



General Assembly

Amendment

February Session, 2010

LCO No. 3383

HB0520803383HDO

Offered by:

REP. BERGER, 73rd Dist.
SEN. LEBEAU, 3rd Dist.
REP. ZALASKI, 81st Dist.

SEN. CRISCO, 17th Dist.
REP. ALBERTS, 50th Dist.
SEN. FRANTZ, 36th Dist.

To: Subst. House Bill No. 5208

File No. 419

Cal. No. 212

"AN ACT CONCERNING EXPEDITED PERMITTING FOR ECONOMIC DEVELOPMENT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2010*) (a) As used in this
4 section:

5 (1) "Jobs" means permanent, full-time or full-time equivalent
6 positions, not including construction jobs;

7 (2) "Commissioner" means the Commissioner of Economic and
8 Community Development;

9 (3) "Permit applications" means applications for state permits and
10 licenses;

11 (4) "Regional planning organization" means a regional council of

12 governments organized under the provisions of sections 4-124i to 4-
13 124p, inclusive, of the general statutes, a regional council of elected
14 officials organized under the provisions of sections 4-124c to 4-124h,
15 inclusive, of the general statutes or a regional planning agency
16 organized under the provisions of chapter 127 of the general statutes;
17 and

18 (5) "Permit ombudsman" means the office of the permit ombudsman
19 established within the Department of Economic and Community
20 Development under this section.

21 (b) (1) The commissioner shall establish an office of the permit
22 ombudsman for the purpose of expediting review of permit
23 applications for projects that would (A) create at least one hundred
24 jobs, (B) create fifty jobs, if such project is to be located in an enterprise
25 zone designated pursuant to section 32-70 of the general statutes, (C)
26 include not less than one hundred residential units, (D) be located in a
27 brownfield, as defined in section 32-9cc of the general statutes, (E) be
28 compatible with the state's responsible growth initiatives, or (F) meet
29 the criteria set forth in subdivision (2) of this subsection. Projects
30 ineligible for review under this section are projects for which the
31 primary purpose is to (i) effect the final disposal of solid waste,
32 biomedical waste or hazardous waste in this state, (ii) produce
33 electrical power, unless the production of electricity is incidental and
34 not the primary function of the project, (iii) extract natural resources,
35 (iv) produce oil, or (v) construct, maintain or operate an oil, petroleum,
36 natural gas or sewage pipeline.

37 (2) Notwithstanding the provisions of subdivision (1) of this
38 subsection, the commissioner may, upon consideration of the
39 economic impact factors of the project that include, but are not limited
40 to: (A) The proposed wage and skill levels relative to those existing in
41 the area in which the project may be located, (B) the project's potential
42 to diversify and strengthen the state and local economy, (C) the
43 amount of capital investment, and (D) in the judgment of the
44 commissioner, consistency with the strategic economic development

45 priorities of the state and the municipality, deem projects eligible for
46 expedited permitting pursuant to this section.

47 (c) Within available appropriations, the Commissioners of
48 Environmental Protection, Transportation and Public Health shall each
49 designate one or more staff members to act as a business ombudsman
50 and a liaison between their offices and the permit ombudsman. The
51 Commissioners of Economic and Community Development,
52 Environmental Protection, Transportation and Public Health shall
53 enter into a memorandum of understanding concerning each entity's
54 responsibilities with respect to the permit ombudsman and the process
55 for expediting eligible permit applications.

56 (d) Notwithstanding any provision of the general statutes or
57 regulations adopted thereunder, the memorandum of understanding
58 (1) may provide for the waiver or modification of procedural rules
59 prescribing forms, fees, procedures or time limits for the review or
60 processing of permit applications under the jurisdiction of those
61 agencies, and (2) shall, to the extent feasible, provide for proceedings
62 and hearings otherwise held separately by the parties to be combined
63 into one proceeding or held jointly at one location. Such waivers or
64 modifications shall not be available for permit applications governed
65 by federally delegated or approved permitting programs, the
66 requirements of which would prohibit, or be inconsistent with, such
67 waivers or modifications.

68 (e) The permit ombudsman may recruit two volunteers from the
69 private sector, including a person from a state-wide business
70 association and one from an association representing small businesses.
71 Said volunteers may assist the permit ombudsman in achieving the
72 goals of this section.

73 (f) The permit ombudsman shall establish, for purposes of
74 subsection (c) of this section, guidelines to be used in working with
75 state permitting authorities. Guidelines may include, but are not
76 limited to, the following: (1) An agency contact point for filing permit

77 applications and for obtaining information on permit requirements; (2)
 78 identification of the individual or individuals within each respective
 79 agency who shall be responsible for processing the expedited permit
 80 application; (3) a mandatory preapplication review process to reduce
 81 permitting conflicts by providing guidance to applicants on (A) the
 82 permits needed from each agency, (B) specifications for site planning
 83 and development, site suitability and limitations and facility design,
 84 and (C) steps the applicant can take to ensure expeditious permit
 85 application and local comprehensive plan amendment review; (4) a
 86 single, coordinated project description form and checklist and an
 87 agreement by state and regional agencies to reduce the requirement for
 88 an applicant to provide duplicate information to multiple agencies;
 89 and (5) an application fee structure for such expedited permit process.

90 (g) The permit ombudsman may call upon any other office,
 91 department, board, commission or other agency of the state to supply
 92 such reports, information and assistance as said permit ombudsman
 93 determines appropriate to carry out its duties and responsibilities.
 94 Each officer or employee of such office, department, board,
 95 commission or other agency of the state shall cooperate with the
 96 permit ombudsman.

97 (h) The expedited permitting process established pursuant to this
 98 section shall not modify, qualify or otherwise alter existing agency
 99 nonprocedural standards for permit applications. If the permit
 100 ombudsman determines that the applicant is not eligible to use this
 101 process, the applicant may apply for permitting of the project through
 102 the normal permitting processes."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	New section