



House of Representatives

General Assembly

File No. 321

January Session, 2009

Substitute House Bill No. 5821

House of Representatives, March 30, 2009

The Committee on Commerce reported through REP. BERGER of the 73rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ECONOMIC DEVELOPMENT PROJECTS.

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

1 Section 1. (NEW) (*Effective October 1, 2009*) As used in section 2 of
2 this act:

3 (1) "Economic development project" means any project which is to
4 be used or occupied by any person for (A) manufacturing, industrial,
5 research, office or product warehousing or distribution purposes or
6 hydroponic or aquaponic food production purposes and which the
7 Connecticut Development Authority determines will tend to maintain
8 or provide gainful employment, maintain or increase the tax base of
9 the economy, or maintain, expand or diversify industry in the state, (B)
10 controlling, abating, preventing or disposing land, water, air or other
11 environmental pollution, including, without limitation, thermal,
12 radiation, sewage, wastewater, solid waste, toxic waste, noise or
13 particulate pollution, except resources recovery facilities, as defined in
14 section 22a-219a of the general statutes, used for the principal purpose
15 of processing municipal solid waste and which are not expansions or

16 additions to resources recovery facilities operating on July 1, 1990, (C)
 17 the conservation of energy or utilization of cogeneration technology or
 18 solar, wind, hydro, biomass or other renewable sources to produce
 19 energy for any industrial or commercial application, or (D) any other
 20 purpose which the authority determines will materially contribute to
 21 the economic base of the state by creating or retaining jobs, promoting
 22 the export of products or services beyond state boundaries,
 23 encouraging innovation in products or services, or otherwise
 24 contributing to, supporting or enhancing existing activities that are
 25 important to the economic base of the state.

26 (2) "Professional engineer" means a person who is qualified by
 27 reason of his knowledge of mathematics, the physical sciences and the
 28 principles of engineering, acquired by professional education and
 29 practical experience, to engage in engineering practice, including
 30 rendering or offering to render to clients any professional service such
 31 as consultation, investigation, evaluation, planning, design or
 32 responsible supervision of construction, in connection with any public
 33 or privately-owned structures, buildings, machines, equipment,
 34 processes, works or projects in which the public welfare or the
 35 safeguarding of life, public health or property is concerned or
 36 involved.

37 Sec. 2. (NEW) (*Effective October 1, 2009*) Notwithstanding any
 38 provision of the general statutes, any professional engineer licensed in
 39 accordance with the provisions of chapter 391 of the general statutes
 40 may certify to a state agency with authority to issue a permit for an
 41 economic development project under any provision of the general
 42 statutes that such economic development project is in compliance with
 43 all requirements for issuance of a state permit by such state agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section

Statement of Legislative Commissioners:

Section 2 was rewritten for consistency with the intent of the bill.

CE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill allows any state-licensed professional engineer to certify that an economic development project is in compliance with all state-permitting requirements. The bill does not identify who must approve the engineer and it does not require an agency to issue a permit due to the engineer's certification. The bill is not anticipated to result in a fiscal impact.

OLR Bill Analysis**sHB 5821*****AN ACT CONCERNING ECONOMIC DEVELOPMENT PROJECTS.*****SUMMARY:**

This bill allows state-licensed engineers to certify that economic development projects comply with all state permitting requirements. It specifies the professional criteria an engineer must meet before he or she can certify a project. But it does not indicate if the agency funding the project, the project's developer, or the agency issuing the permit must approve the engineer. Nor does it state if the permitting agency must issue the permit when the engineer certifies compliance.

EFFECTIVE DATE: October 1, 2009

CERTIFYING ENGINEERS

The bill specifies the criteria a state-licensed engineer must meet to certify that an economic development project complies with state permitting requirements. An engineer may certify compliance if he practices engineering based on knowledge acquired through professional education and practical experience. The knowledge must be of mathematics, physical science, and engineering principles.

The engineer's practice may include consulting, investigating, evaluating, planning, designing, or supervising construction projects. The projects may be related to public or privately owned structures, buildings, machines, equipment, processes, or works. They must affect the public welfare or present the need to safeguard life, public health, or property.

ECONOMIC DEVELOPMENT PROJECT

The bill's certification option is available for four types of economic development projects. The first type includes many traditional

economic development uses, including manufacturing, industrial, research, office, product warehousing and distribution, and hydroponic or aquaponic food production facilities. These uses qualify for permit certification if the Connecticut Development Authority (CDA) determines they will maintain or create jobs; maintain or increase the tax base; or maintain, expand, or diversify industry.

A wide range of environmental quality projects also qualify for permit certification. Eligible projects include controlling, abating, preventing, or disposing of land, water, air and other environmental pollution, including thermal, radiation, sewage, wastewater, solid waste, toxic waste, noise, or particulate pollution. They do not include new resources recovery facilities used mainly to process municipal solid wastes.

Alternate energy and energy conservation projects involving commercial or industrial applications qualify for permit certification. They include projects using cogeneration technology or solar, wind, hydro, biomass, or other renewable energy sources.

Lastly, permit certification is also available to any type of project that improves the capacity of the state's economy to generate new wealth. CDA must first determine if the project will create or retain jobs, promote exports, encourage innovation, or support the state's economic base in other ways.

COMMITTEE ACTION

Commerce Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/12/2009)