



House of Representatives

File No. 1018

General Assembly

January Session, 2009

(Reprint of File Nos. 322 and 936)

Substitute House Bill No. 5861
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 30, 2009

**AN ACT CONCERNING THE PROCESSING OF MUNICIPAL
APPLICATIONS FOR STATE PERMITS.**

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

1 Section 1. (NEW) (*Effective October 1, 2009*) Notwithstanding any
2 provision of title 22a of the general statutes, when a municipality
3 submits a formal petition, application or request for a permit to the
4 Commissioner of Environmental Protection, pursuant to a requirement
5 of the general statutes, the commissioner shall, within available
6 appropriations, not later than sixty days after the date on which the
7 commissioner receives such petition, application or request, make a
8 preliminary review of the petition, application or request for the sole
9 purpose of determining whether such petition, application or request
10 is acceptable for filing. The commissioner shall notify the municipality
11 of the results of such preliminary review. Nothing in this section shall
12 preclude the commissioner from requesting additional information
13 from the municipality subsequent to such notification.

14 Sec. 2. (NEW) (*Effective October 1, 2009*) Notwithstanding any
15 provision of title 13b or 14 of the general statutes, in all matters in

16 which a formal petition, application or request for a permit is required
 17 to be submitted to the Commissioner of Transportation or the State
 18 Traffic Commission, and such petition, application or request is
 19 submitted by a municipality, the commissioner or commission shall,
 20 within available appropriations, not later than sixty days after the date
 21 on which the commissioner or commission receives such petition,
 22 application or request, make a preliminary review of the petition,
 23 application or request for the sole purpose of determining whether
 24 such petition, application or request is acceptable for filing. The
 25 commissioner or commission shall notify the municipality of the
 26 results of such preliminary review. Nothing in this section shall
 27 preclude the commissioner from requesting additional information
 28 from the municipality subsequent to such notification.

29 Sec. 3. (NEW) (*Effective October 1, 2009*) Notwithstanding any
 30 provision of title 19a of the general statutes, in all matters in which a
 31 formal petition, application or request for a permit is required to be
 32 submitted to the Commissioner of Public Health, and such petition,
 33 application or request is submitted by a municipality, the
 34 commissioner shall, within available appropriations, not later than
 35 sixty days after the date on which the commissioner receives such
 36 petition, application or request, make a preliminary review of the
 37 petition, application or request for the sole purpose of determining
 38 whether such petition, application or request is acceptable for filing.
 39 The commissioner shall notify the municipality of the results of such
 40 preliminary review. Nothing in this section shall preclude the
 41 commissioner from requesting additional information from the
 42 municipality subsequent to such notification.

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
Sec. 3	<i>October 1, 2009</i>	New section

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 10 \$	FY 11 \$
Department of Transportation	TF - None	None	None
Department of Environmental Protection	GF - None	None	None
Public Health, Dept.	GF - None	None	None

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None

Explanation

The bill as amended is not anticipated to result in any fiscal impact to the Departments of Environmental Protection (DEP), Transportation (DOT) and Public Health (DPH). It requires DEP, DOT and DPH, within available appropriations, to notify municipalities within 60 days of receipt of applications for state permits indicating such applications have been preliminarily reviewed and are acceptable for filing.

House "A" strikes the bill and removes the original fiscal impact stated in the file copy.

OLR Bill Analysis**sHB 5861 (as amended by House "A")******AN ACT CONCERNING THE PROCESSING OF MUNICIPAL APPLICATIONS FOR STATE PERMITS.*****SUMMARY:**

This bill requires the environmental protection (DEP), public health (DPH), and transportation (DOT) commissioners and the State Traffic Commission, within 60 days after receiving a formal petition, application, or request for a permit from a municipality that must be submitted to these officials, to conduct a preliminary review solely to determine whether the submission is acceptable for filing. The official must notify the municipality of the results of the review. The bill does not preclude the officials from requesting additional information after sending this notice. The officials must do their review within available appropriations. The bill takes priority over laws requiring other procedures.

*House Amendment "A" eliminates provisions in the original bill that (1) required the officials to notify the municipality of any deficiencies in its submission and (2) deemed a submission to be complete if the officials failed to respond to the municipality by the deadline. It explicitly allows the officials to request additional information. It requires all the agencies, not just DEP and DPH, to act within available appropriations and makes minor changes.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Legislative History***

The House referred the bill (File 322) to the Environment

Committee, which reported it favorably, and the Appropriations Committee, which added the requirement that DEP and DPH act within available appropriations.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 19 Nay 0 (03/11/2009)

Environment Committee

Joint Favorable

Yea 22 Nay 3 (04/14/2009)

Appropriations Committee

Joint Favorable Substitute

Yea 51 Nay 0 (04/27/2009)