms critical to this analysis. The first is the word "except," which has been defined as meaning "but for ... not including; other than; otherwise than" Black's Law Dictionary 501 (5th ed. 1979).² Thus the import of the word "except" is to exempt UConn from the statute as it pertains to the acquisition and disposition of real estate.

The second word that must be construed is "directly." The same source defines "directly" as "[i]n a direct way, without anything interfering; not by secondary, but by direct means." Black's Law Dictionary 414 (5th ed. 1979)

The plain and ordinary meaning of the words chosen by the legislature compels the conclusion that the 1995 amendment to Section 4b-21(a) authorizes UConn to transfer real estate without the involvement of OPM or SPRB. This conclusion is buttressed by the principle that "statutes must be construed, if possible, such that no clause, sentence or word shall be superfluous, void or insignificant" State v. Gibbs, 254 Conn. 578, 602 (2000); In re Justice W., 308

¹ Conn. Gen. Stat. § 4b-23 contains the state facility plan, and sets forth the respective roles of OPM and the SPRB in the handling of covered state property transactions.

² Black's Law Dictionary has been cited authoritatively by the Connecticut Supreme Court. See Nizzardo v. State Traffic Commission, 259 Conn. 131, 162-163 (2002).

President Susan Herbst
October 17, 2013
Page 3

Conn. 652, 662 (2012). A contrary conclusion would render the action of the legislature in enacting Section 34 of Public Act 95-230 meaningless.

This reading of the statute is consistent with the history and circumstances surrounding the passage of Public Act 95-230 as a whole, commonly referred to as "The UConn 2000 Act" ("Act"). UConn's powers under the Act, as set forth in Conn. Gen. Stat. §10a-109d(a), are extremely broad. The statute provides that UConn, in order to carry out the purposes of the Act, is authorized to design, and construct buildings (subsection 6), notwithstanding any other provision of law, and to acquire or dispose of real or personal property (subsection 7). The breadth of the Act, and the clear legislative intent to provide a high degree of autonomy to UConn, is consistent with the plain language of the amendment to Section 4b-21(a). While upon initial examination there appears to be a redundancy given the authorization to engage in real estate transactions set forth in Conn. Gen. Stat. § 10a-109d(a)(7) and the authority to acquire or dispose of real estate set forth in Conn. Gen. Stat. § 4b-21(a), as amended, closer scrutiny reveals that the two statutes are compatible and complementary. The former statute is limited by the phrase "[i]n order to otherwise carry out its responsibilities and requirements under Sections 10a-109a to 110a-109y" (the statutory codification of the Act), while the second statute, Conn. Gen. Stat. §4b-21(a), contains no such limitation. Thus, while Conn. Gen. Stat. §10a-109d(7) establishes UConn's autonomy regarding UConn 2000 related real estate transactions, Conn. Gen. Stat. § 4b-21(a) extends such autonomy beyond UConn.2000.related real estate transactions.

The legislative history of Public Act 95-230 confirms this conclusion. During the floor debates in the House of Representatives, a state representative specifically raised the issue of the exclusion of the SPRB from the process of reviewing land transactions at the University of Connecticut.

REP. SAN ANGELO: (131st)

Thank you, Mr. Speaker. I rise in support of UCONN 2000, but I have some questions. And through you, to Representative Schiessl, if I may.

SPEAKER RITTER:

Please proceed.

REP. SAN ANGELO: (131st)

President Susan Herbst
October 17, 2013
Page 4

Thank you. Representative Schiessl, I have some concerns with regard to the power that we are going to be giving the University of Connecticut with regard to conveying land and who is going to be reviewing all these projects? I know that the Property Review Board is in here to some degree, but could you explain to the chamber, please, who is going to be reviewing these purchases of land? Who is going to be reviewing the construction now that DPW is not going to be involved?

SPEAKER RITTER:

Representative Schiessl.

REP. SCHIESSL: (60th)

Thank you. These projects- I have addressed the issues of control and oversight, but the primary responsibility for managing and overseeing these projects really lies with the Board of Trustees and these projects have received great attention from the officials at the University of Connecticut who would, I suppose, act and carry out the functions that have traditionally been carried out by groups like the DPW and the State Properties Review Board. It is essentially being done in-house, for the most part, subject to the oversights laid out in this bill.

Through you, Mr. Speaker

SPEAKER RITTER:

Representative San Angelo, you still have the floor, sir,

REP. SAN ANGELO: (131st).

Thank you, Mr. Speaker. That, frankly, is probably one of my largest concerns about this particular

President Susan Herbst
October 17, 2013
Page 5

legislation.

*I think that we do need a little bit more oversight
than what this particular bill calls for.*

House Proceedings, May 10, 1995 (Emphasis added).

