

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF CONNECTICUT

BALLOT QUESTION #2

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?

CONTENT AND PURPOSE OF THE PROPOSED AMENDMENT

If this amendment is approved, it would limit the General Assembly's ability to pass legislation that requires a state agency to transfer (sell or otherwise convey) any state real property (land or buildings) or property interest to non-state entities. It does this by imposing the following conditions:

1. a legislative committee must first hold a public hearing to allow for public comment on the property transfer; and
2. the legislation must address only the property under consideration.

In addition, for property that belongs to the state Department of Agriculture or the Department of Energy and Environmental Protection, the legislation must pass by at least two-thirds of the membership of the state House of Representatives and of the state Senate.

Further Explanation

The Connecticut General Statutes establish various procedures that state agencies must follow to transfer state real property. Alternatively, the General Assembly may transfer property through legislation, known as "conveyance bills," without subjecting the transfers to the statutory procedures. The constitutional amendment would prohibit the General Assembly from transferring property by passing these types of bills, unless the above conditions were met. The amendment would not apply to transfers made by state agencies under the statutory procedures.

The preceding explanatory text was prepared by the nonpartisan Office of Legislative Research and approved by the General Assembly's joint standing Committee on Government Administration and Elections in accordance with Section 2-30a of the Connecticut General Statutes.

TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT

(As set forth in S.J.R. No. 35 of 2018)

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

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

Sec. 19. (a) The general assembly shall not enact any legislation requiring a state agency to sell, transfer or otherwise dispose of any real property or interest in real property that is under the custody or control of such agency to any person or entity other than another state agency unless a committee of the general assembly has held a public hearing regarding such sale, transfer or disposition of such property or interest and the act of the general assembly requiring such sale, transfer or disposition of real property or interest in real property is limited in subject matter to provisions concerning such sale, transfer or disposition.

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

Adopted May 9, 2018

CONSTITUTIONAL AMENDMENT PROCESS

In accordance with Article Sixth of the amendments to the Connecticut State Constitution, this proposed amendment was approved by the General Assembly and is to be voted upon by the electors of each town at the state election on Tuesday, November 6, 2018.

If a majority of the electors voting on the proposed amendment approve it, the amendment will become part of the state constitution.