



Senate

General Assembly

File No. 435

February Session, 2016

Substitute Senate Bill No. 305

Senate, April 4, 2016

The Committee on Commerce reported through SEN. HARTLEY, J. of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ESTABLISHING A STATE FILM PERMITTING PROCESS.

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

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) The Department of
2 Economic and Community Development, through its Office of Film,
3 Television and Digital Media, shall serve as a state-wide point of
4 contact for all producers of film, television and digital media
5 productions requesting permission to (1) conduct film production
6 activities on state-owned property, including, but not limited to, all
7 state roads and highways, railroads and train stations, state forests and
8 parks, airports and seaports, hospitals and all campuses of the public
9 institutions of higher education in the state; and (2) use any other state-
10 owned real or personal property, except courthouses and judicial
11 branch facilities, for such purposes.

12 (b) The Commissioner of Economic and Community Development
13 may issue a state film permit, on a form designated by the
14 commissioner, to any person seeking to conduct film production
15 activities on such state-owned property. Such permit shall specify the

16 insurance coverage that the permittee shall be required to obtain, as
17 determined by the commissioner in consultation with the state's
18 Director of Insurance and Risk Management, with the state named as
19 an additional insured. No liability shall accrue to the state or any
20 agency or employee of the state for any injuries or damages to any
21 person or property that may result, either directly or indirectly, from
22 such film production activities of the permittee on such state-owned
23 property.

24 (c) A state film permit shall identify the person requesting
25 permission to conduct film production activities on state property and
26 indicate that the permittee has provided documentation to the
27 Department of Economic and Community Development substantiating
28 the permittee's ability to conduct indemnified film production
29 activities. Any permittee seeking permission to conduct film
30 production activities on property controlled by a state agency,
31 authority or institution shall present such permit to such agency,
32 authority or institution when the permittee requests such permission.
33 Following the presentment of such permit by a permittee, such state
34 agency, authority or institution may authorize film production
35 activities by the permittee on such property.

36 (d) The Commissioner of Economic and Community Development,
37 pursuant to section 32-1p of the general statutes, shall establish
38 guidelines to be used in working with state agencies, authorities or
39 institutions to implement the provisions of this section. Such
40 guidelines shall include, but not be limited to: (1) An agency contact at
41 the Office of Film, Television and Digital Media for filing permit
42 applications and for obtaining information on permit requirements; (2)
43 identification of each individual within each respective state agency
44 who shall be a point of contact for an agency permit application; (3) a
45 mandatory preapplication review process to reduce permitting issues
46 or conflicts by providing guidance to applicants on (A) information
47 required for authorization or permit approval from the relevant state
48 agencies, authorities or institutions, (B) specifications for desired on-
49 site production and production-related activities, site suitability and

50 limitations, and (C) steps the applicant can take to ensure expeditious
51 permit application; (4) a single, coordinated production activity
52 description form, including an equipment checklist and personnel
53 roster; (5) a process by which the Office of Film, Television and Digital
54 Media may forward permit applications to other relevant state
55 agencies, authorities or institutions on behalf of an applicant; and (6) at
56 the commissioner's discretion, a permit fee structure.

57 (e) The Office of Film, Television and Digital Media, at the request
58 of the Commissioner of Economic and Community Development, may
59 request the assistance of any other agency, authority or institution of
60 the state to assist in providing information and assistance as may be
61 necessary to expedite such office's duties and responsibilities under
62 this section. Each officer or employee of such other agency, authority
63 or institution of the state shall make reasonable efforts to cooperate
64 with the Office of Film, Television and Digital Media.

65 Sec. 2. Section 13a-259 of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective October 1, 2016*):

67 The Commissioner of Transportation, following the presentment of
68 a state film permit by a person pursuant to subsection (c) of section 1
69 of this act, may issue a filming permit, on a form required by the
70 commissioner, to [any] such person seeking to create photographs,
71 moving images, footage and sound recordings for commercial,
72 entertainment or advertising purposes upon any state highway right-
73 of-way or state real property under the custody and control of the
74 Department of Transportation. Such permit shall specify the insurance
75 coverage that the permittee shall be required to obtain, as determined
76 by the commissioner in consultation with the state's Director of
77 Insurance and Risk Management, with the state named as an
78 additional insured. No liability shall accrue to the state or any agency
79 or employee of the state for any injuries or damages to any person or
80 property that may result, either directly or indirectly, from the filming
81 activities of the permittee on state real property or state highway right-
82 of-way. The commissioner shall develop any such permit in

83 consultation with the Commissioner of Economic and Community
84 Development.