It is clear from the remarks of Representative San Angelo that the House was aware of the removal of SPRB oversight from UConn land transactions. Yet no effort was made to amend the legislation. Moreover, the final language of Conn. Gen. Stat. §4b-21(a), as amended, unlike Conn. Gen. Stat. §10-109d(a), did not limit the real estate transactional authority to UConn 2000 projects.

It is therefore our opinion, based upon the language utilized by the legislature and basic principles of statutory construction, that UConn is authorized to acquire or dispose of land or any interest in land without the approval of OPM or the SPRB.

Very truly yours,



GEORGE-JEPSEN
ATTORNEY GENERAL

cc: R. Orr, General Counsel

GEORGE C. JEPSEN
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of The Attorney General
State of Connecticut

October 23, 2013

Susan Herbst, President
University of Connecticut
Office of the President
352 Mansfield Road, Unit 1048
Storrs, CT 06269-1048

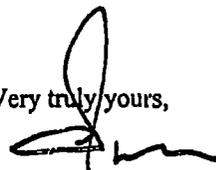
Dear President Herbst:

In a follow up letter to this Office's formal opinion dated October 17, 2013, you have inquired whether the conclusion of that opinion -- that Conn. Gen. Stat. § 4b-21(a) empowers the University of Connecticut ("UConn") to acquire or dispose of land or interests in land without preapproval of the State's Office of Policy and Management ("OPM") and the State Properties Review Board ("SPRB") -- is confined to situations when the General Assembly is not in session. Additionally you ask whether UConn in any such circumstances must seek approval from certain joint-standing committees of the General Assembly for such transactions.

As reflected in the opinion's discussion of the meaning of the term "directly" in § 4b-21(a), the purpose of the UConn 2000 Act (P.A. 95-230), and the relevant legislative history, please be advised that in our opinion UConn's authority to acquire or dispose of land or interests therein is not contingent on the General Assembly being out of session. In particular, UConn's independent authority to acquire or dispose of real estate is explicitly set forth in Conn. Gen. Stat. § 10a-109d(7) with respect to UConn 2000 projects. The exception covering UConn contained in Conn. Gen. Stat. § 4b-21(a), passed as part of the UConn 2000 Act, extended such autonomy to non-UConn 2000 projects. For the same reasons, relevant joint standing committees of the General Assembly need not be consulted. However, consistent with the final sentence of Conn. Gen. Stat. § 4b-21(c), the State Treasurer should continue to sign such instruments to ensure compliance with federal tax laws insofar as lands or

interests in land to be disposed of may have been acquired with the proceeds of tax exempt bonds.

Very truly yours,

A handwritten signature in black ink, appearing to read "George E. Jensen", written over the closing "yours,".

GEORGE E. JENSEN
ATTORNEY GENERAL

RIVERS ALLIANCE OF CONNECTICUT
 7 West Street/ POB 1797/ Litchfield CT 06759
rivers@riversalliance.org/ 860-3619349



TO: Sen. Musto, Representative Jutila, Chairmen,
 and Members of the Committee on Government Administration & Elections
 RE: Public Hearing, March 3, 2014

Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship. Thank you for the opportunity to testify.

SB 271, AAC The State's Authority to Purchase and to Receive Donations of Real Property. We recommend slight modification of the provisions relating to the state's acquisition of real property through donation or purchase. Under PA 12-152, DEEP is required to review state-owned lands to identify properties or parts thereof that have high conservation value. It will save time and stress if **SB 271** requires that a proposed acquisition be reviewed for its conservation (and recreational) value if any. There have been a number of controversial cases in the past eight years or so involving the disposition and uses of state-owned lands, especially when these have outstanding ecological, agricultural, or economic features. Once these slip from appropriate public-trust stewardship, it is costly and sometimes impossible to retrieve what has been lost. The best time to analyze the assets of a property is when it is being acquired. The best time to protect those assets is when they are being acquired.

We appreciate the requirement that the state provide written acknowledgment to a donor of real property, but believe that a simple receipt is not adequate. Such acknowledgement should make explicit any agreement between the state and the donor concerning the uses of the land; and, if there is a charitable intent, this should be clear in the conveyance documents and/or deed and be enforceable by the Attorney General.

Finally, the University of Connecticut's land practices have been criticized frequently with respect to financial and environmental considerations, the latter, especially within the recharge areas of its water sources. The university has been striving with notable success to turn a new leaf, but nevertheless, we recommend deleting this exemption. Some of the exemptions applying to UConn appear to have done more harm than good.

HB 5358, AAC Authorizing the Regulation Review Committee the Authority to Recommend the Repeal of Obsolete or Burdensome Regulations appears to be one of the bills responding to the governor's Executive Order 37. It extends somewhat the power of the Regulation Review Committee. This power, established by amendment to the state Constitution, verges on violating separation of powers, and possibly should be curbed but not extended.