



General Assembly

Amendment

February Session, 2010

LCO No. 3516

HB0520803516HDO

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.

Cal. No.

"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 equivalent positions, not
6 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; and

11 (4) "Permit ombudsman" means the office of the permit ombudsman

12 established within the Department of Economic and Community
13 Development under this section.

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

31 (2) Notwithstanding the provisions of subdivision (1) of this
32 subsection, the commissioner may, upon consideration of the
33 economic impact factors of the project that include, but are not limited
34 to: (A) The proposed wage and skill levels relative to those existing in
35 the area in which the project may be located, (B) the project's potential
36 to diversify and strengthen the state and local economy, (C) the
37 amount of capital investment, and (D) in the judgment of the
38 commissioner, after consultation with the Departments of
39 Environmental Protection, Transportation and Public Health that there
40 is consistency with the strategic economic development priorities of
41 the state and the municipality, deem projects eligible for expedited
42 permitting pursuant to this section.

43 (c) Within available appropriations, the Departments of
44 Environmental Protection, Transportation and Public Health shall each

45 designate through existing resources one or more staff members to act
46 as a business ombudsmen and a liaison between their offices and the
47 permit ombudsmen. The Commissioners of Economic and Community
48 Development, Environmental Protection, Transportation and Public
49 Health shall enter into a memorandum of understanding concerning
50 each entity's responsibilities with respect to the permit ombudsmen
51 and the process for expediting eligible permit applications.

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

64 (e) The permit ombudsman may develop and recruit two volunteers
65 from the private sector, including a person from a state-wide business
66 association and one from an association representing small businesses.
67 Said volunteers may assist the permit ombudsman in developing the
68 guidelines established pursuant to subsection (f) of this section.

69 (f) The permit ombudsman, subject to the approval of the
70 Commissioner of Economic and Community Development, shall
71 establish, pursuant to subsection (c) of this section, guidelines to be
72 used in working with state permitting authorities to implement the
73 provisions of this act. Guidelines may include, but are not limited to,
74 the following: (1) An agency contact point for filing permit
75 applications and for obtaining information on permit requirements; (2)
76 identification of the individual or individuals within each respective
77 agency who shall be responsible for processing the expedited permit

78 application; (3) a mandatory preapplication review process to reduce
 79 permitting conflicts by providing guidance to applicants on (A) the
 80 permits needed from each agency, (B) specifications for site planning
 81 and development, site suitability and limitations and facility design,
 82 and (C) steps the applicant can take to ensure expeditious permit
 83 application and local comprehensive plan amendment review; (4) a
 84 single, coordinated project description form and checklist and an
 85 agreement by state agencies to reduce the necessity that an applicant
 86 provide duplicate information to multiple agencies; and (5) an
 87 application fee structure for permit expedition.

88 (g) The permit ombudsman, at the request of the Commissioner of
 89 Economic and Community Development, may call upon any other
 90 department, board, commission or other agency of the state to assist in
 91 providing information and assistance as said permit ombudsman
 92 determines necessary to expedite its duties and responsibilities. Each
 93 officer or employee of such office, department, board, commission or
 94 other agency of the state shall make reasonable efforts to cooperate
 95 with the permit ombudsman.

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

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