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|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2016</i> | New section |
| Sec. 2 | <i>October 1, 2016</i> | 13a-259 |

CE *Joint Favorable Subst.*

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:*** None***Municipal Impact:*** None***Explanation***

The bill results in no fiscal impact by making the Department of Economic and Community Development's Office of Film, Television, and Digital Media ("office") the statewide point of contact for productions seeking to (1) conduct film production activities on state-owned property or (2) use of state-owned property for film production purposes.

The office is currently the statewide contact for film, television and digital media production and serves as liaison between production companies and state agencies, as well as municipalities, production facilities, local crew and vendors. The office therefore has the necessary staff and expertise necessary to implement this provision.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 305*****AN ACT ESTABLISHING A STATE FILM PERMITTING PROCESS.*****SUMMARY:**

This bill makes the Department of Economic and Community Development's (DECD) Office of Film, Television, and Digital Media ("office") the statewide point of contact for all film, television, and digital media producers requesting permission to:

1. conduct film production activities ("film") on state-owned property, including state roads and highways, railroads and train stations, state forests and parks, airports, seaports, hospitals, and all public higher education institution campuses; and
2. use any other state-owned real or personal property, except courthouses and judicial branch facilities, for film production.

Under the bill, DECD may issue state film permits to people seeking to film on state-owned property. The bill specifies the (1) information that the permit must contain, such as insurance coverage requirements, and (2) process a state film permit holder must follow to obtain permission to film from other relevant state agencies.

Existing law requires anyone seeking to film on property owned or controlled by the Department of Transportation (DOT) to obtain a DOT film permit (CGS § 13a-259). Under the bill, people seeking a DOT film permit must first obtain a state film permit. It is unclear whether a person wishing to film on state property other than DOT property must first obtain a state film permit.

Lastly, the bill requires (1) DECD to develop guidelines to work

with agencies to implement the film permitting process and (2) agencies to make reasonable efforts to work with the office.

EFFECTIVE DATE: October 1, 2016

DECD-ISSUED STATE FILM PERMIT

The bill allows DECD to issue state film permits, on a form it designates, to anyone seeking to film on state-owned property. State film permits must (1) identify the person requesting to film on state property and (2) indicate that the holder has provided documentation to DECD that substantiates the holder's ability to conduct indemnified film production activities.

Obtaining Permission to Film from State Agencies

A person who holds a state film permit must present it to the state agency, authority, or institution in control of the state property when seeking permission to film on the property. After a holder presents his or her state film permit, the state agency may authorize the permittee's film production activities on the property. The bill also makes a change to allow DOT to issue filming permits only after a person presents his or her state film permit. It is unclear whether a person who does not hold a state film permit must obtain one before seeking permission to film on state property owned or controlled by agencies other than DOT.

Insurance Coverage and Liability

The bill requires state film permits to specify the insurance coverage the permittee must obtain, as determined by DECD and the state's director of Insurance and Risk Management, with the state named as the additional insured.

Under the bill, no liability accrues to the state or any of its agencies or employees for any injury or damages to people or property that may directly or indirectly result from a state film permit holder's production activities on state-owned property.

Existing law, unchanged by the bill, requires DOT filming permits

to specify the insurance coverage that the permittee must obtain, as determined by the DOT commissioner in consultation with the state's director of Insurance and Risk Management. Under the bill, it is unclear which insurance requirement would apply if the coverage required in the state film permit differs from the coverage required in the DOT filming permit.

GUIDELINES AND AGENCY COOPERATION

Existing law requires DECD to formulate and propose guidelines, forms, or model local ordinances to state agencies and municipalities for creating a "one-stop permitting process" for using state or municipal roads and highways or other state or municipal property for film production activities (CGS § 32-1p).

Under the bill, DECD must develop guidelines to work with agencies to implement the bill's film permitting process. The guidelines must include:

1. an agency contact at the office for filing applications and obtaining information on the permit's requirements;
2. the identification of each individual within each agency who is a point of contact for an agency permit application;
3. a single, coordinated production activity form, including an equipment checklist and roster;
4. a process by which the office may forward permit applications to other state agencies on behalf of the applicant; and
5. a fee structure, at the DECD commissioner's discretion.

The guidelines must also include a mandatory pre-application review process to reduce permitting issues or conflicts by providing guidance to applicants on:

1. information required for permit approval or authorization from the relevant state agencies;

2. specifications for desired on-site production and production-related activities, site suitability, and limitations; and
3. steps the applicant can take to ensure expeditious permit application.

The bill allows the office, at the request of the DECD commissioner, to ask any state agency to provide information and assistance as may be necessary to expedite the permitting process the bill creates. Each state agency officer or employee must make reasonable efforts to cooperate with the office.

EFFECTIVE DATE: October 1, 2016

COMMITTEE ACTION

Commerce Committee

Joint Favorable

Yea 20 Nay 0 (03/15/2016)